

# AS TABLED IN THE HOUSE OF ASSEMBLY

A BILL

entitled

BERMUDA NATIONAL PARKS AMENDMENT (NO. 2) ACT 2017

WHEREAS it is expedient to amend the Bermuda National Parks Act 1986 and the Government Fees Regulations 1976;

Be it enacted by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

Citation

1 This Act, which amends the Bermuda National Parks Act 1986 (the "principal Act") and the Government Fees Regulations 1976, may be cited as the Bermuda National Parks Amendment (No. 2) Act 2017.

Inserts section 25A

2 The principal Act is amended by inserting after section 25 the following—

"Order to waive fees due to impromptu or in exceptional circumstances

25A (1) Notwithstanding any requirement to pay a fee prescribed under section 25(fa), the Minister may, on application in writing by a person setting out the impromptu or exceptional circumstances necessitating the request, by order waive the fee—

- (a) in whole or in part;
- (b) for a specified period, subject to subsection (5);
- (c) with respect to a specified person or class of persons.

(2) No such waiver shall be granted unless the Minister—

- (a) has consulted the Minister responsible for the enactment under which the fee is prescribed;
- (b) is satisfied that there are exceptional circumstances justifying the waiver in that particular case; and
- (c) has notified the Accountant General in writing.

- (3) An order under subsection (1) may provide for the waiving of a fee—
  - (a) in accordance with any or all of the provisions of paragraphs (a) to (c) of subsection (1);
  - (b) with retrospective effect, subject to subsection (5); and
  - (c) subject to such conditions as the Minister may deem appropriate to impose on the person benefitting from the waiver granted.
- (4) A public authority whose application for waiving a fee has been granted shall—
  - (a) maintain proper books or records with respect to the fee waived and provide such details of the value of the fee waived as the Accountant General may direct; and
  - (b) provide such other information relating to the fee waived as the Accountant General may request.
- (5) No waiver of a fee shall be granted under this section for a period going beyond the financial year in which the fee is waived.
- (6) Where a person benefitting from a waiver of a fee granted by the Minister under this section which is subject to any condition and such person fails to comply with such condition, the Minister may—
  - (a) determine to cancel the waiver granted for the entire period for which it was granted or for a portion of such period; and
  - (b) require the fee due to have been paid during the period of the cancelled waiver to be paid and, where necessary, be recovered before a court of summary jurisdiction in the manner provided by the Magistrates Act 1948 for the recovery of a debt or liquidated demand.
- (7) In this section, “exceptional circumstances” means—
  - (a) hurricanes and other major adverse natural or weather related events significantly impacting Bermuda negatively, whether directly or indirectly;
  - (b) an event or occurrence significantly impacting a sector of the economy or community in Bermuda negatively, whether directly or indirectly, that could not reasonably have been foreseen;
  - (c) a situation where a person has been selected to participate on behalf of Bermuda, or is required to represent Bermuda, at an internationally sponsored event taking place in Bermuda;
  - (d) such other event or circumstance that the Minister may deem to be an exceptional circumstance with respect to a particular case, after consulting public officers connected with the case.

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(8) An order made under this section shall be subject to the negative resolution procedure.”

Inserts section 30A — Validation of fees charged

3 The principal Act is amended by inserting after section 30 the following—

“Validation of fees charged

30A (1) Where, prior to the coming into operation of the Amendment Act, the Department had charged and collected fees for any admittance, goods or services, such fees shall, on the coming into operation of the Amendment Act, be deemed to have been validly charged and collected and no action, suit or proceeding shall be brought against the Minister by reason only of such charge or of such collection.

(2) In this section—

“admittance” means the process of entering or being allowed to enter any premises or property under the care or control of the Department; and

“Amendment Act” means the Bermuda National Parks Amendment (No.2) Act 2017.”.

Amends Head 7 of the Government Fees Regulations 1976

4 Head 7 of the Government Fees Act 1976 is amended—

(a) by revoking and replacing paragraph (1) with the following—

“	(1)	Issuing a permit under section 15 of the Act within the National Park System as a camp site for a family or group not exceeding 8 persons.	\$15 per night	”; and
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(b) by inserting after paragraph (1) the following—

“	(2)	Issuing a licence to operate a concession within the National Park System	\$100 per month	
	(3)	Issuing a licence to operate a commercial activity within the National Park System, for—		
		(a) all spaces up to 100 sq ft;	\$100 per month	

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	(b) all spaces between 101 sq ft and 150 sq ft;	\$150 per month
	(c) all spaces between 151 sq ft and 200 sq ft, but no licence shall be granted for spaces larger than 200 sq ft.	\$200 per month
(4)	Issuing a metal detecting permit under section 15 of the Act in approved areas of the National Park System	\$25 per year
(5)	Issuing a special event permit under section 15 of the Act for a wedding, cocktail reception, corporate dinner, etc. at Fort St. Catherine	\$1,500 per day
(6)	Issuing a special event permit under section 15 of the Act for an event that caters to 0 - 19 persons within the National Park System	\$0 per day
(7)	Issuing a special event permit under section 15 of the Act for an event that caters to 20 to 50 persons within the National Park System	\$50 per day
(8)	Issuing a special event permit under section 15 of the Act for an event that caters to 51-100 persons within the National Park System	\$100 per day
(9)	Issuing a special event permit under section 15 of the Act for an event that caters to 101-150 persons within the National Park System	\$150 per day

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(10)	Issuing a special event permit under section 15 of the Act for an event that caters to 151 to 200 persons within the National Park System	\$200 per day
(11)	Issuing a special event permit under section 15 of the Act for an event that caters to 201 or more persons within the National Park System	\$500 per day
(12)	Issuing a permit under section 15 of the Act for an event in a building owned by the Government of Bermuda on the grounds of the Botanical Gardens National Park	\$150 per day
(13)	Issuing a special event permit under section 15 of the Act for a concert, performance, sporting event or any event which charges admission within the National Park System	(a) 1 to 500 people = \$1000; (b) 501 to 2500 people = \$2500; (c) 2501 to 5000 people = \$5000
(14)	Issuing a permit under impromptu or exceptional circumstances, in accordance with section 25A and section 15 of the Act for an event to be held within the National Park System	\$500 per permit

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### Commencement

5 (1) This Act shall come into operation on such day as the Minister may appoint by notice published in the Gazette.

(2) Different days may be appointed under subsection (1) for different provisions of this Act.

## BERMUDA NATIONAL PARKS AMENDMENT (NO. 2) BILL 2017

### EXPLANATORY MEMORANDUM

This Bill seeks to amend the Bermuda National Parks Act 1986 (the “principal Act”) and the Government Fees Regulations 1976.

Clause 1 is the citation.

Clause 2 amends the principal Act by inserting after section 25 section 25A, thereby giving the Minister statutory authority to waive by Order the imposition of fees (owing in accordance with the new section 25 (fa)) in impromptu or in exceptional circumstances.

Clause 3 amends the principal Act by inserting after section 30 section 30A, thereby validating fees charged and received by the Department, prior to the coming into operation of the Bermuda National Parks Amendment (No. 2) Act 2017.

Clause 4 amends Head 7 of the Government Fees Regulations 1976, thereby adding additional licence and permit fees to the Government Fees Act 1976.

Clause 5 is the commencement provision.