

A BILL

entitled

BERMUDA IMMIGRATION AND PROTECTION
AMENDMENT (NO. 2) ACT 2017

WHEREAS it is expedient to amend the Bermuda Immigration and Protection Act 1956 and to make consequential amendments to Schedule 2 to the Human Rights Act 1981,

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:

Citation

1 This Act, which amends the Bermuda Immigration and Protection Act 1956, may be cited as the Bermuda Immigration and Protection Amendment (No. 2) Act 2017.

Amends section 8

2 Section 8 of the Bermuda Immigration and Protection Act 1956 is amended by inserting the following after subsection (1)—

“(1A) Without affecting the generality of subsection (1)—

- (a) for the purposes of section 29 of the Human Rights Act 1981, it is declared that the provisions of this Act operate, notwithstanding the Human Rights Act 1981; and
- (b) for the purposes of section 30B of the Human Rights Act 1981, any provision of this Act that purports to require or authorize conduct that is a contravention of anything in Part II of the Human Rights Act 1981 has effect, notwithstanding the Human Rights Act 1981.”.

Amends the Human Rights Act 1981

3 Schedule 2 to the Human Rights Act 1981 is amended—

- (a) in the introductory paragraph by deleting “have effect” and substituting “operate and have effect,”;

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- (b) by deleting the entry relating to the Bermuda Immigration and Protection Act 1956.

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EXPLANATORY MEMORANDUM

This Bill seeks to amend the Bermuda Immigration and Protection Act 1956 (the “principal Act”) and to make consequential amendments to Schedule 2 to the Human Rights Act 1981.

Clause 1 provides a citation for this Act.

Clause 2 amends section 8 of the principal Act to provide for the provisions of the Bermuda Immigration and Protection Act 1956 to operate and have effect, notwithstanding the Human Rights Act 1981.

Clause 3 makes consequential amendments to Schedule 2 to the Human Rights Act 1981 to (a) clarify that the provisions listed in Schedule 2 not only have effect, but operate, notwithstanding the Human Rights Act 1981; and (b) delete the entry relating to the Bermuda Immigration and Protection Act 1956 as that entry is now contained within the amendment to section 8 of the principal Act.