



BERMUDA

PARISH COUNCILS ACT 1971

1971 : 116

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## PARISH COUNCILS ACT 1971

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“Parish Vestry” means a Parish Vestry for a parish constituted in accordance with the Parish Vestries Act 1929 *[repealed]*.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

### Ministerial review of Parish Council

2A (1) Notwithstanding section 2(1), the Minister may carry out a review of any Parish Council to determine whether there should continue to be a Parish Council for that parish—

(a) pursuant to any written request submitted by the Parish Council together with submission of a proposal for a new or revised governance structure; or

(b) in his discretion, where no such request has been submitted; and

(c) having considered—

(i) a report by the Parish Council as to the affairs and activities of the Parish Council for the year immediately preceding the date of any such review;

(ii) financial statements from the Parish Council for the financial year immediately preceding the date of the review, as the case may be; and

(iii) such other matters as he considers relevant.

(2) Where the Minister proposes to carry out a review under subsection (1), the Minister must first give notice to the Parish Council indicating—

(a) the reasons for the proposed review; and

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- (b) their right to make representations within a specified period (which must not be less than 28 days), and the Minister shall take any representations into account when making his decision.

*[Section 2A inserted by 2022 : 26 s. 2 effective 19 October 2022]*

### Constitution of Parish Councils

3 (1) Each Parish Council shall consist of not less than three nor more than twelve members, each of whom shall be appointed by the Minister by notice in the Gazette.

(2) Any person appointed to be a member of a Parish Council shall hold office during the Minister'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 Minister from among the members of the Council and shall hold office as such during the Minister'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 Minister and such resignation shall take effect from the date of the receipt of such notice by the Minister.

(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) *[Repealed by 2022 : 26 s. 3]*

*[Section 3 subsection (7)(b) amended by 2001:20 s.7(1) & Sch 2 effective 1 November 2001; Section 3 amended by 2022 : 26 s. 3 effective 19 October 2022]*

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### 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;
- (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

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- (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 Parish Council, appoint a Parish Council Clerk, and, subject to the funds of the Parish Council, shall have power to appoint such other officers and servants as may be necessary for the proper performance of its functions.

*[Section 8 amended by 2022 : 26 s. 5 effective 19 October 2022]*

### Expenses

9 *[Repealed by 2022 : 26 s. 6]*

*[Section 9 repealed by 2022 : 26 s. 6 effective 19 October 2022]*

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.

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### 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: Parish Councils Amendment Act 2022

12A (1) The Third Schedule shall have effect in consequence of the amendments effected by the Parish Councils Amendment Act 2022 and savings and transitional matters related to Parish Council shall be set forth in the Third Schedule.

(2) The Minister may by order subject to the negative resolution procedure amend the Third Schedule to vary any provision therein or to add provisions thereto.

*[Section 12A inserted by 2022 : 26 s. 7 effective 19 October 2022]*

### 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.

### 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.

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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.

SECOND SCHEDULE  
ACTS REPEALED OR AMENDED

*[omitted]*

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THIRD SCHEDULE

(section 12A)

PROVISIONS CONSEQUENTIAL TO THE PARISH COUNCILS AMENDMENT ACT 2022,  
SAVINGS, TRANSITIONAL AND RELATED MATTERS

Purpose of this Schedule

This Schedule seeks to provide for consequential, savings and transitional matters related to Parish Councils.

*[Third Schedule inserted by 2022 : 26 s. 8 effective 19 October 2022]*

[Assent Date: 8 December 1971]

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*[Amended by:*

1972 : 55

1973 : 34

BR 54 / 1994

1994 : 1

2001 : 20

2022 : 26]