



**BERMUDA  
1971 : 116**

**PARISH COUNCILS ACT 1971**

ARRANGEMENT OF SECTIONS

1	Interpretation	10	[repealed]
2	Parish Councils established	11	Accounts and audit
3	Constitution of Parish Councils	12	Annual report to Minister
4	Meetings and procedure	13	Consequential provisions
5	Functions	14	[omitted]
6	Minister may give general directions	15	[omitted]
7	Gifts and bequest to Parish Council	16	Commencement [omitted]
8	Employment of officers		FIRST SCHEDULE
9	Expenses		Provisions consequential to transfer of functions
			SECOND SCHEDULE
			[omitted]

[8 December 1971]

[preamble and words of enactment omitted]

**Interpretation**

1 In this Act—

"Minister" means the Minister responsible for Parish Councils;

"Parish Council" means a Parish Council for a parish established  
under section 2;

## **PARISH COUNCILS ACT 1971**

---

"Parish Vestry" means a Parish Vestry for a parish constituted in accordance with the Parish Vestries Act 1929 [*repealed*].

[Section 1 amended by BR 54/1994 effective 16 December 1994]

### **Parish Councils established**

2 (1) There shall be established a Parish Council for each parish which shall have the powers and duties conferred or imposed upon a Parish Council by this Act and any other statutory provision.

(2) Each Parish Council shall be a body corporate having perpetual succession and a common seal and shall have power to acquire, hold and dispose of moveable and immovable property of any kind, to enter into contracts, to sue and be sued in its corporate name and to do all things necessary for the purpose of its functions.

### **Constitution of Parish Councils**

3 (1) Each Parish Council shall consist of twelve members, each of whom shall be appointed by the Governor by notice in the Gazette.

(2) Any person appointed to be a member of a Parish Council shall hold office during the Governor's pleasure and, unless his appointment is earlier terminated, it shall be deemed to terminate on the expiration of three years from the date upon which such appointment took effect.

(3) A person may be re-appointed as a member of a Parish Council on the termination of his appointment under subsection (2).

(4) There shall be a Chairman of each Parish Council who shall be appointed by the Governor from among the members of the Council and shall hold office as such during the Governor's pleasure.

(5) The Chairman or any other member of a Parish Council may at any time resign his office by notice in writing addressed to the Governor and such resignation shall take effect from the date of the receipt of such notice by the Governor.

(6) A Parish Council shall be deemed to be properly constituted notwithstanding that there is a vacancy in the office of Chairman or any other member.

(7) A person shall not be eligible for appointment as a member of a Parish Council unless—

- (a) he possesses Bermudian status;
- (b) he has attained the age of eighteen years; and
- (c) he is ordinarily resident within the parish concerned.

(8) A person shall be disqualified for appointment as a member of a Parish Council if—

- (a) he has been sentenced by a competent court to a term of imprisonment of twelve months or more;
- (b) he is suffering from mental disorder within the meaning of the Mental Health Act 1968 [*title 11 item 36*]; or
- (c) he is an undischarged bankrupt.

(9) In the exercise of his powers under this section the Governor shall act on the advice of the Minister.

*[Section 3 subsection (7)(b) amended by 2001:20 s.7(1) & Sch 2 effective 1 November 2001]*

**Meetings and procedure**

4 (1) A Parish Council shall meet as often as necessary for the performance of its functions:

Provided that a period of three months shall not intervene between successive meetings of a Parish Council and not less than one meeting per annum shall be open to the public.

(2) At any meeting at which the Chairman is not present, a Parish Council shall elect a Deputy Chairman from among the members present who shall take the chair at that meeting.

(3) A majority of the members of a Parish Council present in Bermuda shall constitute a quorum at any meeting.

(4) The decisions of a Parish Council shall be by a majority of votes of members present and voting and, in addition to an original vote, the Chairman (or in his absence the Deputy Chairman) shall have a second or casting vote in the event of an equal division of votes.

(5) A Parish Council may appoint from among its members such number of committees as may appear to the Council to be expedient and the functions and procedure of any such committee shall be such as the Council may direct.

(6) Subject to the foregoing provisions of this section, a Parish Council shall have power to regulate its own proceedings.

**Functions**

5 A Parish Council shall have the following functions-

- (a) to bring to the attention of the Minister any matter affecting the general welfare of persons resident in the parish;

## **PARISH COUNCILS ACT 1971**

---

- (b) to consider and advise on any matter which may be referred to the Parish Council by the Minister;
- (c) *[repealed]*
- (d) subject to the general direction and control of the Minister, to provide and maintain places of recreation and recreational facilities, to preserve and improve the general amenities of the parish and generally to promote the well-being of persons resident in the parish;
- (e) to hold in trust for the residents of the parish the parochial funds and other property transferred to the Parish Council in pursuance of the First Schedule and to employ the same for the purposes of paragraph (d) in such manner as the Council may, subject to that paragraph, determine;
- (f) to maintain and administer any parish rest home in the parish;
- (g) to maintain the parish records transferred to the Parish Council in pursuance of paragraph 9 of the First Schedule; and
- (h) to give effect to any directions given by the Minister under section 6.

*[Section 5 amended by 1994:1 effective 8 March 1994]*

### **Minister may give general directions**

6 The Minister may, after consultation with a Parish Council, give to that Council such general directions as to the policy to be followed by that Council in the performance of its functions as appear to the Minister to be necessary in the public interest.

### **Gifts and bequest to Parish Council**

7 A Parish Council shall have power—

- (a) to receive all funds and gifts in kind given or bequeathed to the Council for parochial purposes, or given or bequeathed by words showing an intention that the funds or gifts should enure to or for the benefit of residents of the parish; and, subject to this Act, the Council shall apply all such funds or gifts or, if such funds are invested, the income derived therefrom, to furthering the purposes of the Council in such manner as it thinks fit; and

- (b) to acquire by purchase, gift or devise, and hold in its corporate capacity, with the previous sanction in each case of the Minister, but not otherwise, any land in Bermuda bona fide required to further the purposes of the Council:

Provided that the powers conferred by this section shall not be exercised in any manner inconsistent with any condition or direction imposed or given by the donor or testator with respect to any such fund or gift.

**Employment of officers**

8 Each Parish Council shall, on such terms and conditions as may be approved by the Minister, appoint a Parish Council Clerk, and, subject to the provision of funds therefor by the Legislature, shall have power to appoint such other officers and servants as may be necessary for the proper performance of its functions.

**Expenses**

9 Any expenses incurred by a Parish Council, with the approval of the Minister, in the performance of its functions under this Act shall, in so far as such expenses can not be met out of parochial funds, be paid out of such moneys as may be appropriated therefor by the Legislature.

10 *[repealed]*

**Accounts and audit**

11 (1) Each Parish Council shall cause proper accounts of its financial affairs to be maintained in such manner as the Accountant-General may direct.

(2) The accounts of each Parish Council shall be audited annually by the Auditor.

**Annual report to Minister**

12 (1) Each Parish Council shall, as soon as practicable after the end of each financial year, make to the Minister a report on the exercise and performance by the Council of its functions during that year and on its policy and proposals for the following year.

(2) The report for any year, made under subsection (1) shall set out any directions given by the Minister to the Council during that year.

**Consequential provisions**

13 The provisions set out in the First Schedule shall have effect in consequence of the transfer of functions from Parish Vestries to Parish Councils and other authorities.

## **PARISH COUNCILS ACT 1971**

---

### **Amendments**

14 [omitted]

### **Repeal**

15 [omitted]

### **Commencement**

16 [omitted] [*This Act was brought into operation on 1 January, 1972*]

## **FIRST SCHEDULE**

Provisions consequential to the transfer of the functions of Parish Vestries to Parish Councils and other authorities.

1 In this Schedule—

(a) "the appointed day" means the first day of January, 1972; and

(b) any reference to a Parish Vestry means a Parish Vestry established under the Parish Vestries Act 1929 [*repealed*], for one of the nine parishes of Bermuda, and any reference to the appropriate Parish Council means the Parish Council for that parish established under this Act.

2 All moneys held by and liabilities chargeable against a Parish Vestry immediately before the appointed day shall, as from that day, be held by or chargeable against the appropriate Parish Council.

3 Save as provided by paragraphs 8, 9 and 10, all property of whatever kind which was vested in a Parish Vestry or in the Overseers of the Poor of a Parish Vestry immediately before the appointed day shall, as from that day, vest in the appropriate Parish Council.

4 The benefit and burden of all deeds, securities, contracts, bonds and things in action vested in a Parish Vestry and any other right under

any instrument or otherwise enjoyed by a Parish Vestry immediately before the appointed day shall, as from that day, vest in, or entire to the benefit of, the appropriate Parish Council.

5 All proceedings commenced or pending immediately before the appointed day may continue on and after that day by or against the appropriate Parish Council as if the appropriate Parish Council had always been a party thereto.

6 The appointment of any person as an Overseer of the Poor shall terminate on the appointed day.

7 [omitted] [spent]

8 The parish assessment books and all records and documents pertaining to registration of transfers of land within any parish which immediately before the appointed day are in the custody of a Parish Vestry shall, as from that day, be transferred to the custody of the Registrar General.

9 Save as provided in paragraph 8, all parish records, registers and accounts which immediately before the appointed day are in the custody of a Parish Vestry shall, as from that day, be transferred to the custody of the appropriate Parish Council.

10 [omitted] [spent]

11 Where any function which immediately before the appointed day is exercisable by a Parish Vestry as from that day becomes exercisable in pursuance of any provision of this Act by some other authority, any reference in any other Act to a Parish Vestry in so far as it relates to the exercise of that function, shall, as from the appointed day, be construed as a reference to the authority by whom that function is then exercisable.

12 Save where otherwise expressly provided or where the provisions of paragraph 11 apply, all Acts and statutory instruments shall be amended—

- (a) by the deletion of the words "Parish Vestry" and where it is interpreted as meaning a Parish Vestry the word "Vestry" and the substitution therefor of the words "Parish Council" or "Council" (which shall be interpreted as meaning a Parish Council), as the case may require; and
- (b) by the deletion of the words "Parish Vestry Clerk" and where it is interpreted as meaning a Parish Vestry Clerk the word "Clerk" and the substitution therefor of the words "Parish Council Clerk" or "Clerk" (which shall be interpreted as meaning a Parish Council Clerk), as the case may require.

**PARISH COUNCILS ACT 1971**

---

**SECOND SCHEDULE**

Acts repealed or amended

[*omitted*]

---

[*Amended by:*

1972 : 55  
1973 : 34  
BR 54/1994  
1994 : 1  
2001 : 20]