

BERMUDA

BERMUDA LAND MANAGEMENT CORPORATION ACT 1982

1982 : 62

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[NB formerly "West End Development Corporation Act 1982". Title amended by 2024 : 22 s. 4 effective 1 September 2024]

PART I

PRELIMINARY

Short title

1 This Act may be cited as the Bermuda Land Management Corporation Act 1982.

[Section 1 amended by 2024 : 22 s. 4(2) effective 1 September 2024]

Interpretation

2 In this Act—

"appointed director" means a director appointed to the Board under paragraph 1(a) of the Second Schedule;

"Auditor" means the Auditor or, in relation to any particular financial year, the public accountant deputed by the Auditor to perform for that year the functions, and exercise the rights, assigned to the Auditor by section 23;

"the Board" means the Board established by section 7;

"the Chairman" and "the Vice-chairman" mean respectively the Chairman and the Vice-chairman of the Board;

"the Corporation" means the Bermuda Land Management Corporation;

"designated land" has the meaning given in section 19(5);

"director" means a person on the Board, including the Chairman and the Vice-chairman and, where an alternate is acting, or has acted, for the director to whom he is the alternate, that alternate;

"financial year" means, in relation to the Corporation, the Government financial year;

"functions" includes powers and duties;

"Minister" means the Minister responsible for the Corporation;

"relevant date" has the meaning given in section 19(5);

"scheduled area" has the meaning given in section 19(5).

[Section 2 amended by BR 83/2001 effective 21 December 2001; Section 2 definition "the Corporation" deleted and substituted by 2024 : 22 s. 4(3) effective 1 September 2024]

PART II

BERMUDA LAND MANAGEMENT CORPORATION

Establishment of the Corporation

3 (1) The body that was established by this Act as the West End Development Corporation is continued in being as the Bermuda Land Management Corporation, and it shall perform the functions assigned to it by this Act.

(2) The Corporation shall be a body corporate, with perpetual succession and a common seal, and may sue and be sued in its aforesaid name.

(3) The Corporation shall not be regarded as the servant or agent of the Crown, or as enjoying any status, privilege or immunity of the Crown; and its property shall not be regarded as property of, or property held on behalf of, the Crown.

(4) The Corporation shall not be exempt from any tax, duty, rate, levy or other charge whatsoever, whether general or local, except as provided in subsections (5) to (8)

(5) The Corporation shall be deemed to be an agency of the Crown for the purposes of section 4 of the Stamp Duties Act 1976 [*title 14 item 24*], notwithstanding subsection (3) of this section.

(6) The Corporation shall not be subject to employment tax, foreign currency purchase tax or land tax.

(7) The references to employment tax, foreign currency purchase tax and land tax in this section are respectively references to the taxes provided for in Part III of the Miscellaneous Taxes Act 1976 [*title 14 item 46*], the Foreign Currency Purchase Tax Act 1975 [*title 14 item 45*] and the Land Valuation and Tax Act 1967 [*title 14 item 31*].

(8) The exemption granted to the Corporation by subsection (6) from land tax shall not enure to the benefit of any lessee or tenant of the corporation, and any such lessee or tenant shall be liable to land tax under the Land Valuation and Tax Act 1967 [*title 14 item 31*] as if he were the owner of the premises the subject of his lease or letting, whatever the term of the lease or letting, notwithstanding subsection (6).

[Section 3 subsection (1) deleted and substituted by 2024 : 22 s. 4(4) effective 1 September 2024]

General function of the Corporation

4 The general function of the Corporation is to manage and develop all designated land in the scheduled area with a view to the progressive improvement of the social and economic conditions obtaining there.

Powers of the Corporation

5 (1) Subject to this Act, the Corporation shall have power to do, in Bermuda or elsewhere, all things necessary or convenient to be done in or in connexion with the performance of its general function.

(2) Without prejudice to the generality of subsection (1), the Corporation shall have the powers set out in the First Schedule.

General powers of the Minister

6 (1) The Minister may, after consultation with the Corporation, give to the Corporation directions of a general character as to the exercise and performance by the Corporation of its functions (including the exercise of rights conferred by the holding of interests in companies) in relation to matters which appear to him to affect the public interest; and the Corporation shall give effect to any such directions.

(2) The power to give directions to the Corporation under this section shall, notwithstanding the limitation therein to the giving of directions of a general character, extend to the giving to the Corporation of directions of a general or specific character which appear to the Minister to be requisite to secure that the Corporation's functions are exercised and performed in the most efficient manner.

(3) The Corporation shall not make, or permit to be made, any substantial change in the manner in which the direction of the activities of the Corporation is conducted except with the consent of the Minister or in pursuance of a direction given by him by virtue of subsection (2).

(4) In carrying out any measure of reorganization or any work of development which involves substantial outlay on capital account, and in securing the carrying out of any such measure or work, the Corporation shall act in accordance with a general programme settled from time to time with the approval of the Minister.

(5) Without prejudice to the provisions of subsection (1) or (4) but subject as provided in subsection (6), the Minister may, after consultation with the Corporation, by order, give to the Corporation directions to discontinue or restrict any of its activities, and the Corporation shall give effect to any such directions.

(6) The Minister shall not give any direction under subsection (5) unless he is satisfied that effect can be given to it without prejudicing the proper discharge of the duties of the Corporation under this Act.

Delegation to Permanent Secretary

6A Without prejudice to any provision of law relating to the delegation of any power or duty of a Minister to a public officer, the Minister may delegate any of his functions under this Act to the Permanent Secretary for the Ministry other than the functions mentioned in sections 6, 9, 10, 13(4), 17, 19(2), 22, 25 and the First Schedule.

[Section 6A amended by BR 83/2001 effective 21 December 2001]

PART III

ADMINISTRATION OF THE CORPORATION

Management of the Corporation

7 (1) There shall be a Board of Directors of the Corporation who, subject to the provisions of this Act, shall be responsible to devise and execute the policy of the Corporation and to administer and manage its affairs and business.

(2) The Second Schedule shall have effect with respect to the Board.

Employment of staff

8 (1) Subject to section 9, the Board may appoint such officers and engage such employees as they consider necessary for the purposes of this Act.

(2) Subject as aforesaid, the terms and conditions of employment of persons appointed or engaged shall be as determined by the Board.

Chief Executive Officer

9 (1) There shall be a Chief Executive Officer of the Corporation who shall, subject to the concurrence of the Minister, be appointed by the Board on such terms and conditions, and for such period, as the Board may determine.

(2) The Chief Executive Officer shall be the principal executive officer of the Board and, as respects any person dealing with the Corporation or the Board through the Chief Executive Officer, shall be deemed to have had delegated to him the full power of the Board to administer and manage the Corporation's day-to-day affairs and business.

(3) The Board shall not dismiss the Chief Executive Officer without the Minister's concurrence.

[Section 9 amended by 2024 : 22 s. 5 effective 1 September 2024]

Employment of public officers

10 (1) The Governor, acting on the advice of the Minister may, subject to such conditions as the Governor, so acting, may impose, approve the appointment of any public officer by way of secondment to employment with the Corporation.

(2) Any public officer seconded as mentioned in subsection (1) to employment with the Corporation shall, in relation to pension, gratuity or other allowance and rights and obligations of a public officer, be treated as continuing in a public office notwithstanding the secondment.

(3) The Government may require the Corporation to pay, and the Corporation shall have power to pay, to the Government such contribution as the Government may determine is required to be made by the Corporation to the Government's pension liability in respect of an officer seconded as mentioned in subsection (1).

(4) The Governor, acting on the advice of the Minister, may authorize any public officer to exercise without secondment any function or class of function under the control of the Corporation; and for the purpose of the exercise of any such function any public officer so authorized shall be deemed to be in the employment of the Corporation.

PART IV

FINANCE

Revenue

11 (1) The Corporation shall charge to revenue account in every year all charges which are proper to be made to revenue account including, in particular, proper provision

for the depreciation or renewal of assets and proper allocations to general reserve; and in this section "charges properly chargeable to revenue account" shall be construed in accordance with this subsection.

(2) If in any financial year of the Corporation the revenues of the Corporation (as shown in the statement prepared pursuant to section 22(1)) exceed their charges properly chargeable to revenue account for that year (as so shown), it shall be incumbent on the Corporation to secure that the excess is, to such extent (if any) as the Minister may direct, applied for such purposes of the Corporation as he may direct and, subject to that, is applied for such of those purposes as the Corporation may determine.

General reserve

12 (1) Without prejudice to the Corporation's power to establish specific reserves, the Corporation shall establish and maintain a general reserve.

(2) The management by the Corporation of its general reserve and the sums to be carried from time to time to the credit of, and the application of moneys comprised in, that general reserve shall, subject to the following provisions of this section, be as the Corporation may determine.

(3) None of the moneys comprised in the Corporation's general reserve shall be applied otherwise than for the purposes of the Corporation.

(4) The power to give directions to the Corporation under section 6 shall, notwithstanding the limitation therein to the giving of directions of a general character, extend to the giving to the Corporation, with the approval of the Minister of Finance, of directions of a general or specific character as to any matter relating to the establishment or management of the Corporation's general reserve or the carrying of sums to the credit or, or the application of the moneys comprised in, that general reserve.

Borrowing powers

13 (1) The Corporation may borrow temporarily, by way of overdraft or otherwise, either from the Government or from any other person, such sums as the Corporation may require for meeting its obligations or performing its functions under this Act.

(2) The corporation may borrow (otherwise than by way of temporary loan) from the Government or from any other person such sums as it may require for all or any of the following purposes—

(a) the provision of money for meeting any expenses incurred by the Corporation in connexion with any works the cost of which is properly chargeable to capital;

(b) the provision of working capital required by the Corporation;

(c) the acquisition of any interests in, or property or rights of, a company;

(d) the formation of a company;

(e) the lending of money to any person;

(f) the repayment of any money borrowed by the Corporation;

(g) any other purpose for which capital moneys are properly applicable.

(3) The Corporation shall not have power to borrow except in accordance with this section.

(4) The Corporation shall not borrow except with the consent of the Minister and the approval of the Minister of Finance.

Loans by the Government

14 (1) The Government may lend to the Corporation any sums which the Corporation has power to borrow under section 13(1) or (2).

(2) Any loans which the Government makes under this section shall be repaid at such times and by such methods, and interest thereon shall be paid at such rates and at such times, as the Government may from time to time direct.

Other public investment

15 (1) The Government may pay to the Corporation such sums as it thinks fit.

(2) Any sums required by the Government for making payments under subsection (1) shall be defrayed out of moneys provided by the Legislature.

Government guarantees

16 (1) The Government may guarantee, in such manner and on such conditions as it may think fit, the repayment of the principal of, and the payment of interest on, any sums which the Corporation borrows from a person other than the Government.

(2) Immediately after a guarantee is given under this section, the Minister of Finance shall lay a statement of the guarantee before each House of the Legislature, and where any sum is issued for fulfilling a guarantee so given the Minister of Finance shall, as soon as possible after the end of each financial year beginning with that in which the sum is issued and ending with that in which all liability in respect of the principal of the sum and in respect of interest thereon is finally discharged, lay before each such House a statement relating to that sum.

(3) Any sums required by the Government for fulfilling any guarantee under this section shall be charged on, and issued out of, the Consolidated Fund.

(4) If any sums are issued in fulfilment of any guarantee given under this section, the Corporation shall make to the Government, at such times and in such manner as the Minister of Finance may from time to time direct, payments, of such amounts as the Minister of Finance may so direct, in or towards repayment of the sums so issued, and payments of interest on what is outstanding for the time being in respect of sums so issued at such rate as the Minister of Finance may so direct.

(5) Any sums paid under subsection (4) shall be paid into the Consolidated Fund.

Investment powers of the Corporation

17 (1) Subject to subsections (2) and (3), any sums in the hands of the Corporation which are not immediately required for the purposes of the Corporation's business may be invested in such manner as the Corporation thinks proper.

(2) Nothing in subsection (1) shall be taken to authorize the Corporation to do without the consent of the Minister anything which may not be done by the Corporation except with his consent.

(3) The Corporation shall not without the consent of the Minister and the approval of the Minister of Finance invest any sum whether in Bermuda or abroad in a currency other than Bermuda area currency within the meaning of the Exchange Control Act 1972 [*title 16 item 1*].

Budget

18 (1) The Corporation shall, not later than three months before the commencement of every financial year, submit to the Minister for his approval the Corporation's estimates of its income and expenditure on revenue account, and of its receipts and expenditure on capital account, for that financial year.

(2) The Corporation shall as soon as may be submit to the Minister for his approval any proposal to amend those estimates.

(3) Estimates submitted for approval pursuant to subsections (1) and (2) in respect of a financial year shall, when so approved, be the Corporation's budget for that year.

(4) The Minister may in any case on the application of the Corporation reduce the period of three months specified in subsection (1).

PART V

PROPERTY OF THE CORPORATION

Vesting of land in the Corporation

19 (1) Every interest in, or right over, designated land that immediately before the relevant date was vested in, or enjoyed by, the Government or any Government agency is by virtue of this subsection and without further assurance transferred on that date to the Corporation to be held and enjoyed by the Corporation to the extent and subject to any condition to or subject to which it was held by the Government or the Government agency in question immediately before that date.

(2) The Minister may from time to time as he sees fit by order made under this subsection and published in the Gazette designate any land in the scheduled area as designated land.

(3) Every order made under subsection (2) shall specify a future date in relation to the designated land.

(4) Orders made under subsection (2) shall not be subject to Parliamentary procedure as defined in section 1(1) of the Statutory Instruments Act 1977 [*title 1 item 3*].

(5) In this Act—

"designated land" means land designated by an order made under subsection (2) and the land described in paragraph 2 or 2A of the Third Schedule;

"relevant date" means the date specified pursuant to subsection (3) in relation to designated land;

"scheduled area" means the area described in the Third Schedule.

(6) The land described in paragraph 2 of the Third Schedule (formerly comprising the scheduled land in the Base Lands Development Act 1996) is deemed to have been designated by the Minister as designated land; and the relevant date in relation to that land is the date on which the West End Development Corporation Amendment Act 2024 came into operation.

(7) The land described in paragraph 2A of the Third Schedule is deemed to have been designated by the Minister as designated land; and the relevant date in relation to that land is the date on which the Bermuda Land Management Corporation Amendment Act 2026 came into operation.

[Section 19 subsection (5) amended by 2024 : 22 s. 6 effective 1 September 2024; Section 19 subsection (6) inserted by 2024 : 22 s. 6 effective 1 September 2024; Section 19 subsection (5) amended and subsection (7) inserted by 2026 : 37 s. 2 effective 12 October 2026]

General powers in relation to property

20 (1) The Corporation shall have full power to acquire, hold and dispose of land and any other kind of property in accordance with this section.

(1A) Without prejudice to the generality of subsection (1), the Corporation may make a disposition of any land in the scheduled area for a term not exceeding 262 years, or for terms renewable at the option of the grantee not exceeding in the aggregate 262 years.

(2) The Corporation shall not make a sale or other disposition of any land in the scheduled area, or any interest in land in the scheduled area for a term exceeding 21 years or for terms renewable at the option of the transferee or grantee exceeding in the aggregate 21 years, unless the Senate and the House of Assembly have first by resolution approved the sale or disposition.

(3) [Deleted by 2024 : 22 s. 7]

(4) Notwithstanding subsection (2), the Corporation shall obtain the consent of the Minister to any disposition of land for a term exceeding 21 years or for terms renewable exceeding in the aggregate 21 years except that such consent shall not be given without the prior approval of Cabinet.

(5) Section 35B(2)(b) of the Development and Planning Act 1974 (planning permission for subdivision not required where the land or any use of or right therein is being acquired or disposed of by the Government) applies as it applies to the Government

to any relevant subdivision by the Corporation that would otherwise require planning permission under section 35B(1) of that Act.

[Section 20 subsection (1) substituted, and subsections (1A) and (4) inserted, by 2006:16 s.2 effective 26 June 2006; Section 20 subsection (3) amended by BR 5 / 2011 para. 3 effective 25 February 2011; Section 20 amended by 2024 : 22 s. 7 effective 1 September 2024; Section 20 subsection (5) inserted by 2024 : 22 s. 7 effective 1 September 2024]

Funds of the Corporation

21 The funds of the Corporation shall consist of—

(a) any funds made available to the Corporation by the Government or any other person pursuant to sections 13 to 15;

(b) any moneys accruing to the Corporation in the course of the Corporation's discharge of its functions;

(c) any endowment, contribution or other sum given or paid to, or otherwise vested in, the Corporation lawfully.

PART VA

TRAFFIC OFFICERS

Minister's like powers in Road Traffic Act 1947

21A (1) For the purposes of the Road Traffic Act 1947, the Minister shall have like powers in relation to a street or highway within the scheduled area as a Municipality in relation to a street or highway within a municipal area and any provision of the Road Traffic Act 1947 which confers a power on a Municipality in relation to its municipal area shall be construed as conferring a like power on the Minister in relation to the scheduled area.

[Section 21A inserted by 2019 : 54 s. 2 effective 20 March 2020]

Corporation traffic officers

21B (1) The Governor may appoint persons to regulate and control traffic on any street or highway within the scheduled area.

(2) Persons appointed under subsection (1) shall be known as corporation traffic officers and shall act under the direction of the Chief Executive Officer of the Corporation.

(3) Corporation traffic officers shall wear such uniform as the Chief Executive Officer of the Corporation may determine.

(4) For the purpose of regulating and controlling traffic on a street or highway in the scheduled area, corporation traffic officers shall have—

(a) the same powers as traffic officers appointed under section 7 of the Motor Car Act 1951; and

(b) the same powers as traffic wardens appointed under section 29 of the Road Traffic Act 1947.

[Section 21B inserted by 2019 : 54 s. 2 effective 20 March 2020; Section 21B amended by 2024 : 22 s. 5 effective 1 September 2024]

PART VI

MISCELLANEOUS

Accounts and audit

22 (1) The Corporation shall keep proper accounts and proper records in relation to the accounts, and shall prepare in respect of each financial year a statement of its accounts in such form as the Minister may direct.

(2) The Corporation shall send to the Minister and to the Auditor within six months after the end of each financial year a copy of the statement of its accounts for that financial year.

[Section 22 subsection (2) amended by 2022 : 34 s. 2 effective 21 October 2022]

Auditor's report

23 (1) The Auditor shall examine every statement of accounts received by him under section 22(2), and shall make a report in writing on the statement to the Minister and to the Corporation.

(2) It shall be the duty of every director, officer or employee of the Corporation, upon being required by or on behalf of the Auditor, to give to the Auditor access to—

(a) all books, documents, cash and securities or other property in his possession or under his power belonging to the Corporation; and

(b) all information within his knowledge concerning the operations of the Corporation.

[Section 23 subsection (1) amended by 2022 : 34 s. 3 effective 21 October 2022]

Corporation's annual report

24 The Corporation shall make to the Minister, as soon as may be after it has received the Auditor's written report, a comprehensive report on the operations of the Corporation during that financial year.

[Section 24 amended by 2022 : 34 s. 4 effective 21 October 2022]

Annual report to the Legislature

25 The Minister shall lay before each House of the Legislature a copy of every statement of accounts and every report received by him under sections 22 to 24.

Protection of directors

26 (1) No action or suit, prosecution or other proceeding shall be instituted against any director personally in respect of any act or omission bona fide done or made by him in execution or intended execution of any function of the Corporation under this Act.

(2) Where a director is exempt from liability for an act or omission by reason only of subsection (1), the Corporation shall be liable for the act or omission to the extent that it would be if the director were the Corporation's servant or agent.

Offences

27 (1) Any person who contravenes section 23(2) commits an offence against this Act.

(2) Any person who, in purported compliance with a requirement made of him under section 23(2) to supply information to the Auditor, supplies any information which he knows to be false in a material particular or recklessly supplies any information which is so false commits an offence against this Act.

Trial and punishment of offences

28 (1) Offences against this Act shall be tried summarily.

(2) Where a person commits an offence under this Act for which no specific punishment is provided:

Punishment on summary conviction: a fine of $1,000 and in default of payment shall be liable to imprisonment for 6 months.

DPP's fiat

29 Proceedings for an offence against this Act shall not be commenced without the consent in writing of the Director of Public Prosecutions.

[Section 29 amended by 2024 : 22 s. 11(1) effective 1 September 2024]

Transitional

30 *[omitted]*

Commencement

31 *[omitted]*

FIRST SCHEDULE

(Section 5(2))

POWERS OF THE CORPORATION

1 To manage any land or building, together with any ancillary structures, over which the Corporation has control.

2 In connexion with any land or building developed, constructed or managed by the Corporation to provide and maintain roads, foot-paths, sewers, water supplies and other services.

3 In connexion with the acquisition, construction, improvement or rehabilitation of land or buildings to enter into contracts with surveyors, architects, civil engineers, contractors, draughtsmen and other persons for the planning, preparation and carrying out by them or any other person of works for the Corporation.

4 To assist persons in the preparation of programmes and plans for the acquisition or construction of dwellings or other buildings, and in the carrying out of such programmes and plans.

5 With the consent of, or in accordance with the terms of any general authority given by, the Minister—

(a) to form, or take part in forming, companies;

(b) to acquire by agreement, or to hold, interests in companies;

(c) to enter into partnership with, or conduct any joint venture with, any person, company, firm or other body;

(d) to carry on any trade or business of any kind.

6 To establish, and make contributions to, provident, pension, superannuation, medical and other funds for the officers and staff, and dependants of the officers and staff, of the Corporation.

7 To provide for the officers and staff of the Corporation amenities and services customary in the case of public corporations.

8 To provide for the regulation and control of traffic in the scheduled area.

9 To provide electronic communication services in accordance with an integrated communications operating licence, granted under the Electronic Communications Act 2011, to customers that are tenants occupying one or more of the properties in the scheduled area described in paragraph 2 or 2A of the Third Schedule for their use in

connection with such property, or to other duly authorized communications providers serving or seeking to serve such customers.

[First Schedule amended by 2019 : 54 s. 3 effective 20 March 2020; First Schedule amended by 2024 : 22 s. 8 effective 1 September 2024; First Schedule amended by 2026 : 37 s. 3 effective 12 October 2026]

SECOND SCHEDULE

(Section 7(2))

THE BOARD OF DIRECTORS

1 The Board shall consist of not more than eleven directors, being—

(a) not more than eight persons appointed by instrument in writing by the Minister, of whom one shall be so appointed Chairman, and one Vice-chairman, of the Board;

(b) the Director of Planning ex officio, or his alternate;

(c) the Financial Secretary ex officio, or his alternate;

(d) the Chief Engineer for the Department of Works and Engineering ex officio, or his alternate.

2 It shall be the duty of the Minister—

(a) to satisfy himself, before he appoints a person to be a director under of paragraph 1(a), that that person will have no such financial or other interest as is likely to affect prejudicially the performance of his functions as a director; and

(b) to satisfy himself from time to time with respect to each appointed director that he has no such interest,

and any appointed director and any person whom the Minister proposes to appoint as a director shall, whenever required by the Minister to do so, furnish the Minister with such information as the Minister may specify with a view to carrying out his duty under this paragraph.

3 Subject to the following provisions of this Schedule, an appointed director shall hold and vacate his office in accordance with the terms of the instrument appointing him.

4 A meeting of the Board may not be held unless five directors are present and not fewer than three of them are appointed directors.

5 There shall preside at any meeting of the Board—

(a) the Chairman; or

(b) in the Chairman's absence, the Vice-chairman; or

(c) in the absence of both the Chairman and the Vice-chairman, such director as those present may elect for that meeting.

6 (1) The Chairman may at any time, and shall, at the request in writing of the Minister or of any two directors, convene a special meeting of the Board.

(2) A notice convening a special meeting of the Board shall state the purpose for which the special meeting is being convened.

7 (1) A director who is in any way directly or indirectly interested in any matter which falls to be considered by the Board shall disclose the nature of his interest at a meeting of the Board, and the disclosure shall be recorded in the minutes of the meeting.

(2) The director shall not take part in any deliberation or decision with respect to the matter if the Board decide that the interest in question might prejudicially affect the director's consideration of the matter.

(3) For the purposes of this paragraph, a notice given by a director at a meeting to the effect that he is a member of a specified body corporate or firm and is to be regarded as interested in any matter concerning that body or firm which falls to be considered after the date of the notice shall be sufficient disclosure of his interest.

8 (1) Any question proposed for a decision by the Board shall be determined by a majority of the votes of the directors present and voting at a meeting of the Board.

(2) Each director present at a meeting shall have one vote on a question proposed for decision by the Board.

9 (1) The affixing of the Corporation's seal shall be authenticated by the signatures of any two directors.

(2) A document purporting to be duly executed under the seal of the Corporation shall be received in evidence, and shall be deemed to be so executed unless the contrary is proved.

(3) Any transaction may be entered into on behalf of the Board, and any instrument, not being an instrument required to be executed under seal, may be executed on behalf of the Board, by any person generally or specially authorized for the purpose by the Board.

10 The validity of any act or proceeding of the Board shall not be affected by any vacancy among the directors, or by any defect in the appointment of a director, or by any failure to comply with any requirement of paragraph 7.

11 Notwithstanding section 3(3), the Corporation shall be deemed to be a Government authority listed in Part B of the First Schedule to the Government Authorities (Fees) Act 1971 [*title 14 item 6*].

12 An appointed director may resign his office by giving to the Minister a signed notice in writing of his resignation at any time.

13 The Minister may in such manner as he thinks fit declare vacant the office of any appointed director if he is satisfied that the director—

(a) has failed without sufficient cause to attend three consecutive meetings of the Board; or

(b) has become bankrupt or made an arrangement with his creditors; or

(c) is incapacitated by physical or mental illness; or

(d) is otherwise unable or unfit to discharge the functions of a director.

14 A person appointed to fill a vacancy left by a director who did not complete his term of office shall hold office for the unexpired portion of that director's term and no longer, but an appointment to such a vacancy need not be made where the unexpired portion of the term is less than three months.

15 The Board shall meet not fewer than eight times in a financial year.

16 Subject to this Act, the Board shall meet for the despatch of business, and otherwise regulate their affairs, as they think fit.

THIRD SCHEDULE

(section 19(5))

THE SCHEDULED AREA

1 All that land, having an area of approximately 121.188 hectares (299.461 acres), shown in red on Map 1 (Drawing No 5510046783, May 2024), comprising Watford Island, Boaz Island, Ireland Island South and Ireland Island North, together with those small islets forming the Crawl off Ireland Island South, the North and South Basins and the breakwaters thereto, and the area to the east of Ireland Island South, but excluding any highway as defined in section 2(1) of the Public Lands Act 1984.

2 The following areas—

(a) all that land, having an area of approximately 125.140 hectares (309.228 acres), shown in red on Map 2 (Drawing 5510046779a, June 2023), in St David's Island, St George's Parish;

(b) all that land, having an area of approximately 10.062 hectares (24.863 acres), shown in red on Map 3 (Drawing 5510046779b, June 2023), at Tudor Hill, Southampton Parish;

(c) all that land, having an area of approximately 7.829 hectares (19.345 acres), shown in red on Map 4 (Drawing 5510046779c, June 2023), at Daniel's Head, Sandys Parish.

2A All that land having an area of approximately 0.801 hectares (1.979 acres), shown outlined in red on map 5 (Drawing No. 5510046921, September 2026) at the junction of the Railway Trail and Sea Express Lane, Southampton Parish.

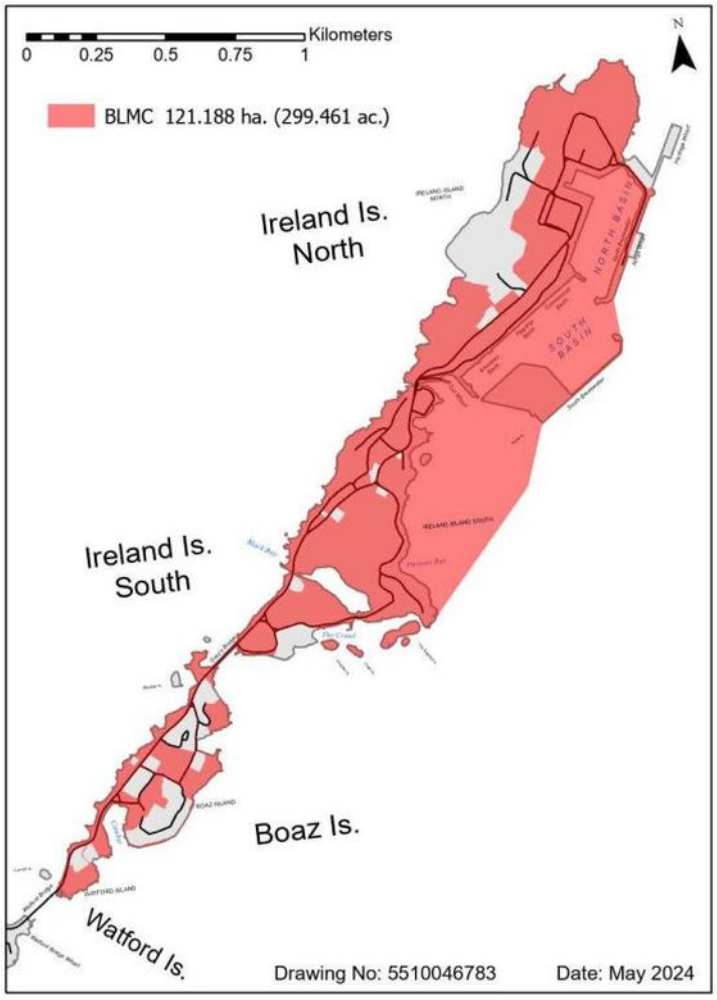
3 The boundaries of the areas of the land comprising the scheduled area described in paragraph 1 and 2 are more accurately shown on the definitive boundary plan number 5840/008/03 (sheets 1 to 7), which is available for inspection during office hours at the office of the Senior Land Surveyor with the Department of Public Lands and Buildings.

3A The boundaries of the area of the land comprising the scheduled area in paragraph 2A is more accurately shown on the cadastral plan sheet number 4030/001/28, which is available for inspection during office hours at the office of the Senior Land Surveyor with the Department of Public Lands and Buildings.

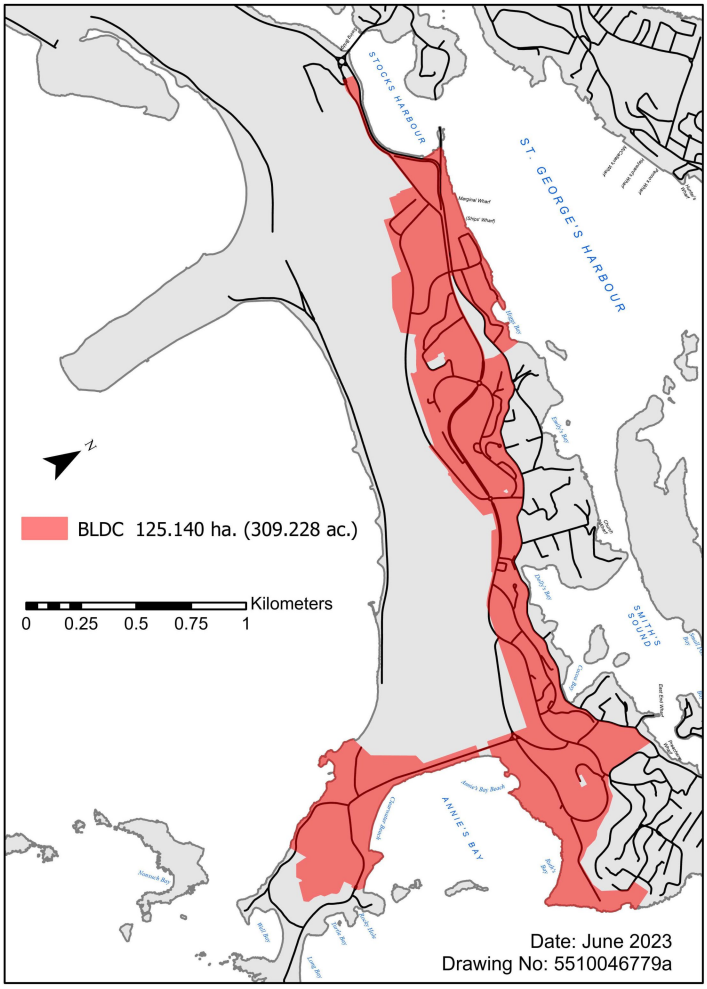
4 The Minister may by order amend the descriptions of the land comprising the scheduled area in the preceding paragraphs, and the maps in this Schedule, in consequence of any disposition of land approved by the Senate and House of Assembly under section 20 if the disposition results in land being removed from the scheduled area.

5 An order under paragraph 4 is not subject to section 6 of the Statutory Instruments Act 1977 (Parliamentary scrutiny of statutory instruments by the affirmative or negative resolution procedure).

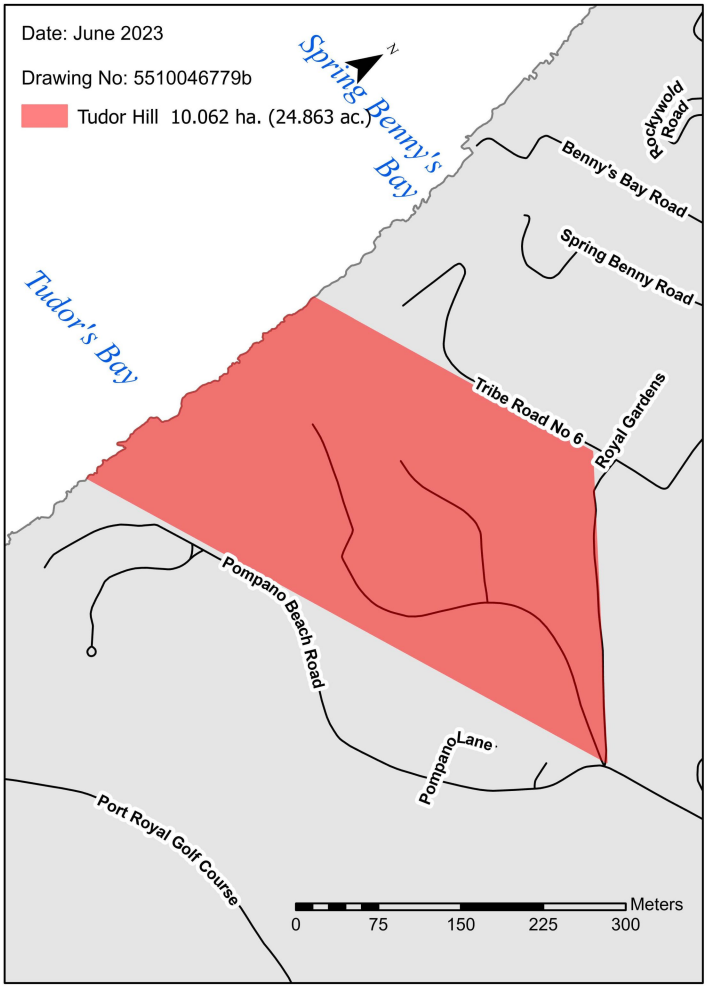
MAP 1



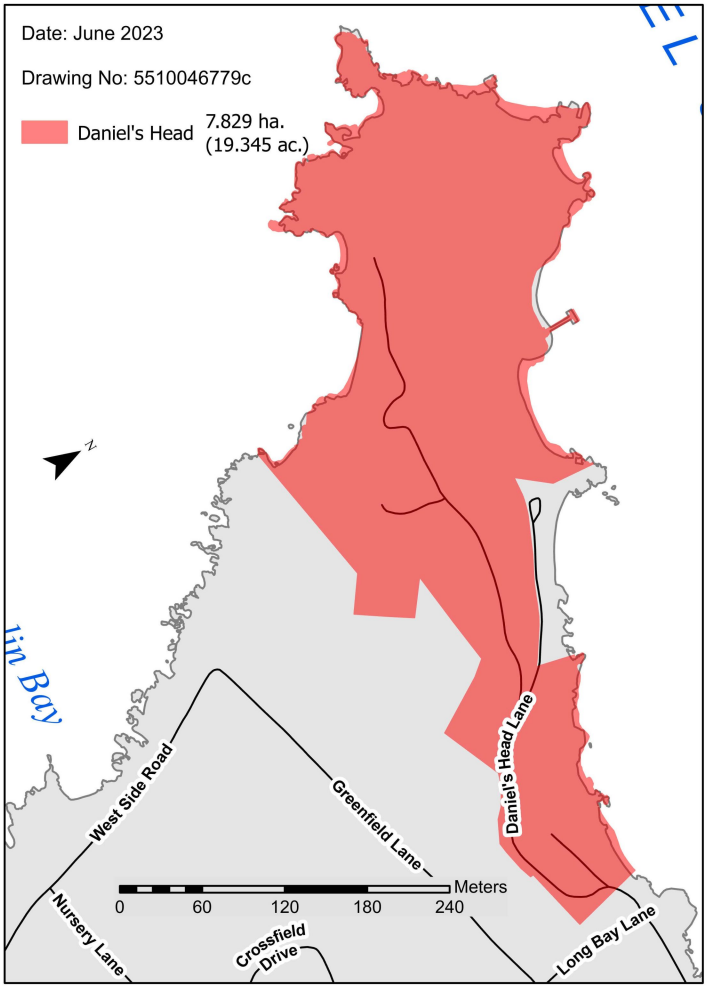
MAP 2


STOCKS HARBOUR
ST. GEORGE'S HARBOUR
SOUTH'S SOUND
ANNIE'S BAY
N
BLDC 125.140 ha. (309.228 ac.)
Kilometers
0 0.25 0.5 0.75 1
Date: June 2023
Drawing No: 5510046779a

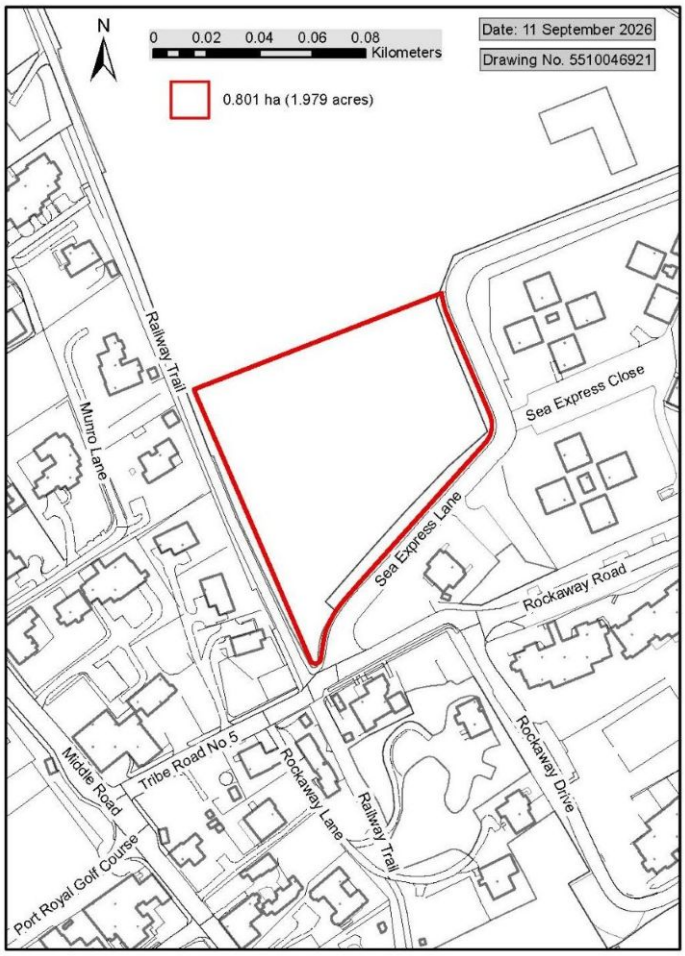
MAP 3


Date: June 2023
Drawing No: 5510046779b
Tudor Hill 10.062 ha. (24.863 ac.)
N
Spring Benny's Bay
Tudor's Bay
Rockywold Road
Benny's Bay Road
Spring Benny Road
Tribe Road No 6
Royal Gardens
Pompano Beach Road
Pompano Lane
Port Royal Golf Course
Meters
0
75
150
225
300

MAP 4


Date: June 2023
Drawing No: 5510046779c
Daniel's Head
7.829 ha.
(19.345 ac.)
N
West Side Road
Greenfield Lane
Daniel's Head Lane
Nursery Lane
Crossfield Drive
Long Bay Lane
Meters
0
60
120
180
240

MAP 5



[Third Schedule amended by 2010:52 s.2 effective 9 August 2010; Third Schedule amended by BR 5 / 2011 para. 3 effective 25 February 2011; Third Schedule repealed and replaced by 2024 : 22 s. 6 effective 1 September 2024; Third Schedule amended by 2026 : 37 s. 4 effective 12 October 2026]

FOURTH SCHEDULE

(section 3 of the Amending Act)

TRANSFER OF BLDC'S FUNCTIONS - TRANSITIONAL PROVISIONS AND SAVINGS

Interpretation

1 In this Schedule—

"the amending Act" means the West End Development Corporation Amendment Act 2024;

"BLDC" means the Bermuda Land Development Company Limited, which was incorporated as a local company limited by shares in accordance with section 3 of the repealed Act;

"commencement day" means the day on which the amending Act comes into operation;

"the repealed Act" means the Base Lands Development Act 1996.

Transfer of BLDC's rights, assets, property, liabilities, obligations and functions to the Corporation

2 (1) All rights, assets and property vested in or in any manner held on behalf of or for the purposes of BLDC immediately before the commencement day shall be vested in the Corporation.

(2) All liabilities and obligations subsisting against BLDC immediately before the commencement day shall thereafter continue to subsist against the Corporation.

(3) All rights, powers and duties, whether arising under any enactment or otherwise, which immediately before the commencement day were vested in BLDC shall be transferred to, vested in, imposed on, or be enforceable by or against the Corporation.

Contracts

3 Every contract in effect between BLDC and any other party immediately before the commencement day shall continue to subsist between the Corporation and such other party.

Legal proceedings

4 On and after the commencement day, all actions, suits or legal proceedings by or against BLDC shall be carried out on or prosecuted by or against the Corporation, and no such suit, action or legal proceedings shall abate or be affected by the coming into operation of the amending Act.

Annual estimates

5 The annual estimates approved for the purposes of BLDC in respect of the financial year in which the commencement day falls shall be included in the annual

estimates of the Corporation for the remainder of the financial year, but those estimates may be varied by the Corporation in such manner as the Minister and the Minister of Finance may approve.

Annual report

6 Notwithstanding the repeal of section 16 of the repealed Act, BLDC's duty to prepare and send to the Minister financial statements in respect of BLDC for financial years preceding the commencement day and a report on its operations during those years is transferred to the Corporation; and the Minister shall cause a copy of those financial statements and reports to be laid before each House of the Legislature.

Indemnification of directors of BLDC

7 Notwithstanding the repeal of section 14 of the repealed Act, the Government shall indemnify a former director or officer of BLDC, and his legal representatives, in relation to matters occurring before the commencement day in accordance with that section as it applied immediately before the commencement day.

Minister may make additional provision by regulations

8 The Minister may, by regulations subject to the negative resolution procedure, make such further amendments, transitional provisions and savings as the Minister considers necessary in consequence of the coming into operation of the amending Act.

[Fourth Schedule inserted by 2024 : 22 s. 3 effective 1 September 2024]

[Assent Date: 15 July 1982]

[This Act was brought into operation on 1 November 1982 by BR 44/1982]

[Amended by:

BR 52 / 1984
1984 : 49
1988 : 19
BR 83 / 2001
2006 : 16
2010 : 52
BR 5 / 2011
2019 : 54
2022 : 34
2024 : 22
2026 : 37]