

**Proceedings
of the
Honourable House of Assembly
Session of 2017-2018**

No. 23

Friday, 16th March, 2018

Members Present: His Honour the Speaker, Jeanne J. Atherden, C. Walton Brown, Lt. Col. David A. Burch, Derrick V. Burgess, E. David. G Burt, Wayne M. Caines, L. Craig Cannonier, Rolfe P. Commissiong, Zane J.S. De Silva, Michael H. Dunkley, Lovitta F. Foggo, Tinee S. Furbert, Wayne L. Furbert, Dr. E. Grant Gibbons, Patricia J. Gordon-Pamplin, Susan E. Jackson, Dennis J. Lister III, Renee D.L. Ming, Trevor G. Moniz, Diallo V.S. Rabain, Sylvan D. Richards, Walter H. Roban, Leah K. Scott, W. Lawrence Scott, Michael J. Scott, Jamahl S. Simmons, Scott A. Simmons, N.H. Cole Simons, Ben A. Smith, H. Kim. E. Swan, Neville S. Tyrrell, Michael A. Weeks Kim N. Wilson.

10:05 a.m.

Prayers

Section 12 of the International Cooperation (Tax Information Exchange Agreements) Act 2005.

Minutes of the Meetings of 7th March; 9th March; and 12th March, 2018 were confirmed.

Mr. E.D.G. Burt
Premier, Minister of Finance

10:08 a.m.

Sessions House
16th March, 2018

Papers and Communications to the House:

MR. W.H. ROBAN, on behalf of Mr. E.D.G. Burt, read the following communication to the Speaker:-

MR. W.H. ROBAN, on behalf of Mr. E.D.G. Burt, read the following communication to the Speaker:-

TO HIS HONOUR THE SPEAKER:

TO HIS HONOUR THE SPEAKER:

I have the honour to attach and submit for the information of the Honourable House of Assembly, the “International Cooperation (Tax Information Exchange Agreements) Country-By-Country Reporting Amendment Regulations 2017” as made by the Minister responsible for Finance, under the provisions of

I have the honour to attach and submit for the information of the Honourable House of Assembly, the “International Cooperation (Tax Information Exchange Agreements) Common Reporting Standard Amendment Regulations 2017” as made by the Minister responsible for Finance, under the provisions of Section 12 of the International Cooperation (Tax Information Exchange Agreements) Act 2005.

Mr. E.D.G. Burt
Premier, Minister of Finance

Sessions House
16th March, 2018

MR. W.H. ROBAN, on behalf of Mr. E.D.G. Burt, read the following communication to the Speaker:-

TO HIS HONOUR THE SPEAKER:

I have the honour to attach and submit for the information of the Honourable House of Assembly, the “Revenue (Appointment of Customs Area) (Bermuda Mail Processing Centre) Notice 2017” as made by the Collector of Customs, under the provisions of Section 36(1) of the Revenue Act 1898.

Mr. E.D.G. Burt
Premier, Minister of Finance

Sessions House
16th March, 2018

MR. W.H. ROBAN, on behalf of Mr. E.D.G. Burt, read the following communication to the Speaker:-

TO HIS HONOUR THE SPEAKER:

I have the honour to attach and submit for the information of the Honourable House of Assembly, the “Real Estate Brokers’ Licensing Regulations 2017” as made by the Minister responsible for Registrar of Companies, under the provisions of Section 53 of the Real Estate Broker’s Licensing Act 2017.

Mr. E.D.G. Burt
Premier, Minister of Finance

Sessions House

16th March, 2018

10:09 a.m.

Statements by Ministers and/or Junior Ministers:

MR. E.D.G. BURT read a Ministerial Statement regarding the “Ministers and Members of the Legislature (Salaries and Pensions) Review Board”.

MR. E.D.G. BURT read a Ministerial Statement providing an “Update on the Progress of Initial Coin Offering Regulation (ICOs)”.

MS. K.N. WILSON read a Ministerial Statement regarding “Health Workforce Planning”.

MS. K.N. WILSON read a Ministerial Statement regarding the “Sugar Tax Consultation Interim Report”.

(10:34a.m. His Honour the Speaker acknowledged the presence of the Harvard Hasty Pudding Theatrical Group in the Public Gallery).

LT. COL. D.A. BURCH read a Ministerial Statement on “All-Terrain Vehicles (ATV's)”.

MR. E.D.G. BURT read a Ministerial Statement on “The Government Estate”.

MR. W.M. CAINES read a Ministerial Statement on “The Montgomery Summit 2018”.

MR. W.M. CAINES read a Ministerial Statement regarding the “100 Jobs”.

MR. D.V.S. RABAIN read a Ministerial Statement regarding the “Cambridge Representatives Visits to Public Schools”.

MR. D.V.S. RABAIN read a Ministerial Statement on “Scholarships and Awards for a Diverse Bermuda”.

11:11 a.m.

Reports of Committees:

MR. D.V. BURGESS presented a Report of the House and Grounds Committee.

11:15 a.m.

Question Period:

DR. E.G. GIBBONS asked a question to Mr. E.D.G. BURT on his Ministerial Statement providing an “Update on the Progress of Initial Coin Offering Regulation (ICOs)”.

DR. E.G. GIBBONS asked a second question.

MS. S.E. JACKSON asked a question to Ms. K.N. Wilson on her Ministerial Statement regarding “Health Workforce Planning”.

Ms. J.J. Atherden asked a supplementary question.

DR. E.G. GIBBONS asked a question.
Dr. E.G. Gibbons asked a supplementary question.

Ms. J.J. Atherden asked a supplementary question.

MS. S.E. JACKSON asked a second question.
Ms. S.E. Jackson asked a supplementary question.

MS. S.E. JACKSON asked a question to Ms. K.N. Wilson on her Ministerial Statement regarding the “Sugar Tax Consultation Interim Report”.

Ms. S.E. Jackson asked a supplementary question.

Ms. S.E. Jackson asked a second supplementary question.

MS. S.E. JACKSON asked a second question.

MR. N.H.C. SIMONS asked a question.

Mr. N.H.C. Simons asked a supplementary question.

MR. N.H.C. SIMONS asked a second question.

Ms. S.E. Jackson asked a supplementary question.

DR. E.G. GIBBONS asked a question to Lt. Col. D.A. Burch on his Ministerial Statement on “All-Terrain Vehicles (ATV's)”.

Dr. E.G. Gibbons asked a supplementary question.

DR. E.G. GIBBONS asked a second question.

11:42 a.m.

**Congratulatory and /or Obituary Speeches:
(Please refer to the House Hansard)**

12:01 p.m.

Orders of the Day:

MR. E.D.G. Burt moved the second reading of the Public Bill entitled the “Customs Tariff Amendment Act 2018”, which was agreed to.

12:12p.m. – Mrs. J.J. Atherden

12:21p.m. – Mr. E.D.G. Burt

The Bill was Committed.

Mr. D.V. Burgess in the Chair

MR. E.D.G. BURT moved Clauses 1 to 3, which was agreed to.

Clauses 1 to 3 were agreed to, as printed.

MR. E.D.G. BURT moved Clauses 4 to 6, which was agreed to.

12:27p.m. – Dr. E.G. Gibbons

12:31 p.m.

MR. E.D.G. BURT moved that the House do now adjourn for lunch and resume at 2:00 p.m., which was agreed to.

2:01 p.m.

The House resumed in Committee.

Mr. D.V. Burgess in the Chair

2:01p.m. – Mr. E.D.G. Burt

2:02p.m. – Dr. E.G. Gibbons

2:05p.m. – Mr. E.D.G. Burt

2:05p.m. – Dr. E.G. Gibbons

2:07p.m. – Mr. E.D.G. Burt

Clauses 4 to 6 were agreed to, as printed.

MR. E.D.G BURT moved the Schedules, which was agreed to.

The Preamble was agreed to.

The Committee rose.

The House resumed.

The Bill was reported to the House, as printed, which was agreed to.

2:10p.m.

MR. E.D.G. BURT, pursuant to the powers conferred by Section 96 of the Constitution, moved for consideration in Committee of Supply of the “Supplementary Estimate No. 2 for Financial Year 2016/17”, which was agreed to.

Mr. D.V. Burgess in the Chair

2:13p.m.

LT. COL. D.A. BURCH moved that Item number 1 – Head 36 – Ministry of Public Works be approved.

2:15p.m. – Dr. E.G. Gibbons

2:16p.m. – Lt. Col. D.A. Burch

2:17p.m. – Mrs. P.J. Gordon-Pamplin

2:19p.m. – Lt. Col. D.A. Burch

2:20p.m. – Mrs. P.J. Gordon-Pamplin

Item number 1 – Head 36 – Ministry of Public Works was agreed to, as printed.

2:22p.m.

MR. C.W.D. BROWN moved that Item number 2 – Head 65 – Tourism Dev. & Transport HQ be approved.

2:22p.m. – Mrs. P.J. Gordon-Pamplin

2:23p.m. – Mr. C.W.D. Brown

Item number 2 – Head 65 - Tourism Dev. & Transport HQ was agreed to, as printed.

2:23p.m.

MR. E.D.G. BURT moved that the “Supplementary Estimate No. 2 for Financial Year 2016/17” be reported to the House as printed, which was agreed to.

The Committee rose.

The House resumed.

The Supplementary Estimate was reported to the House, as printed, which was agreed to.

2:24p.m.

MR. E.D.G. BURT, pursuant to the powers conferred by Section 96 of the Constitution, moved for consideration in Committee of Supply

of the “Supplementary Estimate No. 2 for Financial Year 2017/18”, which was agreed to.

Mr. D.V. Burgess in the Chair

2:27p.m.

MR. E.D.G. BURT moved that Item number 1 – Head 48 – Ministry of Tourism Development and Transport be approved.

2:28p.m. – Mr. W.H. Roban

2:31p.m. – Mr. E.D.G. Burt

Item number 1 – Head 48 – Ministry of Tourism Development and Transport was agreed to, as printed

2:32p.m.

MR. W.L. FURBERT moved that Item number 2 – Head 17 - Ministry of Education be approved.

2:37p.m. – Mr. N.H.C. Simons

2:44p.m. – Mr. E.D.G. Burt

Item number 2 – Head 17 - Ministry of Education was agreed to, as printed.

2:47p.m.

MR. W.H. ROBAN moved that Item number 3 – Head 65 – Tourism Dev. & Transport HQ be approved.

2:48p.m. – Dr. E.G. Gibbons

2:49p.m. – Mr. W.H. Roban

2:49p.m. – Dr. E.G. Gibbons

2:50p.m. – Mr. W.H. Roban

Item number 3 – Head 65 – Tourism Dev. & Transport HQ was agreed to, as printed.

2:51p.m.

MR. E.D.G. BURT moved that Item number 4 – Head 65 – Finance HQ be approved.

Item number 4 – Head 65 – Finance HQ was agreed to, as printed.

2:54p.m.

MR. E.D.G. BURT moved that the “Supplementary Estimate No. 2 for Financial Year 2017/18” be reported to the House as printed, which was agreed to.

The Committee rose.

The House resumed.

The Supplementary Estimate was reported to the House, as printed, which was agreed to.

2:56p.m.

MR. W.L. FURBERT, on behalf of Mr. E.D.G. Burt, moved the second reading of the Public Bill entitled the “Payroll Tax Amendment Act 2018”, which was agreed to.

3:05p.m. – Mrs. J.J. Atherden

3:14p.m. – Ms. T.S. Furbert

3:18p.m. – Mr. R.P. Commissiong

3:23p.m. – Mr. E.D.G. Burt

3:26p.m. – Mrs. P.J. Gordon-Pamplin

3:28p.m. – Mr. W.L. Furbert replied.

The Bill was Committed.

Mr. D.V. Burgess in the Chair

MR. W.L. FURBERT moved Clauses 1-22, which was agreed to.

3:37p.m. – Dr. E.G. Gibbons

3:39p.m. – Mr. W.L. Furbert

3:40p.m. – Dr. E.G. Gibbons

3:41p.m. – Mr. W.L. Furbert

Clauses 1 to 22 were agreed to, as printed.

The Preamble was agreed to.

The Committee rose.

The House resumed.

The Bill was reported to the House, as printed, which was agreed to.

3:44p.m.

MR. J.S. SIMMONS moved the second reading of the Public Bill entitled the “Partnership, Exempted Partnerships and Limited Partnership (Beneficial Ownership) Amendment Act 2018”, which was agreed to.

3:53p.m. – Dr. E.G. Gibbons

3:55p.m. – Ms. L.K. Scott

3:58p.m. – Mr. J.S. Simmons replied.

The Bill was Committed.

Mr. D.V. Burgess in the Chair

MR. J.S. SIMMONS moved Clauses 1-2, which was agreed to.

4:07p.m. – Ms. L.K. Scott

4:16p.m. – Mr. J.S. Simmons replied.

Clauses 1-2 were agreed to, as printed.

4:17p.m.

MR. J.S. SIMMONS moved Clause 3, with an amendment as follows:

After clause 3, clause 3A is added as follows-

“3A The Partnership Act 1902 is amended by inserting after section 44 the following-

“Keeping of records of account and beneficial ownership register after dissolution

44A(1) When a partnership has been dissolved, the partner or partners or such other person as may be appointed to wind up the affairs of the partnership (the “responsible person”) shall-

(a) keep the records of account of the partnership referred to in section 29A which are in existence at the date of dissolution of the partnership, for five years from the end of the period to which such records of account relate;

(b) keep the beneficial ownership register referred to in section 4R which is in existence at the date of the dissolution of the partnership for five years from the date of the conclusion of the winding up of the affairs of the partnership;

(c) keep the books and papers of the responsible person relating to the winding up of the affairs of the partnership for five years from the date of the conclusion of the winding up of the affairs of the partnership;

(d) where applicable, keep the records specified in regulation 15 of the Proceeds of Crime (Anti-Money Laundering and Anti-Terrorist Financing) Regulations 2008 that are in existence at the date of the dissolution of the partnership in relation to the partnership for the period specified in regulation 15.

(2) Where a partnership has been dissolved, the partners at the date of the dissolution of the partnership shall ensure that the beneficial ownership register of the partnership referred to in section 4R of the Partnership Act 1902 that is in existence on that date shall be kept for a minimum of five years from the date of the dissolution of the partnership.

(3) In this section, "responsible person" means-

(a) the partner or partners responsible for the winding up of the affairs of the partnership; or

(b) such other person appointed to wind up the affairs of the partnership,

and, where the responsible person is a person referred to in paragraph (b), that person, for the purposes of paragraphs (a) to (d) of subsection (1), shall be required to keep, for the period specified in each of those paragraphs, the records of account, beneficial ownership register, books, papers and records that have been provided to him.”

Clause 3 was agreed to as amended.

4:20p.m.

MR. J.S. SIMMONS moved Clause 4, with an amendment as follows:

Clause 4 is amended by renumbering the existing provision as subsection (1) and adding after that subsection the following-

“(2) The Exempted Partnerships Act 1992 is amended by inserting after section 14 the following-

“Keeping of records of account and beneficial ownership register after dissolution

14A (1) When an exempted partnership has been dissolved, the partner or partners or such other person as may be appointed to wind up the affairs of the exempted partnership (the “responsible person”) shall-

(a) keep the records of account of the exempted partnership referred to in section 14 which are in existence at the date of dissolution

of the exempted partnership relating to the exempted partnership, for five years from the end of the period to which such records of account relate;

(b) keep the beneficial ownership register referred to in section 4R of the Partnership Act 1902 which is in existence at the date of dissolution of the exempted partnership for five years from the date of the conclusion of the winding up of the affairs of the exempted partnership;

(c) keep the books and papers of the responsible person relating to the winding up of the affairs of the exempted partnership for five years from the date of the conclusion of the winding up of the affairs of the exempted partnership;

(d) where applicable, keep the records specified in regulation 15 of the Proceeds of Crime (Anti-Money Laundering and Anti-Terrorist Financing) Regulations 2008 that are in existence at the date of dissolution of the exempted partnership, in relation to the exempted partnership for the period specified in regulation 15.

(2) Where the certificate of an exempted partnership is cancelled, the partners at the date when such certificate is cancelled shall ensure that the beneficial ownership register of the partnership referred to in section 4R of the Partnership Act 1902 that is in existence on that date shall be kept for a minimum of five years from the date of the certificate of cancellation.

(3) In this section, “responsible person” means-

(a) the partner or partners responsible for the winding up of the affairs of the exempted partnership; or

(b) such other person appointed to wind up the affairs of the exempted partnership,

and, where the responsible person is a person referred to in paragraph (b), that person, for the purposes of paragraphs (a) to (d) of subsection (1), shall be required to keep, for the period specified in each of those paragraphs, the records of account, beneficial ownership register, books, papers and records that have been provided to him.”

Clause 4 was agreed to as amended.

4:24p.m.

MR. J.S. SIMMONS moved Clause 5, with an amendment as follows:

Clause 5 is amended by renumbering the existing provision as subsection (1) and adding after that subsection the following-

“(2) The Limited Partnership Act 1883 is amended by inserting after section 9A the following-

“Keeping of records of account and beneficial ownership register after dissolution

9B (1) When a limited partnership has been dissolved the partner or partners or such other person as may be appointed to wind up the affairs of the limited partnership (the "responsible person") shall-

(a) keep the records of account of the limited partnership referred to in section 9A which are in existence at the date of dissolution of the limited partnership, relating to the limited partnership for five years from the end of the period to which such records of account relate;

(b) keep the beneficial ownership register referred to in section 4R of the Partnership Act

1902 which is in existence at the date of dissolution of the limited partnership for five years from the date of the conclusion of the winding up of the affairs of the limited partnership;

(c) keep the books and papers of the responsible person relating to the winding up of the affairs of the limited partnership, for five years from the date of the conclusion of the winding up of the affairs of the limited partnership;

(d) where applicable, keep the records specified in regulation 15 of the Proceeds of Crime (Anti- Money Laundering and Anti-Terrorist Financing) Regulations 2008 that are in existence at the date of dissolution of the limited partnership in relation to the limited partnership for the period specified in regulation 15.

(2) Where the certificate of a limited partnership is cancelled, the general partners at the date when such certificate is cancelled shall ensure that the beneficial ownership register of the limited partnership referred to in section 4R of the Partnership Act 1902 that is in existence on that date shall be kept for a minimum of five years from the date of the certificate of cancellation.

(3) In this section, “responsible person” means-

(a) the partner or partners responsible for the winding up of the affairs of the limited partnership; or

(b) such other person appointed to wind up the affairs of the limited partnership, and, where the responsible person is a person referred to in paragraph (b), that person, for the purposes of paragraphs (a) to (d) of subsection (1), shall be required to keep, for the period specified in each of those paragraphs, the records of account,

beneficial ownership register, books, papers and records that have been provided to him.”

4:27p.m. – Ms. L.K. Scott

4:27p.m. – Mr. J.S. Simmons replied.

Clause 5 was agreed to as amended.

4:27p.m.

MR. J.S. SIMMONS moved Clauses 6-8, which was agreed to.

4:28p.m. – Ms. L.K. Scott

4:28p.m. – Mr. J.S. Simmons replied.

Clauses 6-8 were agreed to, as printed.

The Preamble was agreed to.

The Committee rose.

The House resumed.

The Bill was reported to the House, as amended, which was agreed to.

4:30p.m.

Personal Explanation:

His Honour the Speaker noted that he will now hear the Personal Explanation to be given by Mr. T.G. Moniz.

4:32p.m. – Mr. T.G. Moniz presented a Personal Explanation.

4:38p.m.

Orders of the Day cont'd:

MR. C.W.D. BROWN moved the second reading

of the Public Bill entitled the “Municipalities Amendment Act 2018”, which was agreed to.

4:51p.m. – Mrs. P.J. Gordon-Pamplin

5:25p.m. – Dr. E.G. Gibbons

5:40p.m. – Mr. S.D. Richards

5:43p.m. – Ms. R.D.L. Ming

5:53p.m. – Mr. N.S. Tyrrell

5:56p.m. – Mr. H.K.E. Swan

(6:09p.m. – Deputy Speaker Mr. D.V. Burgess in the Chair)

6:15p.m. – Mr. R.P. Commissiong

6:20p.m. – Ms. S.E. Jackson

6:27p.m. – Mr. E.D.G. Burt

6:29p.m. – Mr. C.W.D. Brown replied.

(6:29p.m. – His Honour the Speaker in the Chair)

The Bill was Committed.

Mr. D.V. Burgess in the chair

MR. C.W.D. BROWN moved Clauses 1-5, which was agreed to.

6:37p.m. – Dr. E.G. Gibbons

6:38p.m. – Mrs. P.J. Gordon-Pamplin

6:38p.m. – Mr. C.W.D. Brown

6:39p.m. – Dr. E.G. Gibbons

6:40p.m. – Mrs. P.J. Gordon-Pamplin

6:41p.m. – Mr. C.W.D. Brown

6:43p.m. – Mrs. P.J. Gordon-Pamplin

6:44p.m. – Mr. C.W.D. Brown

6:44p.m. – Dr. E.G. Gibbons

6:45p.m. – Mr. C.W.D. Brown

Clauses 1-5 were agreed to, as printed.

The Preamble was agreed to.

The Committee rose.

The House resumed.

The Bill was reported to the House, as printed, which was agreed to.

6:47p.m.

MS. K.N. WILSON moved the second reading of the Public Bill entitled the “Proceeds of Crime Miscellaneous Act 2018”, which was agreed to.

6:57p.m. – Ms. L.K. Scott

7:00p.m. – Mr. N.H.C. Simons

The Bill was Committed.

Mr. D.V. Burgess in the chair

MS. K.N. WILSON moved Clauses 1-2, which was agreed to.

Clauses 1-2 were agreed to, as printed.

MS. K.N. WILSON moved Clause 3 with an amendment which reads as follows:

Delete clause 3(f), to remove the draft subsection (1A) of section 13AA.

On motion, the Committee agreed to rise, report progress and ask for leave to sit again, so that the Minister and Members could seek clarification on a number of amendments that were to be proposed on the Bill entitled the “Proceeds of Crime Miscellaneous Act 2018”.

The Committee rose.

The House resumed.

Leave to sit again was accordingly granted.

7:34p.m.

Mr. E.D.G. BURT moved that consideration be now given to the following Resolution:

“**BE IT RESOLVED** that previous resolutions of this House made pursuant to Section 2 of the Ministers and Members of the Legislature (Salaries and Pensions) Act 1975 be revoked.

AND BE IT FURTHER RESOLVED that pursuant to section 2 of the Ministers and Members of the Legislature (Salaries and Pensions) Act 1975 the annual salaries payable to Members of the Legislature listed in Part A and Officers of the Legislature listed in Part B of the table below shall be as set out in column 3 of the table with effect from 1 April 2018 to 31 March 2019.”

TABLE OF SALARIES

A. MEMBERS OF THE LEGISLATURE

(1)	EXISTING (2)	PROPOSED (3)
Senators	\$30,367	\$30,367
Members of the House of Assembly	\$56,023	\$56,023

B. OFFICERS OF THE LEGISLATURE

(Salaries additional to salaries as Senators or Members of the House of Assembly)

President of the Senate	\$15,181	\$15,181
Speaker, House of Assembly	\$26,569	\$26,569
Vice President, Senate	\$3,308	\$3,308
Deputy Speaker, House of Assembly	\$13,285	\$13,285
Premier	\$151,262	\$151,262
Deputy Premier*	\$112,942	\$112,942

Minister of Finance	\$121,010	\$121,010
(As a part-time Minister)	\$60,505	\$60,505
Attorney General	\$147,022	\$147,022
Other Ministers in House of Assembly	\$100,841	\$100,841
(As a part-time Minister)	\$50,421	\$50,421
Other Ministers in the Senate	\$100,841	\$100,841
(As a part-time Minister)	\$50,421	\$50,421
Opposition Leader	\$30,367	\$30,367
Junior Ministers in House of Assembly	\$11,387	\$11,387
Junior Ministers in Senate	\$11,425	\$11,425
Party Whips	\$7,593	\$7,593

* Where the Deputy Premier is also the Minister of Finance, the additional salary shall be \$121,010.”

- 7:39p.m. – Ms. J.J. Atherden
- 7:44p.m. – Mrs. P.J. Gordon-Pamplin
- 7:49p.m. – Mr. H.K.E. Swan
- 7:52p.m. – Mr. E.D.G. Burt

MR. E.D.G. BURT moved that the Resolution be approved, which was agreed to.

7:54p.m.

The House resumed in Committee for further consideration of the Bill the “Proceeds of Crime Miscellaneous Act 2018”.

Mr. D.V. Burgess in the Chair

MS. K.N. WILSON moved Clause 3, with an amendment as follows:

Motion to Move: “Delete clause 3(f), to remove the draft subsection (1A) of section 13AA.”

7:55p.m. – Ms. L.K. Scott

Clause 3 was agreed to, as amended.

7:55p.m.

MS. K.N. WILSON moved Clause 4, with an amendment as follows:

Motion to Move: “In clause 4(b) of the Bill, in section 5(1A), immediately before the words “for the purpose of” insert the words “and take effective measures”.”

- 7:58p.m. – Ms. L.K. Scott
- 8:01p.m. – Ms. K.N. Wilson
- 8:04p.m. – Ms. L.K. Scott
- 8:04p.m. – Mr. N.H.C. Simons
- 8:05p.m. – Ms. K.N. Wilson
- 8:06p.m. – Mr. N.H.C. Simons
- 8:06p.m. – Ms. L.K. Scott
- 8:08p.m. – Ms. K.N. Wilson
- 8:09p.m. – Ms. L.K. Scott
- 8:09p.m. – Ms. K.N. Wilson

Clause 4 was agreed to, as amended.

8:10p.m.

MS. K.N. WILSON moved Clause 5, with an amendment as follows:

Motion to Move: “In clause 5(c)(iii) of the Bill, paragraph (j) is to be replaced as follows:

(j) nature of business; and

(k) an obligation to collect information about the legal powers that regulate and bind a legal person or legal arrangement.”

8:13p.m. – Ms. L K. Scott

8:18p.m. – Ms. K.N. Wilson

Clause 5 was agreed to, as amended.

8:22p.m.

MS. K.N. WILSON moved Clause 6, which was agreed to.

8:23p.m. – Ms. L.K. Scott

8:24p.m. – Ms. K.N. Wilson

Clause 6 was agreed to, as printed.

8:25p.m.

MS. K.N. WILSON moved the following new Clause 7 be inserted to the Bill, which will amend the “Companies Act 1981”, to be inserted after Clause 6:

By inserting clause 7 to the Bill, thereby amending the Companies Act 1981 as follows:

“7 The Companies Act 1981 is amended by inserting after section 261 the following—

“Striking off an application by a company

261A (1) The Registrar may, on the application of a company, strike the company’s name off of the register on such grounds and subject to such conditions as may be prescribed.

(2) An application under subsection (1) shall be made on the company’s behalf by all of its directors or by a majority of them.

(3) Upon the receipt of the application, the Registrar shall, if satisfied that the grounds and

conditions referred to in subsection (1) have been satisfied, send to the company and its directors, secretaries, and members a letter informing them of the application and stating that if an answer showing cause to the contrary (in the form and manner referred to in section 261C is not received within thirty calendar days after the date thereof a notice, details of which are set out in subsection (4), will be published in the Official Gazette with a view to striking the name of the company off of the register.

(4) The Registrar may not strike a company’s name off of the register under this section until after the expiration of sixty days after the publication by the Registrar in the Official Gazette of a notice—

(a) stating that the Registrar intends to exercise the power under this section in relation to the company; and

(b) inviting any person to show cause as to why that should not be done within thirty calendar days after the date of the initial notice referenced in subsection (3).

(5) If no person shows cause or sufficient cause within the period referred to in subsection (4)(b) as to why the name of the company should not be struck off the register, the Registrar shall strike the name of the company off the register and publish a notice in the Official Gazette of the company’s name having been struck off.

(6) On the publication of the notice in the Official Gazette under subsection (5), the company is dissolved, provided that—

(a) the liability, if any, of every officer and member of the company shall continue and may be enforced as if the company had not been dissolved;

(b) nothing in this section shall affect the continuity of the requirement imposed on such director or officer of the company by subsection (7) to keep such records for the period referred to in that subsection; and

(c) nothing in this subsection shall affect the power of the Court to wind up a company the name of which has been struck off of the register.

(7) Every person who was a director or an officer of a company at the date upon which the company is struck off of the register pursuant to this section shall ensure that—

(a) the records of account of the company referred to in section 83 that are in existence on that date are kept for five years from the end of the period to which such records of account relate; and

(b) where applicable, any record specified in regulation 15 of the Proceeds of Crime (Anti-Money Laundering and Anti-Terrorist Financing) Regulations 2008 is kept for the period specified in that regulation.

(8) A person who fails to comply with subsection (7) shall be liable to a default fine of five hundred dollars.

(9) The Registrar shall ensure that such particulars of the company and of the application referred to in subsection (1), as he may determine, are sent to—

(a) the Office of the Tax Commissioner;

(b) the Department of Social Insurance; and

(c) the Bermuda Monetary Authority, provided that such company is an entity regulated by the Bermuda Monetary Authority.

(10) The Registrar may, for the purposes of this section, send notices to the company by ordinary post or in such other agreed upon manner.”

8:30p.m. – Ms. L.K. Scott

8:33p.m. – Ms. K.N. Wilson

8:35p.m. – Dr. E.G. Gibbons

8:38p.m. – Ms. K.N. Wilson

8:39p.m. – Ms. L.K. Scott

The new Clause 7, regarding the new section 261A to be inserted in the Companies Act 1981, was agreed to.

8:39p.m.

MS. K.N. WILSON moved the following new Clause 7 regarding the new section 261B to be inserted in the Companies Act 1981:

“Withdrawal of application

261B (1) The applicant or applicants may, by written notice to the Registrar, withdraw an application to strike a company’s name off of the register under section 261A at any time before the name of the company has been struck off of the register.

(2) Upon receipt of the notice referred to in subsection (1), the Registrar shall send to the company by ordinary post a notice that the application to strike the company’s name off of the register has been withdrawn.

(3) Upon receipt of the notice referred to in subsection (1), the Registrar may publish a notice on the Registrar’s website that the application to strike the company’s name off of the register has been withdrawn.”

The new Clause 7 regarding the section 271B was agreed to.

MS. K.N. WILSON moved the following new Clause 7 regarding the new section 261C to be inserted in the Companies Act 1981:

“Objections to strike-off

261C (1) Where a notice is published by the Registrar under section 261A(4) of the Registrar’s intention

to strike the company’s name off of the register, any person may deliver, not later than the date specified in section 261A(4)(b) in objection to the striking off of the name of the company from the register on the ground that there is reasonable cause why the name of the company should not be struck off, including that the company does not satisfy any of the prescribed grounds for striking off referred to in section 261A(1).

(2) Upon receipt of a notice of objection, within the time referred to in subsection (1), the Register shall—

(a) where applicable, give the applicant or applicants for striking the name of the company off of the register notice of the objection; and

(b) in deciding whether to allow the objection, take into

(c) account such considerations as may be prescribed.”

8:45p.m. – Mr. E.D.G. Burt

8:45p.m. – Ms. L.K. Scott

8:46p.m. – Mr. E.D.G. Burt

8:47p.m. – Ms. L.K. Scott

8:48p.m. – Mrs. P.J. Gordon-Pamplin

The new Clause 7 261C was agreed to.

8:49p.m.

MS. K.N. WILSON moved the following new Clause 8 be inserted to the Bill, which will amend the “Proceeds of Crime Act 1997”:

“Amends the Proceeds of Crime Act 1997

8 The Proceeds of Crime Act 1997 is amended in section 42A(1), by repealing and replacing paragraph (g) with the following—

“(g) carries on a trust business within the meaning of section 9(3) of the Trusts (regulation of Trust Business) Act 2001 except for any person which is exempted by or under paragraph (3) of the Trusts (Regulation of Trust Business) Exemption Order 2002, provided that—

(i) Such exempted person utilizes the services of a corporate service provider business, licensed by the Bermuda Monetary Authority, within the meaning of section 2(1) of the Corporate Service Provider Business Act 2012; or

(ii) Such exempted person has in its corporate structure or engages the services of a trust business, licensed by the Bermuda Monetary Authority, within the meaning given in section 9(3) of the Trusts (Regulation of Trust Business) Act 2001;”.

8:53p.m. – Ms. L.K. Scott

8:53p.m. – Ms. K.N. Wilson

8:55p.m. – Ms. L.K. Scott

8:56p.m. – Ms. K.N. Wilson

8:57p.m. – Ms. L.K. Scott

The new Clause 8 was agreed to.

8:58p.m.

MS. K.N. WILSON moved the following new Clause 9 be inserted to the Bill, which will amend the “Companies Act 1981”:

“Amends the Companies Act 1981

9 The Companies Act 1981 is amended—

- (a) in section 13(2) by—
 - (i) repealing the word “and” at the end of paragraph (e);
 - (ii) deleting and substituting the full-stop at the end of paragraph (f) with a semi-colon; and
 - (iii) inserting after paragraph (f), the following—

“(g) the filing of information, referred to in paragraphs (a), (e) and (f), in a prescribed form.”;

(b) in section 13 by inserting after subsection (2), the following—

“(2A) Information obtained for the purposes of subsection (2)(g) shall not be made available to the public.”;

(c) in section 62 by inserting after subsection (1), the following—

“(1A) For the purposes of subsection (1), the address of the registered office of a company shall include—

(a) in the case of a corporate service provider, the name of the corporate service provider; or

(b) the building name and floor number, where applicable.”.

9:01p.m – Ms. L.K. Scott

9:04p.m. – Ms. K.N. Wilson

9:05p.m. – Mr. E.D.G. Burt

9:06p.m. – Ms. L.K. Scott

9:07p.m. – Ms. K.N. Wilson

The new Clause 9 was agreed to.

9:08p.m.

MS. K.N. WILSON moved the following new Clause 10 be inserted to the Bill, which will amend the “Anti-Terrorism (Financial and Other Measures) Act 2004”:

“Amends the Anti-Terrorism (Financial and Other Measures) Act 2004

10 The Anti-Terrorism (Financial and Other Measures) Act 2004 is amended in section 2(1) by repealing and replacing paragraph (g) with the following—

“(g) carries on trust business within the meaning of section 9(3) of the Trusts (Regulation of Trusts Business) Act 2001 except for any person which is exempted by or under paragraph (3) of the Trusts (Regulation of Trust Business) Exemption Order 2002, provided that—

(i) Such exempted person utilizes the services of a corporate service provider business, licensed by the Bermuda Monetary Authority, within the meaning of section 2(1) of the Corporate Service Provider Business Act 2012; or

(ii) Such exempted person has in its corporate structure or engages the services of a trust business, licensed by the Bermuda Monetary Authority, within the meaning given in section 9(3) of the Trusts (Regulation of Trust Business) Act 2001;”.

9:10p.m. – Ms. L.K. Scott

The new Clause 10 was agreed to.

9:11p.m.

MS. K.N. WILSON moved the following new Clause 11 be inserted to the Bill, which will amend the Proceeds of Crime (Anti-Money

Laundering Anti-Terrorist Financing Supervision and Enforcement) Act 2008”:

“Amends the Proceeds of Crime (Anti-Money Laundering and Anti-Terrorist Financing Supervision and Enforcement) Act 2008

11 The Proceeds of Crime (Anti-Money Laundering and Anti-Terrorist Financing Supervision and Enforcement) Act 2008 is amended, in section 2(1), by repealing and replacing paragraph (g) with the following—

“(g) carries on trust business within the meaning of section 9(3) of the Trusts (Regulation of Trusts Business) Act 2001 except for any person which is exempted by or under paragraph (3) of the Trusts (Regulation of Trust Business) Exemption Order 2002, provided that—

(i) Such exempted person utilizes the services of a corporate service provider business, licensed by the Bermuda Monetary Authority, within the meaning of section 2(1) of the Corporate Service Provider Business Act 2012; or

(ii) Such exempted person has in its corporate structure or engages the services of a trust business, licensed by the Bermuda Monetary Authority, within the meaning given in section 9(3) of the Trusts (Regulation of Trust Business) Act 2001;”.

The new Clause 11 was agreed to.

9:11p.m.

MS. K.N. WILSON moved the following new Clause 12 be inserted to the Bill, which will amend the Proceeds of Crime (Anti-Money Laundering and Anti-Terrorist Financing) Regulations 2008”:

“Amends the Proceeds of Crime (Anti-Money Laundering and Anti-Terrorist Financing) Regulations 2008

12 The Proceeds of Crime (Anti-Money Laundering and Anti-Terrorist Financing) Regulations 2008 are amended, in regulation 2(2) by revoking and replacing paragraph (g) with the following—

“(g) carries on trust business within the meaning of section 9(3) of the Trusts (Regulation of Trusts Business) Act 2001 except for any person which is exempted by or under paragraph (3) of the Trusts (Regulation of Trust Business) Exemption Order 2002, provided that—

(i) Such exempted person utilizes the services of a corporate service provider business, licensed by the Bermuda Monetary Authority, within the meaning of section 2(1) of the Corporate Service Provider Business Act 2012; or

(ii) Such exempted person has in its corporate structure or engages the services of a trust business, licensed by the Bermuda Monetary Authority, within the meaning given in section “9(3) of the Trusts (Regulation of Trust Business) Act 2001;”.

The new Clause 12 was agreed to.

9:13p.m.

MS. K.N. WILSON moved the following new Clause 13 be inserted to the Bill, which will revoke and replace Form 13 of the Companies Act 1981 with the following:

PROCEEDS OF CRIME (MISCELLANEOUS) ACT 2018

SCHEDULE

(Section 62)

FORM No. 13



BERMUDA

THE COMPANIES ACT 1981

NOTICE OF ADDRESS OF REGISTERED OFFICE

Pursuant to section 62

Name of Company _____

Registration Number _____

In accordance with section 62(7) of the Companies Act, 1981, I hereby give notice that the address of the registered office of the above-mentioned Company is:

CO [Name of CSP or registered office provider] _____

[Name of building/Store name] and Floor] _____

[Street number and Street name] _____

[City / Parish/ Postal code / Country] _____

Signed _____
 [Print/Type Name of Director/Secretary]

State whether Director or Secretary _____

Date _____

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9:14p.m. – Ms. L.K. Scott

The new Clause 13 was agreed to.

The Preamble was agreed to.

The Committee rose.

The House resumed.

The Bill was reported to the House, as amended, which was agreed to.

9:16p.m.

MR. E.D.G. BURT moved that Standing Order 21 be suspended to enable him to move that the Bill entitled the “Customs Tariff Amendment Act 2018” be now read a third time, which was agreed to.

On the motion of Mr. E.D.G. Burt, the Bill entitled the “Customs Tariff Amendment Act

2018” was then read the third time by its title only and passed.

MR. W.L. FURBERT, on behalf of Mr. E.D.G. Burt, moved that Standing Order 21 be suspended to enable him to move that the Bill entitled the “Payroll Tax Amendment Act 2018” be now read a third time, which was agreed to.

On the motion of Mr. W.L. Furbert, the Bill entitled the “Payroll Tax Amendment Act 2018” was then read the third time by its title only and passed.

MR. J.S. SIMMONS moved that Standing Order 21 be suspended to enable him to move that the Bill entitled the “Partnership, Exempted Partnerships and Limited Partnership (Beneficial Ownership) Amendment Act 2018” be now read a third time, which was agreed to.

On the motion of Mr. J.S. Simmons, the Bill entitled the “Partnership, Exempted Partnerships and Limited Partnership (Beneficial Ownership) Amendment Act 2018” was then read the third time by its title only and passed.

MR. C.W.D. BROWN moved that Standing Order 21 be suspended to enable him to move that the Bill entitled the “Municipalities Amendment Act 2018” be now read a third time, which was agreed to.

On the motion of Mr. C.W.D. Brown, the Bill entitled the “Municipalities Amendment Act 2018” was then read the third time by its title only and passed.

MR. E.D.G. BURT, on behalf of Ms. K.N. Wilson, moved that Standing Order 21 be suspended to enable him to move that the Bill entitled the “Proceeds of Crime (Miscellaneous) Act 2018” be now read a third time, which was agreed to.

On the motion of Mr. E.D.G. Burt, the Bill entitled the “Proceeds of Crime (Miscellaneous) Act 2018” was then read the third time by its title only and passed.

9:18p.m.

Mr. E.D.G. Burt moved that, at its rising, the House adjourn to Friday, 13th April, 2018, which was agreed to.

Mr. E.D.G. Burt moved that the House do now adjourn, which was agreed to.

9:20p.m. – Mr. W.M. Caines

9:39p.m. – Mr. W.L.A. Scott

9:59p.m. – Mr. M.J. Scott

10:26p.m. – Mr. D.V. Burgess

10:48p.m. – Mr. Z.J.S. De Silva

11:08p.m. – Mr. E.D.G. Burt

11:09p.m. – Mr. T.G. Moniz

11:14p.m. – Mr. E.D.G. Burt

11:32p.m. – His Honour the Speaker announced that the following Members had informed him that they would be absent from today's meeting: Mr. C.T. Famous and Mr. J.C. Baron.

11:33p.m. - His Honour the Speaker reminded Members of the importance of attending and participating in the Parliamentary Committees they are Members of under Standing Order 11 (5).

11:34p.m.

The House adjourned until Friday, 13th April 2018 at 10:00am.