



BERMUDA
1995 : 36

**BERMUDA IMMIGRATION AND PROTECTION AMENDMENT
ACT 1995**

[Date of Assent 14 July 1995]

[Operative Date 14 July 1995]

WHEREAS it is expedient to amend the Bermuda Immigration and Protection Act 1956:

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:—

Short title

1 This Act may be cited as the Bermuda Immigration and Protection Amendment Act 1995.

Interpretation

2 In this Act—

"the 1956 Act" means the Bermuda Immigration and Protection Act 1956;

"the 1984 Act" means the Bermuda Immigration and Protection Amendment and Validation Act 1984.

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Amendment of s 3 of Act No 30 of 1956

3 Subject to section 4 of this Act, section 3 of the 1956 Act is amended by adding the following subsection—

" (3) Any reference in this Act to a Commonwealth citizen shall be construed as including a reference to a citizen of the Republic of Ireland; and a citizen of that Republic shall, whether or not a Commonwealth citizen, be treated for the purposes of this Act as if he were a Commonwealth citizen."

Duration of s 3 of this Act

4 Section 3 of this Act is deemed—

- (a) to have come into operation on the commencement of the 1984 Act; and
- (b) to have ceased to have effect immediately before the date of commencement of this Act, but without prejudice to the continuance in force on and after that date of any rights—
 - (i) of any person, being rights possessed, by virtue of section 3, and paragraph (a) of this section, of this Act, immediately before that date; or
 - (ii) of any person, being rights derived through a person referred to in sub-paragraph (i) of this paragraph.

Amendment of s 60 of 1956 Act

5 Section 60 of the 1956 Act is amended—

- (a) by deleting the comma from paragraph (c) of subsection (1) and substituting "; or", and adding the following paragraph to the subsection—

"(d) other than a person in respect of whom the requirements of subsection (6) are satisfied,";
- (b) by adding to the section the following subsection—

"(6) The requirements referred to in paragraph (d) of subsection (1) are as follows—

 - (a) the person must be—
 - (i) a citizen of the United States of America; and

- (ii) the spouse of an employee of the Government of the United States of America, being such an employee who—
 - (aa) is in, or arrives in, Bermuda solely for the purpose of discharging his official duties as such an employee; and
 - (bb) is either—
 - (A) a consular officer or a consular employee within the definitions of those expressions in paragraph 1 of Article 1 of the Vienna Convention as set forth in Schedule 1 to the Consular Relations Act 1971; or
 - (B) a person to whom the Diplomatic Privileges (Preclearance Officials) Order 1980 applies;
- (b) the person must be living with that person's spouse as husband and wife;

but, if any question arises whether those requirements are satisfied in relation to a person, that question shall be decided by the Minister."

Consequential amendment of Act No 23 of 1978

6 Consequentially upon sections 3 and 4 of this Act, in relation to a person referred to in either of those sections (but in relation to no other person), subsection (2) of section 8 of the Parliamentary Election Act 1978 has effect in 1995 and 1996 as if that subsection were modified in the manner set forth in the Schedule to this Act.

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SCHEDULE

(Section 6)

Modification of Section 8(2) of the Parliamentary Election Act 1978 in
relation to certain Persons

Subsection (2) of section 8 of the Parliamentary Election Act
1978 is deleted and the following subsection is substituted—

" (2) Subject to this section, the 15th day of March 1995
is the qualifying date for the purposes of subsection (3) of section
55 of the Constitution and of this Act for a parliamentary
election at which the date fixed for the poll falls within the period
of twelve months beginning with the 16th day of June 1995."