

A BILL

entitled

MORGAN'S POINT RESORT ACT 2014

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WHEREAS, pursuant to the Morgan's Point Act 2011, the Government of Bermuda agreed with the Developer and Southlands Ltd. to exchange land at Morgan's Point in the

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Parishes of Sandys and Southampton for land known as "Southlands" in the Parish of Warwick, and the land has been exchanged;

AND WHEREAS the Developer intends to develop a luxury resort on the land, and additional land leased from the Government, at Morgan's Point;

AND WHEREAS the Developer and the Government seek to alter the boundaries of the Morgan's Point Property and to amend the leases and related agreements for the development of the Property;

AND WHEREAS it is expedient to grant, in an Act of the Legislature, all the rights, ownership, leases, permission and concessions necessary to develop and deliver the Morgan's Point Resort on the Morgan's Point Property;

AND WHEREAS it is therefore expedient to repeal and re-enact, with amendments, the Morgan's Point Act 2011;

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 Morgan's Point Resort Act 2014.

Interpretation

2 In this Act, unless the context otherwise requires—

"amenities" means the recreational facilities and infrastructure facilities that are part of the Development;

"arbitration" means arbitration under the Acquisition of Land Act 1970 by arbitrators appointed under section 10 of that Act;

"Bermudian" means a person who possesses Bermudian status under the Bermuda Immigration and Protection Act 1956;

"Developer" means Morgan's Point Limited, a company incorporated under the laws of Bermuda on 1 February 2007 as Southlands Resorts Ltd., subsequently changing its name to Morgan's Point Limited, which change of name was duly registered on 9 September 2010;

"Development" means the development on the Property of the Morgan's Point Resort, consisting of hotels, condominium units, whole ownership units, fractional units and marina as shown in Drawing No. 5510/046/426h in Schedule 4, and includes the amenities;

"freehold land" means all that land in the Parishes of Sandys and Southampton, having an area of approximately 34.9 hectares (86.2 acres), shown in Drawing No. 5510/046/426b in Schedule 3;

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“freehold seafront land” means all that land extending from the foreshore out 30 feet from the mean high-water mark, having an area of approximately 6.1 hectares (15.2 acres), shown in Drawing No. 5510/046/426b in Schedule 3;

“infrastructure facilities” include the development on the Property of staff housing, sewage treatment plant, water desalination plant, power plant, and other ancillary developments of an infrastructural nature;

“lease” means a lease entered into by the Government of Bermuda and the Developer under section 6;

“leasehold land” means all that land in the Parishes of Sandys and Southampton, having an area of approximately 39.2 hectares (96.9 acres), shown in Drawing No. 5510/046/426b in Schedule 3;

“leasehold seafront land” means all that land extending from the foreshore out 30 feet from the mean high-water mark, having an area of approximately 0.07 hectares (0.17 acres), shown in Drawing No. 5510/046/426b in Schedule 3;

“land” includes land covered by water and any building erected on land and any estate, interest, right or easement in or over any land or building;

“marina” means the area of approximately 12.3 hectares (30.4 acres), that may be developed as marina, shown in Drawing No. 5510/046/426b in Schedule 3;

“Minister”, when used otherwise than in Schedule 1, means the Minister responsible for public lands;

“person interested” in relation to any land, means any person having any estate, interest, right or easement in or over that land;

“Property” means all that land in the Parishes of Sandys and Southampton having an area of approximately 92.6 hectares (229 acres) shown hatched in red in Schedule 2 (Drawing No. 5510/046/426a), the boundaries of which are more accurately shown on the definitive boundary plan of the Property (Sheet Number 4030/001/18) which is available for inspection during office hours at the office of the Senior Land Surveyor with the Department of Land Surveys and Registration;

“recreational facilities” include the development on the Property of beaches, marinas, boat launching and docking facilities, beach clubs, tennis courts, restaurants, shops, fitness centres, a riding centre and any other development of a recreational nature;

“2011 Act” means the Morgan's Point Resort Act 2011;

“2011 Property” means the “Property” as shown in Schedule 2 of the 2011 Act.

Service of documents

- 3 (1) Anything required to be served on a person under this Act may be served—
- (a) by delivering it to that person;

- (b) by leaving it at the proper address of that person; or
- (c) by sending it by prepaid registered post to the proper address of that person, in which event the notice shall be regarded as served when it first becomes available for collection.

(2) For the purposes of this section the proper address of any person shall, in the case of a body corporate, be the registered or principal office of that body corporate and, in any other case, be the last known address of the person to be served.

Vesting of Property in Government

4 (1) On the coming into operation of this Act—

- (a) subject to subsection (8), any land included in the Property (as shown in Schedule 2 of this Act) that, immediately before the coming into operation of this Act—
 - (i) has not been conveyed or leased to the Developer under section 6(1) of the 2011 Act;
 - (ii) the Developer has not been granted an easement over under section 6(2) of the 2011 Act; or
 - (iii) is not owned in fee simple absolute by Her Majesty in right of the Government of Bermuda,shall vest in Her Majesty in right of the Government of Bermuda in fee simple absolute; and
- (b) subject to this section, every person having or claiming any right, title, estate, interest, use, trust, property, claim or demand whatsoever in, of, to or out of any land vested in Her Majesty in right of the Government of Bermuda under paragraph (a) shall be for ever barred of all such right, title, estate, interest, use, trust, property, claim or demand notwithstanding any Act, law, usage, matter or thing to the contrary.

(2) As soon as may be after the coming into operation of this Act, the Minister shall cause the provisions of this section to be published in two publications of the Gazette, together with a notice requesting any person interested in any land vested in Her Majesty in right of the Government of Bermuda under subsection (1) to notify the Minister in writing, within 21 days after the last such publication, of the person's estate and interest in the land and of the claim made by the person in respect of the land.

(3) If a person, within the 21 day period referred to in subsection (2), notifies the Minister of the person's estate or interest in the land and of the claim made by the person in respect of the land, the person may, before the expiration of 42 days after the last publication in the Gazette under subsection (2), agree with the Minister upon the amount of compensation to be paid by the Government for the estate or interest belonging to him or her, or which he or she has power to sell, or for any damage which may be sustained by him or her by reason of the execution of any works.

(4) If any person who notifies the Minister in accordance with subsection (3) fails to agree with the Minister, before the expiration of 42 days after the last publication in the Gazette under subsection (2), upon the amount of compensation to be paid by the Government for the estate or interest belonging to him or her, or which he or she has power to sell, or for any damage which may be sustained by him or her by reason of the execution of any works, the question of compensation shall be referred by the Minister to arbitration.

(5) Sections 10, 11, 12, 13, 14 and 15 of the Acquisition of Land Act 1970 shall apply to any question referred to arbitration, and the reference in section 14(4)(c) of that Act to "the notice to treat under section 5" shall be construed as a reference to the last notice published in the Gazette by the Minister under subsection (2) of this section.

(6) The Minister or any person making a claim under this section who is aggrieved by an award of the arbitrators under section 15 of the Acquisition of Land Act 1970 may, within 21 days of the date of the award, appeal to the Supreme Court on the ground that the amount of compensation awarded has been wrongly determined.

(7) Any person interested in any land vested in Her Majesty in right of the Government of Bermuda under subsection (1) may, within 42 days after the last publication in the Gazette of a notice under subsection (2), appeal to the Supreme Court on the grounds that—

- (a) the extent of the estate, interest or right in the land to be acquired has been wrongly determined; or
- (b) the taking of possession or acquisition of the property, estate, interest or right in the land is not in accordance with this Act or is otherwise unlawful.

(8) On an appeal under subsection (7), the Supreme Court may order that the land vests in a person other than Her Majesty in right of the Government of Bermuda.

(9) For the avoidance of doubt, any notice given under this section is not a statutory instrument and shall not be subject to the Statutory Instruments Act 1977.

Saving for personal rights

5 Nothing in this Act shall be construed so as to prevent any person, who by virtue of section 4 has been barred in respect of a claim to any land vested in Her Majesty in right of the Government of Bermuda, from bringing an action, for debt or for money had and received to his use or otherwise, against any other person who, under this Act, has been paid all or any part of the purchase money or of the compensation under an award by arbitrators or by an order of the Supreme Court, as the case may be; and in any such action the plaintiff, on proof of such title as would have enabled him to recover the land, shall recover the purchase money or compensation or so much thereof as is the equivalent of his estate or interest in the land, together with such interest as the court hearing the action may allow, calculated from the date of the receipt of the purchase money or compensation by the person to whom it has been paid.

Minister may convey and lease Property to Developer

6 (1) Notwithstanding section 8 of the Public Lands Act 1984, section 120 of the Companies Act 1981, or any other Act, the Minister may, in exchange for the land in the 2011 Property—

- (a) convey any of the freehold land and any of the freehold seafront land to the Developer (in fee simple);
- (b) lease to the Developer the leasehold land, leasehold seafront land and the marina for a term not exceeding 262 years; and
- (c) grant to the Developer the easements shown in Drawing No. 5510/046/426b in Schedule 3 and such other easements over Government land as the Minister may think necessary or convenient—
 - (i) so that access may be had by persons, animals or vehicles to the Property; and
 - (ii) for the provision of utilities and infrastructure to the Property.

(2) Any conveyance or lease by the Minister to the Developer under this Act shall be subject to the right of reasonable access by public utility providers in order to maintain installations and equipment on the Property.

(3) Upon the conveyance of any part of the Property to the Developer, or execution of a lease for any part of the Property, the Government shall hold the Developer harmless—

- (a) against any assertion by any other person of any right to occupy or use that part of the Property; and
- (b) against failure of the Government to remediate that part of the Property as agreed between the Government and the Developer.

(4) For the avoidance of doubt, section 23 of the Acquisition of Land Act 1970 shall not apply to any land conveyed or leased by the Government to the Developer under this section.

(5) Where the Minister is satisfied that remediation by the Government of any portion of the freehold land to a residential standard cannot reasonably be achieved, the Minister may by Order make—

- (a) boundary adjustments between the freehold land and the leasehold land, provided that—
 - (i) the acreage of the freehold land (as it is when this Act comes into operation) is not increased by more than 10 acres, or decreased by more than 10 acres;
 - (ii) the acreage of the leasehold land (as it is when this Act comes into operation) is not increased by more than 10 acres, or decreased by more than 10 acres; and

- (iii) the aggregate acreage of the freehold land plus the leasehold land (as that acreage is when this Act comes into operation) shall remain unchanged; and
 - (b) any amendments to this Act that are necessary to effect the boundary adjustments.
- (6) An Order under subsection (5) shall be subject to the negative resolution procedure.

Planning permission in principle

7 (1) Subject to the following conditions, planning permission in principle is hereby granted for the Development—

- (a) all access roads and sidewalks shall be sited, designed and laid out in accordance with the requirements of the Department of Works and Engineering and in compliance with the provisions of paragraphs TPT.4, TPT.10 and TPT.11, Chapter 11 of the Bermuda Plan 2008 Planning Statement;
- (b) all hard-surfaced roadways and junctions of access roads with the public road shall be designed and graded to drain, retain and dispose of all stormwater run-off within the curtilage of the Property and to avoid any stormwater run-off onto the public road or any neighbouring property;
- (c) the method, design and specifications of the proposed methods of sewage disposal, the supply of water and the provision made for containing and disposing of stormwater run-off shall comply with the requirements of the Environmental Authority, Department of Environmental Protection and the Department of Health;
- (d) all utility cables, conduits and pipelines, including cable television relay cables, shall be located in buildings or placed underground;
- (e) an application for final planning permission shall be in compliance with the Bermuda Plan 2008 Planning Statement and, in particular, be accompanied by—
 - (i) a comprehensive landscaping plan prepared in accordance with paragraph LSG.4, Chapter 9 of the Bermuda Plan 2008 Planning Statement, and in preparing the landscaping plan, particular attention shall be given to the screening of parking areas and to the design, materials, treatment and planting of the Property along the public roads;
 - (ii) a full topographical survey for the Property;
 - (iii) a Traffic Impact Assessment and Statement prepared in accordance with policy TPT.3, Chapter 11 of the Bermuda Plan 2008 Planning Statement and Traffic Impact Assessment and Statement Guidance Note (GN 108);

- (iv) an Environmental Impact Assessment and Statement prepared in accordance with policy ENV.5, Chapter 6 of the Bermuda Plan 2008 Planning Statement and Environmental Impact Assessment and Guidance Note (GN 106);
- (v) details of measures (including any decontamination measures) for the removal of waste that is to be removed from the Property during demolition, site excavation and preparation, in accordance with the requirements of the Department of Works and Engineering and the Department of Environmental Protection; and
- (vi) details of phasing for the development of the Property, together with full details of implementation of all infrastructure to accompany each phase.

(2) Planning permission granted under subsection (1) is deemed to be granted under the Development and Planning Act 1974 and is granted with the reservation for subsequent approval, by the Development Applications Board under that Act, of details of—

- (a) the scale, design, siting and layout of buildings, building heights, architectural detailing, external appearance and materials of any building, works or related infrastructure;
- (b) the design and layout of all access roads and parking areas (including rationale for parking provision); and
- (c) landscaping.

(3) In this section, “planning permission in principle” has the meaning assigned to it in section 23(8) of the Development and Planning Act 1974.

Planning permission to subdivide land

8 (1) Planning permission for the final plans of subdivision listed in Schedule 5 (i.e. planning permission for the subdivision of the freehold land, including the freehold seafront land, into the 37 lots shown on the plans) is hereby granted.

(2) Planning permission granted under subsection (1) is deemed to be granted under the Development and Planning Act 1974.

Permission to reclaim land, etc.

9 Notwithstanding the Public Lands Act 1984, the Land Reclamation Act 1964 and the Sale of Reclaimed Land Act 1951, but subject to section 7 (planning permission in principle), the Developer may—

- (a) reclaim the freehold seafront land and the leasehold seafront land;
- (b) develop the marina;
- (c) create beaches; and

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- (d) dredge sand in the sea at such sites as may be approved by the Minister in consultation with the Minister responsible for environmental protection.

Hotel concessions

10 The hotel concessions set out in Schedule 1 are hereby approved.

Original drawings available for inspection

11 The original of each drawing or plan that appears in, or is listed in, the Schedules shall be available for inspection during office hours at the office of the Senior Land Surveyor with the Department of Land Surveys and Registration.

Exemption from Stamp Duty on substituted mortgages

12 Notwithstanding anything in paragraph (ii) of Head 31 of the Schedule to the Stamp Duties Act 1976, no stamp duty shall be payable by the Developer on any mortgage—

- (a) of the Property; or
- (b) any part of the Property,

that is a substituted security for a mortgage of the 2011 Property or any part of the 2011 Property.

Consequential amendment to Land Title Registration Act 2011

13 The Land Title Registration Act 2011 is amended in section 125(1)(c) by deleting “2011” and substituting “2014”.

Repeal of Morgan's Point Resort Act 2011

14 The Morgan's Point Resort Act 2011 is repealed.

Commencement

15 This Act shall come into operation on such date as the Minister may by notice in the Gazette appoint.

SCHEDULE 1

(section 10)

HOTEL CONCESSIONS

Interpretation

1 In this Schedule, unless the context otherwise requires—

“Minister” means the Minister responsible for tourism;

“opening date” means—

- (a) in respect of a hotel, the date on which the hotel is certified by the Minister to be complete;
- (b) in respect of the amenities, the date on which each phase of the amenities is certified by the Minister to be complete;
- (c) in respect of the marina, the date on which each phase of the marina is certified by the Minister to be complete;

“phase”, in relation to condominium units or fractional units or the marina or the amenities, means a portion of the Development as determined by the Minister;

“the exchange of land” means the exchange of land effected under the 2011 Act.

Concessions

2 (1) Subject to paragraph 3, the Developer shall in respect of the Development be entitled to the following concessions—

- (a) for a period beginning with the exchange of land with the Developer and ending on the first anniversary of the opening date of a hotel, full relief from customs import duty otherwise payable on the importation of building materials, furnishings, fixtures and equipment necessary for the building, furnishing and equipping of that hotel;
- (b) for a period beginning with the exchange of land with the Developer and ending on the first anniversary of the completion of each phase of the condominium units, full relief from customs import duty otherwise payable on the importation of building materials, fixtures and equipment necessary for the building and equipping of the condominium units in that phase;
- (c) for a period beginning with the exchange of land with the Developer and ending on the first anniversary of the completion of each phase of the fractional units, full relief from customs import duty otherwise payable on the importation of building materials, furnishings, fixtures and equipment necessary for the building, furnishing and equipping of the fractional units in that phase;
- (d) for a period beginning with the exchange of land with the Developer and ending on the fifth anniversary of the opening date of a hotel, full exemption

from land tax otherwise payable in respect of that hotel and related amenities;

- (e) for a period beginning with the exchange of land with the Developer and ending on the fifth anniversary of the completion of each phase of the condominium units, full exemption from land tax otherwise payable in respect of the condominium units in that phase;
- (f) for a period beginning with the exchange of land with the Developer and ending on the fifth anniversary of the completion of each phase of the fractional units, full exemption from land tax otherwise payable in respect of the fractional units in that phase;
- (g) for a period beginning 3 months before the opening date of a hotel and ending on the fifth anniversary of its opening date, full exemption from hotel occupancy tax otherwise payable in respect of the hotel to an amount equal to the sums expended with respect to local and international advertising and marketing of that hotel;
- (h) for a period beginning with the opening date of a hotel and ending on the fifth anniversary of its opening date, full exemption from hotel occupancy tax otherwise payable in respect of the hotel to an amount equal to 50% of the sums expended with respect to the Development on entertainment provided by Bermudian entertainers at that hotel;
- (i) for a period beginning with the opening date of a hotel and ending on the fifth anniversary of its opening date, an amount equal to 100% of the sums expended with respect to that hotel on training and educational programmes for Bermudian employees of that hotel, up to an amount not exceeding 90% of the employer's share of the payroll tax otherwise payable in respect of persons employed at that hotel;
- (j) a reduction of the land-holding charge otherwise payable under section 96(2) of the Bermuda Immigration and Protection Act 1956 in respect of the disposition of each fractional unit from 18% of the value of the fractional share such that the total of the land-holding charge and the stamp duty payable under the Stamp Duties Act 1976 in aggregate will not exceed 10% of the value of the fractional share;
- (k) a reduction of the land-holding charge otherwise payable under section 96(2) of the Bermuda Immigration and Protection Act 1956 in respect of the disposition of any condominium unit from 18% of the value of the condominium unit and a reduction of the stamp duty payable under the Stamp Duties Act 1976 such that the total of the land-holding charge and stamp duty in aggregate will not exceed 10% of the value of the condominium unit;
- (l) full exemption from the land-holding charge otherwise payable under section 96(2) of the Bermuda Immigration and Protection Act 1956 and a reduction of the stamp duty payable under the Stamp Duties Act 1976 (such that the stamp duty will not exceed 3.5% of the value of the

condominium unit) in respect of the disposition of a condominium unit; provided that such condominium unit is placed in a voluntary condominium rental programme in which the unit is rented out by the hotel, for at least 9 months of the year, to paying guests who are not ordinarily resident in Bermuda; and where a condominium unit is withdrawn from a voluntary condominium rental programme within five years, the land-holding charge will be 6.5% of the value of the condominium unit; and where the licence holder of a condominium unit has obtained relief under this paragraph and, at any time after the expiration of five years, opts out of the voluntary condominium rental programme, then the licence holder shall pay a land-holding charge of 6.5% of the original value of the condominium unit;

- (m) full exemption from the charge otherwise payable under regulation 6 of the Bermuda Immigration and Protection (Rental and Use) Regulations 2007 on the rental or use for profit of a unit of accommodation, provided that such unit is placed in a voluntary rental programme in which the unit is rented out by the hotel, for at least 9 months of the year, to paying guests who are not ordinarily resident in Bermuda;
- (n) for a period beginning with the execution of the lease and ending on the first anniversary of the opening date of each phase of the amenities, full relief from customs import duty otherwise payable on the importation of building materials, furnishings, fixtures and equipment necessary for the building, furnishing and equipping of that phase of the amenities;
- (o) for a period beginning with the execution of the lease and ending on the first anniversary of the opening date of each phase of the marina, full relief from customs import duty otherwise payable on the importation of building materials, furnishings, fixtures and equipment necessary for the building, furnishing and equipping of that phase of the marina;
- (p) for a period beginning with the execution of the lease and ending on the fifth anniversary of the opening date of each phase of the amenities, full exemption from land tax otherwise payable on that phase of the amenities;
- (q) for a period beginning with the opening date of each phase of the recreational facilities and ending on the fifth anniversary of that date, full exemption from hotel occupancy tax otherwise payable in respect of the hotels to an amount in aggregate equal to 50% of the sums expended by the Development on entertainment provided by Bermudian entertainers on that phase of the recreational facilities;
- (r) for a period beginning with the opening date of the last phase of the marina and ending on the fifth anniversary of that date, full exemption from hotel occupancy tax otherwise payable in respect of the hotels to an amount in aggregate equal to 50% of the sums expended by the Development on entertainment provided by Bermudian entertainers on the marina;

- (s) for a period beginning with the date of execution of the lease and ending on the fifth anniversary of the opening date of each phase of the recreational facilities, the Developer shall be entitled to an amount equal to 100% of the sums expended by the Developer on training and educational programmes for Bermudian employees of that phase of the recreational facilities up to an amount not exceeding 90% of the employer's share of the payroll tax otherwise payable in respect of persons employed at that phase of the recreational facilities;
- (t) for a period beginning with the execution of the lease and ending on the fifth anniversary of the opening date of each phase of the marina, the Developer shall be entitled to an amount equal to 100% of the sums expended by the Developer on training and educational programmes for Bermudian employees of that phase of the marina up to an amount not exceeding 90% of the employer's share of the payroll tax otherwise payable in respect of persons employed at that phase of the marina;
- (u) for a period beginning with the execution of the lease and ending on the fifth anniversary of the opening date of each phase of the recreational facilities, the Developer shall be entitled to full exemption from hotel occupancy tax otherwise payable in respect of the hotels to an amount in aggregate equal to the sums expended by the Developer on local and international advertising and marketing of that phase of the recreational facilities;
- (v) for a period beginning with the date of execution of the lease and ending on the fifth anniversary of the opening date of the last phase of the marina, the Developer shall be entitled to full exemption from the employer's share of payroll tax otherwise payable in respect of the marina to an amount equal to 100% of the sums expended by the Developer on training and educational programmes for Bermudians employed at the marina;
- (w) for a period beginning with the execution of the lease and ending on the fifth anniversary of the opening date of the last phase of the marina, the Developer shall be entitled to full exemption from hotel occupancy tax otherwise payable in respect of the hotels to an amount in aggregate equal to the sums expended by the Developer on local and international advertising and marketing of the marina.

(2) For the purposes of subparagraphs (1)(i), (1)(s), (1)(t) and (1)(v), the employer's share of payroll tax means that portion of payroll tax which the employer is not entitled to deduct from an employee's wages under section 19 of the Payroll Tax Act 1995.

Terms and conditions

3 (1) To qualify for the exemption from hotel occupancy tax under paragraphs 2(1)(g), 2(1)(u) or 2(1)(w), the Developer must, for the relevant period—

- (a) show to the satisfaction of the Minister that sums equal to the amount of the exemption claimed have been expended by the Developer on local and

international advertising and marketing of the hotel, marina or recreational facilities, as the case may be;

- (b) comply with guidelines on the marketing of the hotel, marina or recreational facilities (as the case may be) issued by the Minister; and
- (c) provide an annual audited statement of the hotel, marina and recreational facilities marketing accounts showing the amounts expended on such marketing.

(2) To qualify for the exemption from hotel occupancy tax under paragraph 2(1)(h), 2(1)(q) or 2(1)(r), the Developer must, for the relevant period—

- (a) show to the satisfaction of the Minister that the entertainment has been provided by Bermudian entertainers in accordance with guidelines issued by the Minister; and
- (b) provide an annual audited statement of accounts showing the amounts expended on the entertainment.

(3) To qualify for the exemption from payroll tax under paragraphs 2(1)(i), 2(1)(s), 2(1)(t) and 2(1)(v), the Developer must, for the relevant period—

- (a) comply with guidelines on the training and educational programmes for Bermudian employees issued by the Minister;
- (b) satisfy the Minister that appropriate training has been provided in accordance with the guidelines; and
- (c) provide an annual audited statement of accounts showing the amounts expended on such training.

(4) Any concession granted under paragraph 2 shall cease to have effect immediately after 31 December 2029.

(5) In this paragraph, “relevant period” means the period for which the exemption is claimed.

Application of Hotels Concession Act 2000

4 (1) Sections 5, 6, 7, 8 (as modified by subparagraph (2)), 9 and 10 of the Hotels Concession Act 2000 apply in relation to concessions granted under this Schedule as they apply to a hotel concession order under that Act.

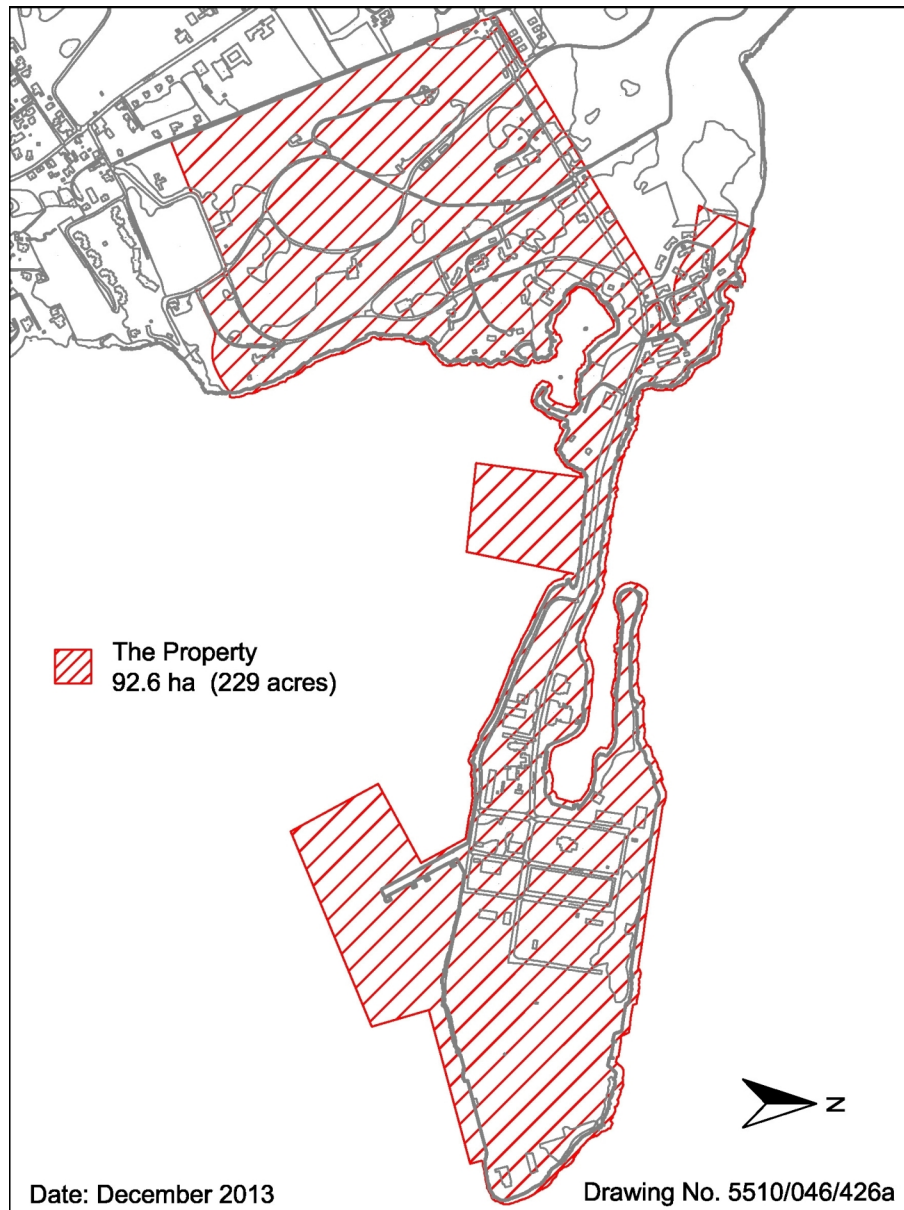
(2) For the purposes of subparagraph (1), the Hotels Concession Act 2000 is modified in section 8(2) by replacing paragraph (a) with the following—

- “(a) he supplies to the Minister or the Collector any information which that person knows to be false or does not believe to be true; or”.

SCHEDULE 2

(section 2)

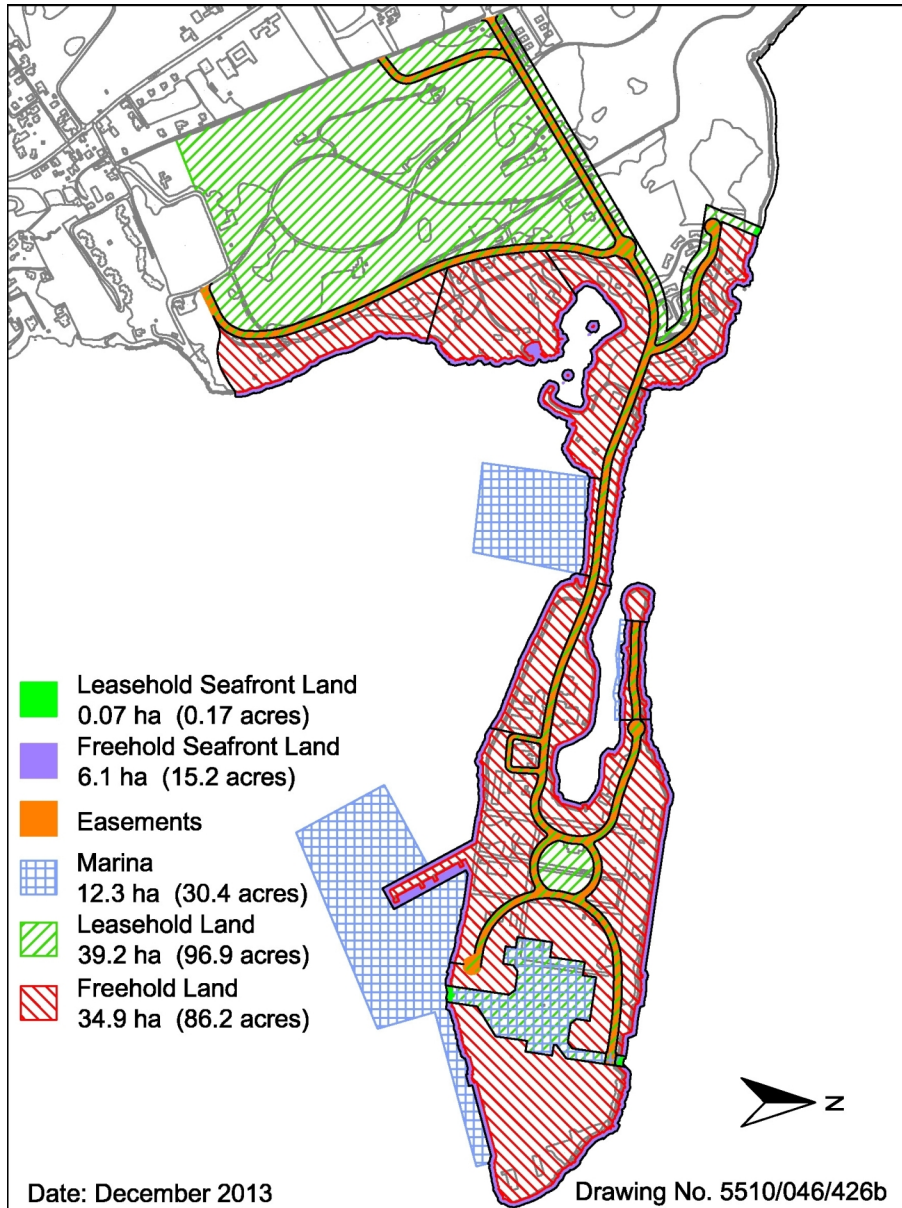
PLAN OF THE PROPERTY



SCHEDULE 3

(sections 2 and 6(2))

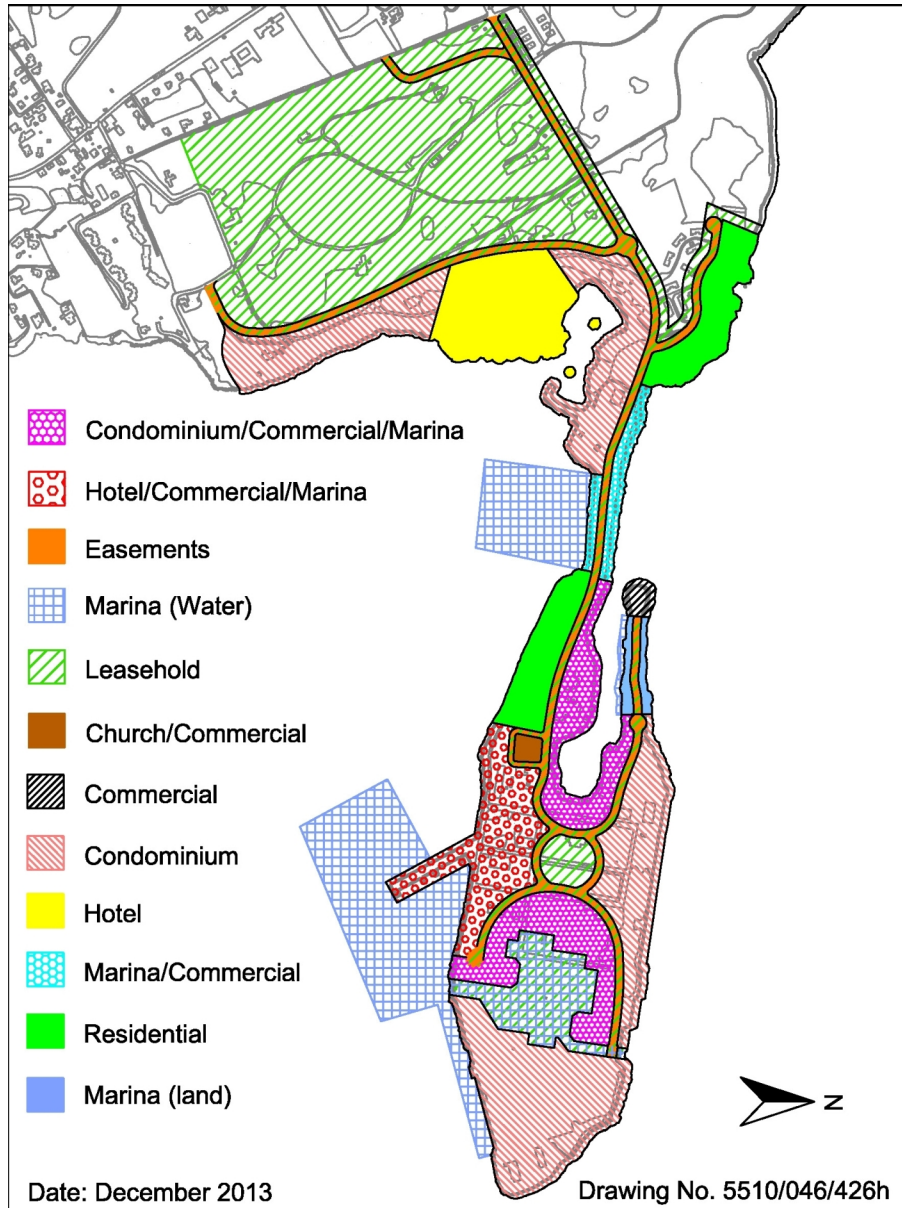
LAND EXCHANGE PLAN



SCHEDULE 4

(section 2)

PLAN OF THE DEVELOPMENT



SCHEDULE 5

(section 8(1))

LIST OF PLANS OF SUBDIVISION

Plans of Subdivision	Lots
Sheet No. 4030/001/12	A (1 lot)
Sheet No. 4030/001/13	B1 to B3 (3 lots)
Sheet No. 4030/001/14	C1 to C11 (11 lots)
Sheet No. 4030/001/15	D1 to D3 (3 lots) E1 to E10 (10 lots) F (1 lot) N (1 lot)
Sheet No. 4030/001/16	G1 and G2 (2 lots) H (1 lot) J (1 lot) K (1 lot) L (1 lot)
Sheet No. 4030/001/17	M (1 lot)

MORGAN'S POINT RESORT BILL 2014

EXPLANATORY MEMORANDUM

This Bill ("the Act") would repeal and re-enact, with amendments, the Morgan's Point Resort Act 2011 ("the 2011 Act") to allow for the alteration of the boundaries of the Morgan's Point Property and the amendment of the leases and related agreements for the development of the Property. Like the 2011 Act, the Act would enable the granting of the rights, ownership, leases, concessions and permission necessary to develop and deliver the Morgan's Point Resort in the Parishes of Sandys and Southampton.

Clause 1 is self-explanatory.

Clause 2 defines certain expressions used in the Act.

Clause 3 provides for the manner of service of documents under the Act.

Clause 4 provides that, on the coming into operation of the Act, certain land included in the Property vests in the Government. It also provides for compensation to be paid in respect of any land that is acquired by the vesting. Provision is also made for appeals to the Supreme Court.

Clause 5 allows a person who is barred from a claim to land forming part of the Property that has been compulsorily acquired under clause 4, to recover compensation from a third party to whom such compensation has been paid.

Clause 6 enables the Minister responsible for public lands, in exchange for the land in the 2011 Property, to convey and to lease, for a period not exceeding 262 years, the respective parts of the Property to the Developer. Under subsection (5), if the Minister is satisfied that remediation by the Government of any portion of the freehold land to a residential standard cannot reasonably be achieved, she may by Order make: (a) certain boundary adjustments between the freehold land and the leasehold land, and (b) any amendments to the Act that are necessary to effect the boundary adjustments. Such Order is be subject to the negative resolution procedure.

Clause 7 grants planning permission in principle for the Development.

Clause 8 approves the final plans of subdivision listed in Schedule 5, thereby granting planning permission for the subdivision of the freehold land (including the freehold seafront land) into the 37 lots shown on the plans.

Clause 9 gives permission in principle to reclaim land from the sea, develop the marina, create beaches and dredge sand from the sea.

Clause 10 approves the hotel concessions set out in Schedule 1.

Clause 11 provides that the original of each drawing or plan that appears in, or is listed in, the Schedules is available for inspection at the office of the Senior Land Surveyor.

Clause 12 grants an exemption from stamp duty on any mortgage of the Property that is a substituted security for a mortgage of the 2011 Property.

MORGAN'S POINT RESORT BILL 2014

Clause 13 makes a consequential amendment to section 125(1)(c) of the Land Title Registration Act 2011, changing the reference to “Morgan’s Point Resort Act 2011” to “Morgan’s Point Resort Act 2014”.

Clause 14 repeals the 2011 Act.

Clause 15 provides that the Act is to come into operation on such date as the Minister may, by notice in the Gazette, appoint.