

**BERMUDA IMMIGRATION AND PROTECTION (TERRITORIAL
RESTRICTIONS) REGULATIONS 2007**

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BERMUDA IMMIGRATION AND PROTECTION ACT 1956

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The Minister responsible for immigration, in exercise of the powers conferred by section 102D(1)(b) of the Bermuda Immigration and Protection Act 1956, makes the following regulations:

Citation

1 These Regulations may be cited as the Bermuda Immigration and Protection (Territorial Restrictions) Regulations 2007.

Interpretation

2 In these Regulations —

“Act” means the Bermuda Immigration and Protection Act 1956;

“application land” means land to which an application relates as referred to in section 89(1) of the Act;

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“area” in relation to a lot of land means the area of the lot, as described in the subdivision plan for the lot registered pursuant to section 35D(1) of the Development and Planning Act 1974 and, in the case of an existing lot, as described in a plan drawn by a registered professional surveyor,

“designated condominium development” means a development that is listed in the schedule to the Bermuda Immigration and Protection (Designation of Eligible Condominium Units) Regulations 2007;

“designated condominium unit” means a condominium unit that is designated in the Bermuda Immigration and Protection (Designation of Eligible Condominium Units) Regulations 2007;

“licensed land” means licensed land as defined in section 89(5) of the Act;

“lot of land” means an existing lot of land within the meaning of section 41(3) of the Development and Planning Act 1974 or an area of land described in a subdivision plan registered pursuant to section 35D(1) of that Act;

“non-residential unit” means any part of a building that is used by a person for purposes other than a residential unit or a designated condominium unit;

“residential unit” means a residential valuation unit, as defined in section 72 of the Act, but does not include a designated condominium unit.

Purpose

3 The purpose of these regulations is to prescribe rules for determining areas of land to be included in calculating the total area of licensed land and application land for the purposes of section 89 of the Act.

No buildings or only one residential unit

4 Where licensed land or application land does not have any buildings on it, or only one residential unit on it, the area of that licensed land or application land is the area of land that is described in the licence or in the application for a licence, as the case may be.

More than one residential unit

5 Where licensed land or application land is part of a lot of land that has more than one residential unit on it and no non-residential units on it, the area of that licensed land or application land is the area of the lot divided by the number of residential units on the lot.

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Condominium developments

6 Where a designated condominium development contains a designated condominium unit that is licensed land or application land, the area of licensed land or application land attributable to that development is the area of the development as described in a plan drawn by a registered professional surveyor.

Non-residential units

7 Where licensed land or application land is part of a lot of land that has a building or buildings on it with one or more non-residential units and no residential units or designated condominium units, the area of that licensed land or application land is the area of the lot divided by the floor area in all buildings on the lot and then multiplied by the floor area of that licensed land or application land.

Mix of units

8 (1) Where licensed land or application land is part of a lot of land that has a building or buildings on it with a mix of residential units, designated condominium units or non-residential units, then —

- (a) the area of any licensed land or application land that is a residential unit shall be calculated in accordance with subsection (2);
- (b) the area of any licensed land or application land that is a designated condominium unit is the area of the condominium development in which the unit is situated, calculated in accordance with subsection (3); and
- (c) the area of any licensed land or application land that is a non-residential unit shall be calculated in accordance with subsection (4).

(2) The area of licensed land or application land that is a residential unit is the total area of land on the lot of land that is attributable to residential use divided by the number of residential units on the lot. The total area of land that is attributable to residential use is the area of the lot divided by the floor area of all buildings on the lot and then multiplied by the floor area of all residential units on the lot.

(3) The area of the designated condominium development in which a designated condominium unit is situated is the area of the lot of land divided by the floor area of all buildings on the lot and then multiplied by the floor area of the designated condominium development.

(4) The area of licensed land or application land that is a non-residential unit is the area of the lot of land divided by the floor area of all buildings on the lot and then multiplied by the floor area of that licensed land or application land.

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Land in more than one parish

9 Where licensed land or application land is situated partly in one parish and partly in another parish or other parishes, the area of the part that is situated in a parish must be included in the calculation, for that parish, of the total area of licensed land plus application land.

Made this 22nd day of June, 2007

Minister of Labour and Immigration