



BERMUDA

LAND RECLAMATION ACT 1964

1964 : 49

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*[preamble and words of enactment omitted]*

Interpretation

1 In this Act—

“agreement” means an agreement made pursuant to section 2;

“Minister” means the Minister responsible for public lands;

“reclamation scheme” means a scheme of land reclamation authorized under an agreement;

“reclaimed land” means land reclaimed pursuant to an agreement.

*[Section 1 "Minister" deleted and substituted by BR 5 / 2011 para. 5 effective 25 February 2011]*

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### Minister may make reclamation agreement

2 Subject to the provisions of this Act, the Minister may enter into agreement with any person for the reclamation of land from the bed of the sea in any area lying within the outer limits of the reefs of Bermuda.:

Provided that nothing in this section shall authorize the Minister to enter into such an agreement for a scheme of land reclamation of the foreshore or bed of the sea adjoining the foreshore unless the area to be reclaimed is in excess of one acre in extent.

### What reclamation agreement must contain

3 An agreement shall make provision for the following matters—

- (a) the area and location of the land to be reclaimed;
- (b) the deposit with the Chief Surveyor of the Department of Works and Engineering of a map signed as approved by him delineating the area and location of the land to be reclaimed;
- (c) the date for the commencement and completion of the whole or any phase of the reclamation scheme;
- (d) the submission of reports on the progress of the reclamation scheme and the inspection thereof by officers authorized by the Minister;
- (e) the disposal of any reclaimed land in the event of failure to complete the whole or any phase of the reclamation scheme;
- (f) the disposal of any equipment employed in the reclamation scheme in the event of failure to complete such scheme or any phase thereof;
- (g) the consideration, if any, for the disposal of reclaimed land or equipment pursuant to paragraphs (e) and (f) ;
- (h) the consideration for work undertaken in the reclamation scheme;
- (i) the sums payable by way of liquidated damages for the breach of any provision of the agreement;
- (j) the transfer of the freehold title or any other estate in the reclaimed land and the consideration, if any, therefor;
- (k) the payment of compensation, if any, or provision of relief, if any, in relation to any loss of amenity occasioned to any person by reason of the retention of the reclaimed land or works undertaken in connection with the reclamation scheme.

### What reclamation agreement may contain

4 An agreement may provide for all matters incidental to the reclamation scheme or as the Minister may deem reasonable and prudent and, in particular, but without prejudice to the generality of the foregoing—

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- (a) for access over the area comprised in the reclamation scheme and areas in the vicinity thereof;
- (b) for the extinction of public rights of access and fishing over the area comprised in the reclamation scheme;
- (c) for rights to dredge, win, and use fill for the reclamation scheme, the area in which fill may be so dredged and the extent of such rights generally.

### Approval by Governor and Legislature

5 No agreement shall be executed or have effect unless—

- (a) the terms thereof have been approved by the Governor; and
- (b) the draft thereof has been approved by both Houses of the Legislature and a message signifying such approval has been sent to the Governor by each House.

### Agreement to operate as licence

6 (1) An agreement shall operate as a licence to confer on the person undertaking the reclamation scheme all rights therein described subject to such conditions and limitations as may be specified therein.

(2) To the extent specified in an agreement all public rights of access and fishing in the area comprised in the reclamation scheme shall be extinguished.

### Exclusion of certain Acts

7 To the extent specified in an agreement the Sale of Reclaimed Lands Act 1951 and section 8 of the Public Lands Act 1984 shall not have effect in relation to any reclamation scheme or any reclaimed land.

*[Section 7 amended by 1999:4 s.2(2)(b) effective 1 July 2000; amended by BR 5 / 2011 para. 3 effective 25 February 2011]*

### Form of transfer to be determined by Attorney-General

8 The instrument for the transfer of any estate in reclaimed land pursuant to an agreement shall be in such form as the Attorney General may determine.

### Determination of parish in which reclaimed land lies

9 (1) Subject to the provisions of subsection (3) the Governor may by order published in the Gazette declare that any reclaimed land shall form part of a parish specified in the order and, in that event, any reference in any provision of law or any document to such parish shall be deemed to include such reclaimed land unless the context otherwise requires.

(2) Subject to the provisions of subsection (3) the Governor may by order published in the Gazette declare that any reclaimed land, or such part thereof as he may specify, shall form part of any electoral district specified in the order and, in that event, such reclaimed

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land, or part thereof, as the case may be, shall constitute part of such electoral district for all purposes of the Parliamentary Election Act 1978 [*title 2 item 11*].

(3) The affirmative resolution procedure shall apply to an order made under this section.

### Saving

10 For the avoidance of doubt, it is hereby declared that, save as expressly provided in this Act, nothing in this Act shall derogate from the application of any provision of law having effect in Bermuda to any reclaimed land or reclamation scheme.

[Assent Date: 30 March 1964]

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### *[Amended by:*

1968 : 231  
1974 : 81  
1977 : 35  
1984 : 35  
1988 : 19  
1999 : 4  
BR 5 / 2011]