



**BERMUDA
1996 : 11**

DEVELOPMENT AND PLANNING (BASE LANDS) ACT 1996

ARRANGEMENT OF SECTIONS

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SCHEDULE

[Date of Assent 20 June 1996]

[Operative Date 20 June 1996]

[Preamble and words of enactment omitted]

Short title and construction

- 1 (1) This Act may be cited as the Development and Planning (Base Lands) Act 1996.
- (2) This Act shall be construed as one with the Act.

Interpretation

- 2 In this Act—

"the Act" means the Development and Planning Act 1974 [*Title 20 item 1*];

"the Base Lands" means the lands within those areas of Bermuda which are identified on the Base Lands Plan as the

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St. David's Special Development Zone, the George's Bay Special Development Zone, the Tudor Hill Special Development Zone and the Daniel's Head Special Development Zone;

"the Base Lands Plan" means the Development Plan, entitled "A Development Plan for the Former Military Bases" and signed by the Minister, which is on deposit, and available during normal office hours for public inspection, at the Office of the Minister.

Amendment of section 2 of Act No 51 of 1974

3 [omitted]

Development of the Base Lands

4 (1) Notwithstanding any provision to the contrary made in or under the Act but subject to section 5 of this Act, it is lawful for the Base Lands to be developed and used in accordance with the Base Lands Plan; and that Plan has effect by virtue of this subsection as a development plan under the Act in relation to those Lands.

(2) Without prejudice to the generality of subsection (1) above, it is declared for the avoidance of doubt that, as respects those Lands—

- (a) subject to subsection (3), the said subsection (1) overrides any provision of Part III of the Act, to the extent that the said subsection (1) is inconsistent with that provision, as respects the manner in which a development plan is to be prepared or approved or otherwise dealt with under the Act;
- (b) the said subsection (1), or anything done under the authority of that subsection, overrides any provision of a development plan, being a development plan in being immediately before the commencement of this Act, to the extent that that subsection, or the thing done under its authority, is inconsistent with that provision; and
- (c) nothing in this Act repeals or modifies or otherwise affects any provision of Part IV of the Act (Control of Development of Land) or any other provision of the Act, or made under the Act, which stipulates that planning permission is required for development of any land or which otherwise regulates such permission.

(3) Subsection (1) of section 9 of the Act applies in relation to the Base Lands so that the review of the development plan entitled "The Bermuda Plan 1992" which is due to be made under that subsection next after the commencement of this Act shall include proposals for the development and use of the Base Lands as part of that review.

Amendment of the Base Lands Plan

5 (1) Notwithstanding anything to the contrary in the Act, the special provisions in the Schedule have effect for the purpose of enabling the Base Lands Plan to be amended.

(2) Subsection (1) above ceases to have effect as soon as the Minister submits to the Legislature the report under subsection (1) of section 9 of the Act on the review referred to in subsection (3) of section 4 of this Act.

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SCHEDULE (Section 5)

Special Procedure for Amending the Base Lands Plan

1. Where the Minister proposes an amendment of the Base Lands Plan, he shall cause the proposed amendment to be published, together with the place or places where copies of the proposed amendment may be inspected by members of the public.
2. The Minister shall not approve a proposed amendment before the expiry of the period of 14 days next following the day on which the proposed amendment was last published under paragraph 1.
3. A person may object to a proposed amendment by delivering a letter to the Minister at his office before the expiry of the period of 14 days referred to in paragraph 2. The letter must set out all the particulars and details of the objection, and state full reasons why the Minister should not approve the proposed amendment.
4. If the Minister does not receive an objection that complies with paragraph 3, he may approve the proposed amendment. The amendment then becomes effective as an amendment on the day on which the Minister's approval is published.
5. If the Minister receives an objection that complies with paragraph 3, he shall not approve the proposed amendment. Instead, he shall submit the proposed amendment to the two Houses of the Legislature for approval by each House, setting forth full details of the proposed amendment accompanied by the Minister's report on any objections received.
6. Where a proposed amendment which requires the approval of each House of the Legislature under paragraph 5 has received that approval, the amendment becomes effective as an amendment on the day on which the fact that both Houses have approved the amendment is published.
7. It is for the Director of Planning to publish anything that this Schedule requires to be, or contemplates shall be, published; and for that purpose "to publish" a thing means to publish notice of it in the Gazette and in a newspaper circulating daily in Bermuda.