



**BERMUDA
1953 : 33**

**UNITED STATES OF AMERICA CONSULAR ESTABLISHMENT
(ACQUISITION OF LAND) ACT 1953**

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[19 May 1953]

[*preamble and words of enactment omitted*]

Interpretation

1 (1) In this Act—

"land" includes any building erected on land and any estate or interest in land;

"consular officer", used in relation to the Government of the United States of America, means any consular officer of the said Government who has been granted an exequatur or other authorization (including a provisional authorization) to act as such in Bermuda;

"consular employee", used in relation to the Government of the United States of America, means a person (not being a consular officer) who is employed by the said Government in

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the consular establishment of the said Government in Bermuda for the performance of executive, administrative, clerical, technical or professional duties or as a guard or watchman or messenger or driver of a vehicle, being a person whose name has been communicated by a consular officer to the Deputy Governor; but "consular employee" does not include any person employed in domestic duties;

"authorized purpose", used in relation to the consular establishment in Bermuda of the Government of the United States of America, means any of the following purposes, but no other purpose—

- (i) the purpose of providing office accommodation for the said consular establishment;
- (ii) the purpose of providing a residence in Bermuda for any consular officer or consular employee of the said Government; or
- (iii) any other purpose arising out of the operation of the said consular establishment, being a purpose which has been approved by the Governor, acting in his discretion.

(2) Any provision of this Act whereby the Government of the United States of America is empowered to acquire and hold or to convey any land shall be deemed to include a provision that the said Government may acquire and hold or convey the land either in its own name or in the name of any person acting on its behalf; and any reference in this Act to the Government of the United States of America, in relation to the acquisition, holding, conveyance or leasing or letting of land, or in relation to any rights, exemptions or obligations conferred or imposed on the said Government, shall be deemed to include a reference to any person acting on behalf of the said Government for the purposes of this Act.

(3) Except as expressly provided in this Act, nothing in this Act shall be construed so as to confer any power or right on the Government of the United States of America to acquire, hold, sell or otherwise deal in any land in Bermuda.

Acquisition of land for consular establishment

2 (1) Subject to this Act, it shall be lawful for the Government of the United States of America to acquire, either absolutely or under any form of tenancy, any land in Bermuda required by the said Government for any authorized purpose connected with the consular establishment in Bermuda of the said Government and to hold, occupy and use for any such purpose any land so acquired:

Provided that the power conferred upon the Government of the United States of America by the foregoing provisions of this subsection to use any land acquired by the said Government shall be exercised subject to compliance with any Act or of any statutory instrument in force for the time being in relation to the development of land or to the control of building operations and applicable to all land in the area in which the land is situated.

(2) Subject as hereinafter provided, the Government of the United States of America shall not acquire any land in pursuance of this section if the acquisition would result in the holding by the said Government at any one time of more than fourteen and a half acres of land:

Provided that the said Government may (for any such authorized purpose as is referred to in subsection (1)) acquire and hold any land, notwithstanding that the acquisition of that land has the result aforesaid, subject to the following condition, that is to say, the said Government shall not later than six months after the acquisition divest itself absolutely of so much land as is the equivalent in area of the excess over fourteen and a half acres which resulted from the acquisition.

Erection of buildings

3 (1) Subject to this section, it shall be lawful for the Government of the United States of America to erect and use, for any such authorized purpose as is referred to in section 1(1), any building on land acquired by the said Government in pursuance of this Act:

Provided that nothing in this section shall be construed so as to authorize the said Government to disregard the terms and conditions of any lease or letting agreement or other contract of tenancy to which the said Government is a party.

(2) The power conferred upon the Government of the United States of America by this section to erect and use buildings on any land acquired by the said Government shall be exercised subject to compliance with any Act or of any statutory instrument in force for the time being in relation to the development of land or to the control of building operations and applicable to all land in the area in which the land is situated.

(3) The power conferred upon the Government of the United States of America by this section to erect buildings shall be deemed to include a power to cause or procure the erection of buildings.

Sale of land

4 (1) It shall be lawful for the Government of the United States of America to sell and convey, or otherwise to convey, any land acquired by the said Government in pursuance of this Act; but the said Government

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shall not lease or let any such land except to a consular officer or consular employee of the said Government.

(2) In this section "lease" and "let" include, respectively, "sub-lease" and "sub-let".

Taxes

5 No tax or similar charge of any kind, including any municipal or parochial tax or rate, shall be collected from the Government of the United States of America in respect of any land held by the said Government in pursuance of this Act, except taxes, charges or rates levied for services or public improvements by which the land is benefited.

Notification to Deputy Governor

6 It shall be the duty of the principal consular officer of the Government of the United States of America for the time being in Bermuda to inform the Deputy Governor, as soon as may be, of any acquisition of land under section 2, and of any conveyance of land under section 4, together with a description sufficient to identify the land so acquired or conveyed.

Non-application of Bermuda Immigration and Protection Act 1956

7 Nothing in the Bermuda Immigration and Protection Act 1956 [*title 5 item 16*], shall have effect in relation to any land acquired or conveyed under the powers conferred by this Act.

Other laws apply

8 (1) Except as expressly provided in this or any other Act, nothing in this Act shall be construed so as to confer any exemption or immunity from the operation of any provision of law for the time being in force.

(2) For the purpose of any such provision of law as is mentioned in subsection (1), the United States Consular Representative shall be deemed to be the owner and occupier of any land acquired and held under this Act and of any buildings erected thereon.

(3) In this section "the United States Consular Representative" means the consular officer for the time being in charge of the consular establishment of the Government of the United States in Bermuda.

Land held before 19 May 1953

9 (1) The land acquired by the Government of the United States of America under the United States Consular Establishment (Acquisition of Land) Act 1947, and held by the said Government under the authority of that Act immediately before 19 May 1953 shall, as from 19 May 1953,

be deemed to be land authorized to be held under this Act, and this Act shall have effect accordingly:

Provided that any such land shall, so long as it is held by the Government of the United States of America, not be used for any purpose other than for the purpose of providing a residence for the United States Consular Representative, and, in particular, shall not be leased or let to any person other than the United States Consular Representative.

(2) For the purpose of subsection (1) "the United States Consular Representative" shall have the meaning given in section 8 (3).

(3) Without prejudice to anything in subsection (1) or (2), any lease or letting agreement entered into by the Government of the United States of America before 19 May 1953 for the acquisition of any land for any authorized purpose shall, if such lease or letting agreement was in force immediately before 19 May 1953, be deemed, notwithstanding any rule of law to the contrary, to be valid and effectual for the purposes expressed therein; and any land acquired and held under any such lease or letting agreement validated and made effectual as aforesaid shall, as from the date on which the lease or letting agreement had or has effect, be treated (subject to subsection (1)) for all purposes as if it were land acquired under section 2.

Repeal

10 [*omitted.*]

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[Amended by

1956 : 30

1963 : 29

1970 : 109]