



**2025/26 SESSION
of the
BERMUDA HOUSE OF ASSEMBLY
OFFICIAL HANSARD REPORT**

11 SEPTEMBER 2026

*(Sitting number 42 of the 2025/2026 Session)
(pages 3443-3546)*

**Ms. Lovitta F. Foggo,
Deputy Speaker**

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11 SEPTEMBER 2026
10:02 AM**

Sitting Number 42 of the 2025/2026 Session

[Ms. Lovitta F. Foggo, Deputy Speaker, in the Chair]

The Deputy Speaker: Good morning, Members.

Some Hon. Members: Good morning.

The Deputy Speaker: Yes. We will begin as per normal with our prayers. Have everybody face east.

PRAYERS

[Prayers read by Mr. Clark Somner, Clerk]

The Deputy Speaker: Members.

[Gavel]

CONFIRMATION OF MINUTES

[Minutes of 4 September 2026]

The Deputy Speaker: Members, this morning we are confirming the Minutes of September 4.

Any amendments [or] objections?

None. We're fine with that.

[Minutes of 4 September 2026 confirmed.]

MESSAGES FROM THE GOVERNOR

The Deputy Speaker: There are none.

**ANNOUNCEMENTS BY THE SPEAKER
OR MEMBER PRESIDING**

The Deputy Speaker: I wish to inform this House that His Honour the Speaker and the Clerk to our Legislature will be attending the 69th Commonwealth Parliamentary Conference in Cape Town, which is in South Africa, and they will be there from September 13 until the 19th.

APOLOGIES

The Deputy Speaker: Missing today, and who sent their apologies, are the Honourable Craig Cannonier, Independent Member Robert King, and Minister the Honourable Kim Wilson.

**AUDITOR GENERAL'S SECOND REPORT
MINISTERIAL TRAVEL, MEAL AND
HOSPITALITY EXPENSES**

The Deputy Speaker: I have for tabling this morning the Auditor General's report, which is on the ministerial travel, meal, and hospitality expenses, and this is the second report of the Auditor General of Bermuda.

HOUSE VISITORS

The Deputy Speaker: And last but not least, I wish to inform our House of the special guests we have in attendance this morning from the Overseas Territories: the Premier of Anguilla, the Honourable Cora Richardson-Hodge; and the Deputy Premier of Turks and Caicos, the Honourable Jamell Robinson.

Let's give them a special Bermuda welcome.

[Desk thumping]

The Deputy Speaker: And we also have in attendance many of their attendants, and we have from the UK our representative in the Office of Bermuda. I think she's sitting down there somewhere. Yes, I think it's Kim . . . Kimberley [Durrant].

[Inaudible interjection]

The Deputy Speaker: Yes, sorry Kim. And she's not related to the Deputy Premier of Turks and Caicos.

So, continuing [with] the messages from the Senate, there are none.

And please forgive me, I should have at least let the House also know that in attendance today we have the President of our Senate, the Honourable Joan Dillas-Wright. Yes.

[Desk thumping]

MESSAGES FROM THE SENATE

The Deputy Speaker: Again, there are no messages coming from the Senate.

I call on the Minister of Tourism and Transport, Culture and Sport, the Honourable Owen Darrell. Minister.

PAPERS AND OTHER COMMUNICATIONS TO THE HOUSE

BERMUDA CIVIL AVIATION AUTHORITY 2024/2025 ANNUAL REPORT

BERMUDA TOURISM AUTHORITY 2025 YEAR IN REVIEW

BERMUDA SPORT ANTI-DOPING AUTHORITY 2026 ANNUAL REPORT

Hon. Owen Darrell: Good morning, Madam [Deputy] Speaker.

Madam Deputy Speaker, I have the honour to attach and submit for the information of this Honourable House of Assembly, the Bermuda Civil Aviation Authority 2024/2025 Annual Report, also the 2025 Year in Review Annual Report of the Bermuda Tourism Authority, as well as the 2026 Annual Report of the Bermuda Sport Anti-Doping Authority.

Thank you, Madam Deputy Speaker.

The Deputy Speaker: Thank you, Minister.

PETITIONS

The Deputy Speaker: There are none.

STATEMENTS BY MINISTERS AND JUNIOR MINISTERS

The Deputy Speaker: First up, we have the Minister, the Honourable Jache Adams.
Minister.

[Pause]

SWING BRIDGE REPLACEMENT PROJECT UPDATE: BRIDGING COMMUNITIES, CONNECTING GENERATIONS

Hon. Jache Adams: Good morning, Madam [Deputy] Speaker.

Madam Deputy Speaker, I rise today to provide this Honourable House and the listening public with an update on the [Swing Bridge Replacement Project](#). As this project moves forward, more people are understandably taking an interest in what is being proposed, what work is taking place now, and what they can expect over the coming months.

I will therefore begin by reminding the public what we are building, and why. The new Swing Bridge will replace the existing 120-metre bridge, which has served Bermuda for over 60 years but has now reached the end of its useful life. For those traveling by road, it will provide a modern and reliable connection for motorists, pedestrians, buses and emergency vehicles.

For those traveling on the water, it will restore an important feature of the original Swing Bridge: the ability to open. A section of the bridge will be able to rise, restoring a protected and more efficient route through Ferry Reach for larger vessels, including ferries, fishing and research vessels, as well as vessels operated by tour operators.

Madam Deputy Speaker, the new bridge has also been designed with Bermuda's environment in mind. It will use materials better able to withstand our marine conditions and severe weather. It will also have wider traffic lanes, dedicated space for pedestrians and improved road alignment, creating a safer and more efficient crossing for all users.

We have also learned from the experience of the old Swing Bridge. Many Bermudians, particularly those living in St. George's, will remember when mechanical problems made closing the bridge difficult, and therefore will be pleased to know that the new bridge will operate differently. It will use a modern hydraulic system to raise and lower the bridge. This system will include emergency valves that can be released if there is a problem with normal operations. In simple terms, this gives us another way of lowering the bridge should a problem occur. That is important because our priority is not simply to build a bridge that can open, but one that can operate safely and reliably.

Madam Deputy Speaker, another major priority is maintaining access to the East End while construction takes place. For this reason, the current bridge will remain in use while the new one is being constructed, reducing disruption for residents, businesses, emergency services and the travelling public. Madam Deputy Speaker, only once the replacement bridge is completed, fully operational and open to traffic will we begin the process of decommissioning the existing bridge. This approach will help ensure that access to the East End is maintained throughout the project.

To make this possible, the Ministry identified a small parcel of land at Stokes Point as the most suitable landing point for the new bridge. The Ministry has reached an agreement in principle with the existing landowner to purchase the land required for the project, and the remaining administrative work is now being completed.

Madam Deputy Speaker, while that process continues, work on the ground is already well underway. Roadworks have begun and temporary traffic changes have been introduced. A smaller roundabout is currently being constructed near the existing Swing Bridge. Once completed, it will replace the larger roundabout and free up the space needed for construction of the new bridge. Traffic entering St. David's is currently using a one-way route along St. David's Road, while motorists leaving St. David's are travelling along Southside Road through Kindley Field Park.

A new bus lay-by has also been constructed across from the Double Dip [Express] restaurant and will come into use once the new roundabout and

associated traffic changes are completed. We expect all of these traffic adjustments to be completed during the month of October of this year, weather permitting, of course.

Madam Deputy Speaker, I also want to acknowledge concerns raised by nearby residents regarding the level of lighting along Southside Road through Kindley Field, particularly now that more motorists are using this route. The Ministry is aware of these concerns and is working to address them. However, because this road is close to the airport, there are additional considerations that must be taken into account before the appropriate lighting solution can be installed. We are working through those issues and will provide further information once that work has been completed.

Madam Deputy Speaker, some may reasonably ask why we are carrying out the roadworks now when construction of the bridge itself has not yet started. The answer is simple. We want the site ready before the bridge contractor arrives. Our intention is to complete as much of the preparatory work as possible now so that, once the successful contractor is mobilised, they have a safe and workable site and can begin construction without any unnecessary delay. We do not want preliminary work that Government can complete beforehand to become a reason for delaying the start of construction.

Madam Deputy Speaker, several procurement processes have also been undertaken. One sought a contractor to refurbish the former [Swing] Bridge Operator's Hut, another sought an engineering firm to provide independent oversight of the project, and perhaps most importantly, Government invited experienced contractors to bid for construction of the new bridge.

Madam Deputy Speaker, given the specialised nature of this project, we expected international interest and therefore actively encouraged overseas companies to partner with Bermudian businesses wherever possible. This will create opportunities for local companies and workers while also allowing Bermudians to gain skills and experience from a major infrastructure project.

Madam Deputy Speaker, I am pleased to report that all of these procurement opportunities have now closed, and the Ministry is currently evaluating the submissions received. Once the procurement process has been completed and all necessary contracts are in place, we will be in a position to provide an update on the bridge construction schedule.

Madam Deputy Speaker, I understand this is a significant undertaking, and there will undoubtedly be some inconvenience along the way. However, we will continue working to minimise disruption and keep the public informed as the project progresses.

Madam Deputy Speaker, the Swing Bridge Replacement Project is ultimately about improving our infrastructure and ensuring safe and reliable access to the East End for generations to come. The public can

continue to follow the project through the official Swing Bridge Instagram account, @swingbridgebda, and through the Government's social media channels, where we will provide updates on construction, traffic changes and important project milestones. I look forward to providing further updates to this Honourable House as the project progresses.

Thank you, Madam Deputy Speaker.

The Deputy Speaker: Thank you, Minister.

I call on Minister for Youth, Social Development and Seniors, Minister Tinee Furbert.

Hon. Tinee Furbert: Good morning, Madam Deputy [Speaker].

DEMENTIA CARE SERVICES PROGRAMME UPDATE

Hon. Tinee Furbert: I rise today to provide this Honourable House with an [update on Bermuda's Dementia Care Services Programme](#) and the Government's continued commitment to strengthen support for persons living with dementia and those who care for them.

Madam Deputy Speaker, dementia remains one of the most significant health and social care challenges facing our ageing population. And this occurs around the world. In Bermuda, thousands of families are impacted by dementia, often navigating the complex realities of diagnosis, caregiving, and long-term support. As our population ages, the need for coordinated, accessible, community-based dementia services continues to grow.

Recognising this need, the Ministry of Youth, Social Development and Seniors launched the Dementia Care Services pilot programme in October 2023. Through the Office of Ageing and Disability Services, the programme was designed to ensure that individuals living dementia and their caregivers could assess dementia navigation, assessment, intervention, and support services, particularly when those services were otherwise unaffordable or inaccessible.

Madam Deputy Speaker, the Government initially supported the programme through a pilot partnership with NorthStar Dementia, which has since merged with Dementia Bermuda to create a unified nonprofit organisation delivering dementia-specific services across the Island. This merger has strengthened Bermuda's capacity to provide clinical care, caregiver support, community programming, public education, and advocacy through a single coordinated entity. The results achieved thus far clearly demonstrate both the demand for and value of these services. Between October 2023 and June 2025, the programme received 188 referrals, with 144 individuals meeting the eligibility requirements and receiving funded service. During this period, over 480 client contacts were completed, providing comprehensive dementia assessments, personalised care planning, caregiver education, cognitive strategies,

home environment assessments, crisis prevention support, and ongoing case management.

Importantly, the data revealed several critical realities about dementia care in Bermuda. First, many Bermudians continue to face financial barriers to accessing dementia-related services. Madam Deputy Speaker, 84 per cent of participating families reported that they were unable to afford the full cost of services without assistance.

Second, many [individuals] remain undiagnosed for extended periods. Madam Deputy Speaker, 43 per cent of programme participants entered the service without a formal dementia diagnosis, highlighting the need for earlier assessment and intervention.

Third, caregiver stress remains a major concern. More than 80 per cent of caregivers reported moderate to severe levels of stress and burden while caring for loved ones living with dementia. Most caregivers were women, many of whom were adult children or elderly spouses.

Madam Deputy Speaker, despite these challenges, the programme has delivered measurable positive outcomes for Bermudian families. Programme evaluations found that 97 per cent of participants reported that the services were beneficial, 97 per cent reported increased knowledge about dementia, 94 per cent felt more confident implementing care strategies, and 71 per cent reported reduced caregiver stress. Madam Deputy Speaker, 100 per cent of respondents stated they would recommend the programme and believed government support should continue.

Families also reported increased awareness of our community resources, greater preparedness for future care decisions, and improved ability to support loved ones safely at home. The programme has helped many families obtain medical diagnoses, establish enduring power of attorney, and implement plans for future care needs.

Madam Deputy Speaker, building on these successes Dementia Bermuda continues to expand its continuum of care. As of June 2026, Dementia Bermuda was supporting 208 active clients through its In-Home Occupational Therapy programme, including 68 new referrals during the first six months of the year. Services have reached individuals in every parish across Bermuda and continue to serve as the primary entry point into dementia support services. Madam Deputy Speaker, 82 per cent of clients required financial assistance to access these supports.

The organisation has also expanded Cognitive Stimulation Therapy programmes, Daily Activities Programme, and Family Caregiver Education initiatives. During the first half of 2026: 208 active clients received in-home occupational therapy services; 24 persons participated in Cognitive Stimulation Therapy; 60 persons living with dementia participated in Daily Activities Programmes, and 60 family caregivers participated in education and support programmes.

Thousands of programme attendees were recorded across these services. Participant feedback continues to demonstrate high levels of satisfaction, with families reporting increased confidence, greater understanding of dementia, reduced caregiver stress, and stronger connections to support networks.

Madam Deputy Speaker, I am also pleased to report that Dementia Bermuda completed an innovative physician pilot programme in partnership with Dr. Jennifer Barth, which ran from May through early August of 2026. The initiative explored how a dedicated physician could strengthen coordinated dementia care within the community, support earlier intervention, and reduce avoidable emergency department visits and hospital admissions.

Madam Deputy Speaker, September is recognised as World Alzheimer's Month, providing an important opportunity to raise awareness, promote early identification, and strengthen understanding and support for people living with dementia and their families. World Alzheimer's Day is observed annually on September 21, and we encourage organisations to use this important month to provide a range of accessible community education and support opportunities.

On September 21, Dementia Bermuda will be hosting an open house and community-based cognitive screenings and brain health consultations, providing members of the public with an accessible opportunity to discuss concerns about their cognitive health. The screenings will be conducted by experienced occupational therapists using the Montreal Cognitive Assessment [or MoCA] as a point-in-time cognitive screening tool. Importantly, the screening is not intended to provide a diagnosis, but rather to establish a baseline and identify whether further medical assessment may be appropriate. Individuals with identified concerns will be encouraged to consult their physician for further evaluation and, where indicated, referred to appropriate local services.

Dementia Bermuda will also host an "Ask the Experts: Dementia—What You Need to Know. What You Can Do" session, bringing together visiting Cleveland Clinic specialists alongside local medical, legal, and financial experts.

Madam Deputy Speaker, recognising that dementia affects not only the individual diagnosed but also the family members and loved ones who provide care, the Ministry is collaborating with Solstice during World Alzheimer's Month to provide accessible support services for family caregivers. This collaboration, referred to as the Caregiver Support Initiative, will provide caregivers with access to one-to-one supportive counselling sessions based on their individual needs and preferences. The initiative is intended to provide caregivers with a safe and supportive space to discuss their experiences, receive emotional support, develop practical coping strategies, and connect with others who understand the challenges associated with caring for

someone living with Alzheimer's disease or another form of dementia.

Supporting caregivers is an essential component of effective dementia care. By providing accessible emotional and practical support, the Caregiver Support Initiative seeks to help caregivers manage the demands of their role, strengthen their capacity to provide care, and recognise that they too require support throughout the dementia journey.

Madam Deputy Speaker, this work complements the Governments broader efforts to establish a comprehensive dementia care system. As Honourable Members will recall, under the National Seniors Strategy, the Ministry engaged the Bermuda Health Council to advance the development of an Integrated Care Pathway for Dementia. This work is intended to improve coordination across the health and social care sectors, strengthen diagnosis processes, identify service gaps, and ensure individuals living with dementia receive appropriate support from prevention [through] end-of-life care.

Madam Deputy Speaker, as we look ahead, this Government remains committed to supporting practical, community-based solutions that help Bermudians age with dignity, independence, and respect. The Government recognises that dementia care cannot be addressed through any single service or organisation. It requires collaboration across health, social care, community organisations, families, caregivers, and government. Our continued focus will therefore be on strengthening this continuum of support so that individuals and families can access the right information, intervention, and care at the right time.

In closing, Madam Deputy Speaker, I wish to acknowledge the individuals living with dementia, their families, caregivers, health care providers, community partners and Dementia Bermuda staff and volunteers whose dedication continues to inform and strengthen this important work. Their experiences and contributions remain essential in helping Bermuda build a stronger and more compassionate dementia care system for present and future generations.

Thank you, Madam Deputy Speaker.

The Deputy Speaker: Thank you, Minister.

We have one more [Statement]. We will have that [Statement], but before you start reading, Minister, I was informed that our special guests will be leaving soon. However, we did take pictures before, and I am hoping that we can at least get another picture of all the Members who are now present with our special guests. So, if you don't mind, Minister, can you take your seat for a second and let me ask that this is not interfering with your busy schedule that you have, correct?

[Inaudible interjections]

The Deputy Speaker: So, yes, they were supposed to leave. Yes.

[Inaudible interjections]

The Deputy Speaker: So, the House will recess for about five minutes, and we will take pictures, and then we will escort our guests from here. Thank you.

Proceedings suspended at 10:31 am

Proceedings resumed at 10:39 am

[Ms. Lovitta F. Foggo, Deputy Speaker, in the Chair]

[Statements by Ministers and Junior Ministers, continuing]

[Statement not captured on audio]

EMPLOYMENT AMENDMENT (NO. 2) ACT 2026

Hon. Jason Hayward: —employers, their respective representatives, and the wider economy, while maintaining fairness, due process, and confidence in Bermuda's employment relations system.

Thank you, Madam Deputy Speaker.

The Deputy Speaker: Thank you, Minister.

REPORTS OF COMMITTEES

The Deputy Speaker: There are none.

PREMIER'S QUESTION PERIOD

[Deferred]

The Deputy Speaker: I wish to inform Members that this is the week for Premier's Questions [Period]. However, they are being deferred to September 25, 2026, and this is as agreed upon by the Premier and Opposition Leader.

QUESTION PERIOD

The Deputy Speaker: We are now in Question Period for the written questions.

Let me first inform the House that the written questions for Minister Darrell [from] [Member] Craig Cannonier are carried over to September 25.

The written questions for the Honourable Jache Adams [from Member] Linda Smith are being carried over until September 25, and the written questions for the Honourable Zane DeSilva [from] the Honourable Michael Fahy are being carried over to the 25th [of September].

That brings us to the questions for the Honourable Jache Adams [from] Member Dwayne Robinson, and that is an oral question, so I call on the Member to ask the question.

QUESTION 1: GIBBS HILL LIGHTHOUSE, UPDATE ON UPKEEP AND MAINTENANCE

Mr. Dwayne Robinson: Thank you, [Madam] Deputy Speaker, and good morning to colleagues and to esteemed guests.

Will the Honourable Minister please provide an update regarding the upkeep and maintenance planned for the Gibbs Hill Lighthouse?

Thank you.

The Deputy Speaker: Thank you.
Minister.

[Pause]

Hon. Jache Adams: Madam Deputy Speaker, I thank the Honourable Member for his question. I can inform that works at Gibbs Hill Lighthouse are progressing. The safety railing works have been completed, along with works within the restaurant area, including upgrades to their fire alarm system.

Further inspections of the lighthouse roof recently identified that there was some leakage, which we are currently addressing. And as one can appreciate, these matters must be resolved before the work on the actual beacons can proceed. And finally, the painting of the lighthouse is expected to commence shortly.

Thank you. Thank you, Madam Deputy Speaker.

The Deputy Speaker: Thank you.
Do you have a supplemental?

SUPPLEMENTARIES

Mr. Dwayne Robinson: Yes, supplemental. Thank you.

Can the Honourable Minister please provide an estimated timeline on when he anticipates that the beacon will be completed?

The Deputy Speaker: Minister.

Hon. Jache Adams: Again, [it is] very difficult to answer, right? There are parts that need to be ordered and shipped in, and there are things that are beyond our control. But certainly, it is something that is known.

And certainly, I would say within the next few months, both the matter . . . it is envisioned and expected that in the next couple of months we will have the roof issue addressed and be in a position to be currently working on fixing the beacon.

The Deputy Speaker: Thank you, Minister.
Second supplemental?

Mr. Dwayne Robinson: Yes, second supplemental.

My constituents are obviously very concerned. So, can I ask the Minister that he provide a maintenance schedule going forward for Gibbs Hill, or at least provide some sort of schedule that allows us to make sure that we don't find ourselves in a situation where the Gibbs Hill Lighthouse looks the way it does? To be polite.

The Deputy Speaker: Okay.
Thank you. Minister.

Hon. Jache Adams: Again, Madam Deputy Speaker, there are numerous variables in projects such as this, which then becomes a challenge. What I can say to the Member is that addressing the entire lighthouse and getting it to the standard that we're used to is a priority of this Government, and we are moving as quickly as we possibly can.

The Deputy Speaker: Thank you.

Are there any further supplementals by others?
No, there are none.

That moves us on to the second set of written questions for oral response for the Premier and Minister of Finance. And the questions were from Member DeCouto.

Member, can you please ask your question?

QUESTION 1: CORPORATE INCOME TAX (CIT) TAXPAYERS, NUMBER THAT HAVE MADE PAYMENTS

Dr. Douglas DeCouto: Yes, thank you and good morning, Madam Deputy Speaker.

Will the Honourable Premier and Minister of Finance please inform this Honourable House how many Corporate Income Tax (CIT) taxpayers have made payments to date?

Thank you.

The Deputy Speaker: Thank you.
Minister, I mean Premier.

Hon. E. David Burt: Good morning to you, Madam Deputy Speaker.

The Deputy Speaker: Good morning.

Hon. E. David Burt: And certainly, I wish to welcome and say good morning to our visiting Premiers and Deputy Premier from our fellow Overseas Territories.

Madam Deputy Speaker, the answer to the question is the Corporate Income Tax Agency has received payments from 137 Bermuda constituent entity groups. Each Bermuda constituent entity group may comprise several individual company members.

The Deputy Speaker: Thank you.
A supplemental?

SUPPLEMENTARIES

Dr. Douglas DeCouto: Yes, thank you.

Can the Honourable Premier and Minister of Finance please advise the amount of those payments in aggregate?

Thank you.

The Deputy Speaker: In aggregate. You said in aggregate, right? Okay. Yes.

Hon. E. David Burt: I certainly can't off the top of my head.

[Laughter]

Hon. E. David Burt: So, whatever was previously recorded. But if he wants to submit a written question, and we'll see what we can answer. I mean, we have amounts recorded in the budget. We have said these things. We provide updates.

But I certainly do not have off the top of my head how much money has been collected to date.

The Deputy Speaker: Okay.

Hon. E. David Burt: I do know it's been over a billion dollars.

The Deputy Speaker: Okay. Thank you.
Second supplemental or second question?

Dr. Douglas DeCouto: Second supplemental, Madam Deputy Speaker.

Does the Honourable Premier and Minister of Finance have an estimate or any information as to how many of those taxpayers will be seeking tax credit payments?

Thank you.

The Deputy Speaker: Okay.
Premier.

Hon. E. David Burt: I know that we are supposed to give factual answers to questions, so I am certainly not going to come here and give an estimate. Again, if the Honourable Member wants to set out . . . I mean, he gives a general statement and then goes into very technical follow-up questions. If he wants those things, just set it out in written questions, and we will do our best to answer.

The Deputy Speaker: Thank you.
Second question?

Dr. Douglas DeCouto: Yes, and Madam Deputy Speaker, I am always happy to take a *I don't know* as the answer if the Premier does not know.

**QUESTION 2: DIGITAL ASSET INVESTMENTS,
FINANCIAL POLICY COUNCIL
RECOMMENDATIONS**

Dr. Douglas DeCouto: Will the Honourable Premier and Minister of Finance please inform this Honourable House the recommendations from the most recent Financial Policy Council meeting regarding government investments in digital assets, including the use of pension funds?

Thank you.

The Deputy Speaker: Thank you.
Premier.

Hon. E. David Burt: Madam Deputy Speaker, the most recent meeting of the Financial Policy Council was held on the 9th of July 2026. The Minutes do not record any recommendation concerning digital asset investments, including the use of pension funds.

The Deputy Speaker: Thank you.
Do you have a supplemental to that?

Dr. Douglas DeCouto: Yes, Madam Deputy Speaker.

The Deputy Speaker: Okay.

SUPPLEMENTARY

Dr. Douglas DeCouto: Can the Honourable Premier and Minister of Finance advise what amount of government funds the government might plan to invest in digital assets?

Thank you.

The Deputy Speaker: Okay.

Hon. E. David Burt: The same answer that I gave the Honourable Member the last time he asked the question, that those are decisions that will be made by the Public Funds Investment Committee.

But given that they cannot actually do that because the law hasn't changed, I can clearly answer to the Honourable Member: none. But I am not sure why he continues down this path and road. I have told him that when we bring the Bill,—

Dr. Douglas DeCouto: Point of order.

Hon. E. David Burt: —we can debate those things.

Dr. Douglas DeCouto: Point of order, Madam Deputy Speaker.

The Deputy Speaker: Your point of order.

POINT OF ORDER

[Imputing improper motive]

Dr. Douglas DeCouto: The Premier continues to impute improper motive. He knows very well the purpose of any Member in this House standing up and asking questions about this country's finances.

[Inaudible interjections]

Dr. Douglas DeCouto: And it is well within my rights to repeatedly ask the same question, because as we know, we have had the summer off and things evolve. There have been meetings and so forth. I am sure the Premier has been working this summer.

[Inaudible interjections]

Dr. Douglas DeCouto: I would hope so.
Thank you.

The Deputy Speaker: Thank you, Member. Okay.
Premier, did you finish answering?

Hon. E. David Burt: Well, I mean, he interrupted me, as I was just saying. The Honourable Member knows the last time he asked the question, we said we must bring legislation to the House. So, he asked the same thing before. He has seen no legislation on this particular topic, and therefore he knows that that is not able to happen. So, when the legislation comes, we can have that debate. I am not sure why he is so excited on this topic. Maybe he has something to disclose that he hasn't told us.

The Deputy Speaker: All right.

[Inaudible interjections]

Dr. Douglas DeCouto: Point of order, Madam Deputy Speaker.

The Deputy Speaker: Your point of order.

POINT OF ORDER
[Imputing improper motive]

Dr. Douglas DeCouto: The Premier is imputing improper motive. Not only that, he is suggesting that my declarations are not up to date.

[Inaudible interjections]

Dr. Douglas DeCouto: And I know last time he got into this, Madam Deputy Speaker, he was mistaken.

Some Hon. Members: Ooh!

Dr. Douglas DeCouto: So, I would like him to clarify his comment by saying he accepts that my declarations of interest are 100 per cent up to date. And I would appreciate that as an Honourable Member of this House.

Thank you.

The Deputy Speaker: Premier.

[Inaudible interjection]

The Deputy Speaker: Premier, did you want to acknowledge that his records are up to date?

[Inaudible interjection]

The Deputy Speaker: Okay.

Do you have a second supplemental, Member?

[No audible response]

The Deputy Speaker: Thank you, Member.

That moves us on to the questions submitted by the Honourable Ben Smith, Opposition Leader for the Minister of Finance *[sic]*. They were . . . I mean, Minister of Education. They were written *[answers]*.

Did you receive your *[answers]*?

Hon. Ben Smith: Yes, thank you, Madam Deputy Speaker.

QUESTIONS ANSWERED IN WRITING

QUESTION: PUBLIC EDUCATION—STUDENT ACHIEVEMENT TARGETS

Hon. Ben Smith: Will the Honourable Minister please provide this Honourable House with the specific measurable targets established for improvement in student achievement in English, mathematics and science for the 2026–27 academic year, including the baseline for each target and when progress will first be publicly reported?

QUESTION: PUBLIC EDUCATION—TWO-TIER SCHOOL TRANSITION

Hon. Ben Smith: Will the Honourable Minister please provide this Honourable House with the Government's current timetable for transitioning Bermuda's public education system to the proposed two-tier model, including the planned opening or conversion dates for the remaining parish primary and senior schools?

QUESTION: PUBLIC SCHOOL—SENIOR LEADERSHIP CHANGES

Hon. Ben Smith: Will the Honourable Minister please provide this Honourable House with a list of all changes to senior leadership

within the Ministry and Department of Education since 1 January 2025, identifying the position, officeholder and effective date of each change?

The Deputy Speaker: Thank you.

Okay. And the last set of questions to the Honourable Jache Adams, which is . . . the caption says *it's for oral response*. I don't see the asterisk.

Was that question for oral response . . . from the Member Douglas [DeCouto]?

Dr. Douglas DeCouto: Indeed, it was, Madam Deputy Speaker.

The Deputy Speaker: Yes, the caption [*sic*] says that they forgot the asterisk.

Dr. Douglas DeCouto: Yes.

The Deputy Speaker: Please read your question.

QUESTION 1: LOBSTER DIVING LICENCE APPLICATIONS RECEIVED FROM BERMUDIANS OR SPOUSES OF BERMUDIANS AND GRANTED

Dr. Douglas DeCouto: Will the Honourable Minister please inform this Honourable House how many recreational lobster diving licence applications were made for the current season, and how many were granted, broken out by whether or not the applicant is Bermudian/Spouse of Bermudian, as indicated on the application form?

Thank you.

[*Crosstalk*]

Hon. Jache Adams: Madam Deputy Speaker, I thank the Honourable Member for the question. [There were] 268 applications received for the 2026/27 recreational lobster diving season, and 175 licences were issued consistent with the established cap. Of the successful applicants, 167 were Bermudians or spouses of Bermudians, and eight were permanent resident certificate holders or BOT [British Overseas Territories] citizens.

As Government made clear before applications opened, there were a finite number of licences available. Applying did not guarantee that a licence would be issued, and licences were not allocated on a first-come, first-served basis.

Thank you, Madam Deputy Speaker.

The Deputy Speaker: Thank you.
Do you have a supplemental?

SUPPLEMENTARIES

Dr. Douglas DeCouto: Yes, Madam Deputy Speaker. I have been hoping that the Minister would break out

the actual applications, the breakdown between Bermudian and non-Bermudian, so that would be a supplemental I guess now.

Thank you.

The Deputy Speaker: Minister.

Hon. Jache Adams: Let's put it this way. The way it was written was simply asking for a breakdown of the licences. Certainly, I recognise the question, and I can endeavour to get the Honourable Member those questions [*sic*] even before our next session.

The Deputy Speaker: The answers. Okay.

Hon. Jache Adams: The answers, yes.

The Deputy Speaker: Thank you, Minister.
Second supplemental?

Dr. Douglas DeCouto: Yes. Thank you, Madam Deputy Speaker.

Can the Minister advise what the policy purpose is of asking about Bermudian status or whether or not married to a Bermudian on the licence application, and if that is part of the policy as to how the licences are granted?

Thank you.

The Deputy Speaker: Thank you.
Minister.

Hon. Jache Adams: Madam Deputy Speaker, again, these are questions or, for example, that those things [have] certainly been in place long before I took this position, so to . . . I can endeavour to get the Honourable Member those details as well.

The Deputy Speaker: Thank you. Thank you.

That brings us to our questions based on the Statements today, and the first person who wishes to put a question to you, Minister Adams, is Member Campbell.

Member Campbell, you have the floor.

QUESTION 1: SWING BRIDGE REPLACEMENT PROJECT UPDATE: BRIDGING COMMUNITIES, CONNECTING GENERATIONS

Mr. Vance Campbell: Thank you, Madam Deputy Speaker, and thank you, Minister, for your Statement.

I would like the Minister, if he can, to provide us with the total estimated cost of the replacement bridge, inclusive of road alignments, traffic management measures, and any professional fees associated with it.

The Deputy Speaker: Minister.

Hon. Jache Adams: Madam Deputy Speaker, I thank the Honourable Member for his question. As stated in the Statement, the procurement process for the contract bid has closed, and so we [are] still doing the evaluation stage. The reason . . . my point of saying that is the cost still has to be determined because we have still not as yet selected a successful bidder, so we are evaluating the bids.

Once that evaluation process has completed, we will be in a position to then articulate the cost of that replacement bridge, but we can't say that until that evaluation is complete.

The Deputy Speaker: Thank you, Minister.
Supplemental, Member?

SUPPLEMENTARIES

Mr. Vance Campbell: Yes, I have a supplemental. I did ask the Minister for an estimate, and one would think that the Ministry would have done an estimate on a project of this magnitude. But I will move on to my supplemental.

Minister . . . I would like the Minister to advise if a comparison was done in the cost for the design of a lift bridge, or this replacement bridge, versus continuing with a . . . or replacing it with a bridge that is fixed, one that doesn't open. Was a comparison in the cost done on that?

The Deputy Speaker: Okay, thank you.
Minister.

Hon. Jache Adams: I could be funny and just say yes. But I will say if the Honourable Member is asking for a simple estimate, going back to his first question, the estimate was roughly \$80 million. The estimate for—

The Deputy Speaker: [Minister], \$18 [million] or \$80 [million]?

Hon. Jache Adams: Eight zero.

The Deputy Speaker: Eight zero. Thank you.

Hon. Jache Adams: In reference to the sort of comparison as to what a fixed bridge would be versus a swing bridge, yes, those analyses were done. The cost to have the additional opening feature, if you will, was deemed to be minimal, all things considered.

The Deputy Speaker: Okay, thank you.
Second supplemental or second question?

Mr. Vance Campbell: Second supplemental.
Given that the Ministry has decided to go with a lift bridge versus the swing bridge version, what is the anticipated savings in annual maintenance costs versus the current swing bridge?

The Deputy Speaker: Okay, thank you.
Minister.

Hon. Jache Adams: I would have to get the . . . I would have to get the . . . I mean, that's quite specific. So, I will endeavour to get the Honourable Member that question [*sic*], the response—

The Deputy Speaker: That answer.

Hon. Jache Adams: —to that [question].

The Deputy Speaker: Okay, thank you.
You have a second question, Member?

QUESTION 2: SWING BRIDGE REPLACEMENT PROJECT UPDATE: BRIDGING COMMUNITIES, CONNECTING GENERATIONS

Mr. Vance Campbell: Yes, I have a second question.
The Minister has advised . . . and I should declare my interest in it from the perspective that I do work for a company, one of the local companies who potentially will participate in this project.

Given that the bidding process has closed, is the Minister yet in a position to advise how many bids have been received?

The Deputy Speaker: Okay.
Minister.

Hon. Jache Adams: The answer is: not at this time.

The Deputy Speaker: Okay, thank you.
You have a supplemental?

SUPPLEMENTARY

Mr. Vance Campbell: Supplemental, yes.
Once the Minister and his Ministry have had time to go through the bids, will the Minister commit to publishing the contract award value?

The Deputy Speaker: Thank you.
Minister.

Hon. Jache Adams: Madam Deputy Speaker, 100 per cent.

The Deputy Speaker: Thank you.
Second supplemental or third question?

Mr. Vance Campbell: Third question.

The Deputy Speaker: Okay.

**QUESTION 3: SWING BRIDGE REPLACEMENT
PROJECT UPDATE: BRIDGING COMMUNITIES,
CONNECTING GENERATIONS**

Mr. Vance Campbell: Madam Deputy Speaker, can the Minister provide us with the anticipated or expected (all things going well) length of time from start to finish that it will take to complete this project?

The Deputy Speaker: Thank you.
Minister.

Hon. Jache Adams: I thought it was in my Statement. But if it wasn't, I apologise. The answer is approximately three years.

The Deputy Speaker: Thank you.
Supplemental?

Mr. Vance Campbell: Yes, supplemental.

SUPPLEMENTARIES

Mr. Vance Campbell: Given that some years ago, this bridge was determined to have already reached its end of life, can the Minister advise what monitoring will be conducted during the construction of the new replacement bridge?

Hon. Jache Adams: Madam Deputy Speaker, I am going to ask for your indulgence. Monitoring? Is he referring to the new bridge or the existing bridge?

The Deputy Speaker: You can put the question on the floor and then we are going to pause for a minute.
So, just answer—

Mr. Vance Campbell: Just to provide for clarification, that's monitoring of the existing bridge.

The Deputy Speaker: Okay, he will answer in a minute.

[Crosstalk]

The Deputy Speaker: Minister, whenever you're ready, you may answer.

Hon. Jache Adams: Thank you, Madam Deputy Speaker. I appreciate the clarification. I figured that's what he meant, but I just wanted to be clear.

Monitoring is currently conducted on our bridges semi-annually. But that particular bridge, during the construction phase, will be monitored every . . . approximately every four months.

The Deputy Speaker: Thank you.
Any further questions, Member?

Mr. Vance Campbell: Second supplemental.

The Deputy Speaker: Okay.

Mr. Vance Campbell: And this is a question that applies, or can be asked, irrespective of the fact that we are about to embark on the actual start of construction on the replacement bridge.

What is the Government's contingency plan in the event of a major structural failure on the existing bridge prior to completion of the replacement bridge?

The Deputy Speaker: Thank you.
Minister.

Hon. Jache Adams: I can . . . One second, Madam Deputy Speaker.

I can confirm that we do have . . . the likelihood of failure is minimal. So, the structural engineers of the government have consistently stated that the bridge should be able to last, but anything can happen. There are contingency plans in place, whether it be . . . they want to call it . . . sort of emergency bridges that need to be erected relatively quickly. So, there are those sorts of . . . Bailey Bridge is what I wanted to say . . . can be erected relatively quickly. But the likelihood of that happening is minimal.

But the answer is there are contingency plans. For example, replacement bridges that can be erected relatively quickly in replacement should an emergency happen.

The Deputy Speaker: Thank you, Minister.

That finishes Member Campbell's questions. We have further questions for you from Member Robinson.

Member Robinson.

**QUESTION 1: SWING BRIDGE REPLACEMENT
PROJECT UPDATE: BRIDGING COMMUNITIES,
CONNECTING GENERATIONS**

Mr. Dwayne Robinson: Thank you, [Madam] Deputy Speaker.

I just have one question. The Statement mentioned purchase of a small parcel of land on Stokes Point. I just wanted to ask the Minister if he can confirm to this Honourable House how much that purchase was made for.

Thank you.

The Deputy Speaker: Thank you.
Member . . . Minister, sorry.

[Pause]

Hon. Jache Adams: No. Again, this isn't . . . there's a process in order to purchase land, so it would be for me . . . I cannot say if this is the cost. An agreement has

been reached for roughly \$100,000 for this parcel of land, but that's in principle. We then have to go through the necessary processes as we would in any case in terms of purchasing land.

The Deputy Speaker: Thank you.
Is there a supplemental to that question?

SUPPLEMENTARY

Mr. Dwayne Robinson: Yes. The supplemental would be if there is not a finalised agreement made for this purchase, would that then inhibit the project going forward?

Thank you.

The Deputy Speaker: Thank you.
Minister.

Hon. Jache Adams: No.

The Deputy Speaker: Okay. Thank you.
That brings to an end the questions for you, Minister.
I have questions for Minister Furbert from Member Tucker.
Member, you have the floor.

QUESTION 1: DEMENTIA CARE SERVICES PROGRAMME UPDATE

Ms. Robin Tucker: Good morning, Madam Deputy Speaker.

My question is: In the Statement it was mentioned that there were 480 client contacts completed. So, my question is, how many remain incomplete?
Thank you, Madam Deputy Speaker.

The Deputy Speaker: Thank you.
Minister.

Hon. Tinee Furbert: There are none. They're completed.

The Deputy Speaker: Okay. Thank you.
Do you have a supplemental?

Ms. Robin Tucker: No, I do have a second question though.

The Deputy Speaker: Second question. Yes.

QUESTION 2: DEMENTIA CARE SERVICES PROGRAMME UPDATE

Ms. Robin Tucker: So, my second question is: Given that we have a number of Bermudians who are facing financial challenges, or, as the Statement said, financial barriers, to actually gaining dementia care support,

I would like to know what the plan is to actually provide added support for people who are facing those challenges.

Thank you, Madam Deputy Speaker.

The Deputy Speaker: Okay.

Hon. Tinee Furbert: Thank you, Madam Deputy Speaker.

Bermuda has a dementia care integrated pathway. What is specifically special and unique about the dementia care pilot programme is that we are able to collect data so that we can make informed decisions about the future of dementia in Bermuda.

If it was not for this Government's support financially for this programme, we would not have that data, and we would not be able to provide the services which we are providing for persons living with dementia and their caregivers now in Bermuda. And so, with that question, people are reporting that there was a lack of service. But now there is a service. So, they are receiving services.

I guess when people talk about enough support, caregiving can be very demanding. And being able to provide 24-hour care is very costly. And so those sorts of financial burdens are high, as well as financial costs associated with assessment in the private sector.

The Deputy Speaker: Thank you, Minister.
Member, do you have a supplement?

Ms. Robin Tucker: Yes, yes, I do, Madam. It's a supplemental.

The Deputy Speaker: Yes.

SUPPLEMENTARIES

Ms. Robin Tucker: Yes, appreciating that the costs are very high, for the various services that the Minister did mention, we do know from the Statement that people are facing a barrier, a financial barrier, to actually getting a hold of those services. So, my question really is: Does the Government have a plan to provide additional services to people who are facing those barriers? Because as we know, the demand for dementia services continues to grow. So, what is the Government's plan to be able to provide those additional services for people who cannot afford?
Thank you.

The Deputy Speaker: Thank you.
Minister.

Hon. Tinee Furbert: Thank you, Madam Deputy [Speaker].

I would remind the public about the dementia care integrated pathway, as well as the National Senior

Strategy, which is in the public domain, that sets out clearly the plan for this Government.

Thank you, Madam Deputy [Speaker].

The Deputy Speaker: Thank you, Minister.
Any further supplementals?

Ms. Robin Tucker: Yes, just one.

The Deputy Speaker: You only have one left.

[Laughter]

Ms. Robin Tucker: Thank you; point taken.

Yes, so with that, I would like to know if the Minister can tell the public what they need to do, so people who are currently caving under that weight of trying to get resources together to be able to assist their loved one, what they can do right now to, you know, . . . what department do they need to contact, and the like, to be able to get some additional financial support?

Thank you.

The Deputy Speaker: Thank you.
Minister.

Hon. Tinee Furbert: Madam Deputy [Speaker], I did mention in my Statement, while all fingers are being pointed at Government, this is definitely a community and community-based and collaborative approach.

I want to take the opportunity to thank Dementia Bermuda for the work that they are doing in our community, as well as our Government that has stepped in to provide insurance, such as FutureCare, that provides caregiving services. And you would know that we removed the 12-month barrier to have access to FutureCare services, which allows for someone to get financial support for caregiving services, as well as the services that we provide through Financial Assistance.

The Government remains committed to provide financial support to agencies as they come forward to see what it is that they could provide, because sometimes it's a capacity issue as well. And the Government will continue to support the services of Dementia Care Bermuda in the cognitive stimulation, in the education sessions, the assessments, which at this time, Madam Deputy [Speaker], are at no cost to anyone who engages in this service. We remain committed to continuing to help our citizens, our loved ones in Bermuda who are experiencing dementia in Bermuda.

The Deputy Speaker: Thank you, Minister.
Do you have a third question?

QUESTION 3: DEMENTIA CARE SERVICES PROGRAMME UPDATE

Ms. Robin Tucker: Yes, I do, Madam Deputy Speaker.

So, my third question is around the Caregiver Support Initiative. So, just looking for clarification, [is] that support only for the month of September, or is it ongoing?

The Deputy Speaker: Minister.

Hon. Tinee Furbert: Madam Deputy [Speaker], I just want to say, I don't want to pre-empt any information that's going to come out soon. But watch this space.

The Deputy Speaker: Thank you.
Supplemental?

Ms. Robin Tucker: I have no answer, so I can't ask a supplemental.

Thank you, Madam Deputy Speaker.

The Deputy Speaker: Thank you.

That concludes the questions for Ministers, and therefore, that concludes our Question Period.

CONGRATULATORY AND/OR OBITUARY SPEECHES

The Deputy Speaker: Are there any Members who wish to speak on Congratulatory and/or Obituary Speeches?

I recognise the Minister from constituency 4. Minister, you have the floor.

Hon. Tinee Furbert: Thank you, Madam Deputy [Speaker].

I do want to take this opportunity at this time, and I will associate the whole House in advance in regard to sending condolences to the family of Ms. Carol Clarke [and those] who would know Carol Clarke for doing the annual seniors' tea that touches the lives of many seniors in our community. Carol had such a compassion for seniors. Faithfully, she would call me constantly advocating on behalf of seniors. [I] had the opportunity to help Aunt Carol through many of her seniors' teas as well, and she will not be forgotten for the many gifts that she imparted upon our seniors, and we just ask our community . . . We grieve with her family, as this was sudden, and we just want our community to continue to uplift and hold the family in prayer and continue to provide words of support and encouragement.

Thank you, Madam Deputy [Speaker].

The Deputy Speaker: Thank you.

Are there any other Members who wish to speak?

I recognise a member from constituency 7. Member, you have the floor.

Ms. Robin Tucker: Thank you. Thank you, Madam Deputy Speaker.

I would like to first extend congratulations to the Devil's Hole family 10th year of putting on their annual community day event. Unfortunately, it was rained out last week, but it will be taking place this weekend, this Sunday from 1:00 pm to 9:00 pm at the Devil's Hole dock.

[Inaudible interjections and laughter]

Ms. Robin Tucker: And I would also like to . . . okay, so I would like to associate, I'm sure they'll have their own comments, but I'd like to associate Minister Rabain—

[Inaudible interjections]

Ms. Robin Tucker: No, but they're in their 10th year, and I think that is worthy of congratulations. Ten years of consistently serving the community in such a way that they do.

[Inaudible interjections]

Ms. Robin Tucker: I think that is fantastic, and it is worthy of congratulations.

[Inaudible interjections]

The Deputy Speaker: Thank you.

Ms. Robin Tucker: I would like to extend condolences to the Bright Temple [AME] Church family on the passing of Reverend Charles Smith.

Some Hon. Members: Ooh!

Ms. Robin Tucker: And I'd like to associate the whole House, please.

And I would like to extend condolences to the friends and family of Mr. Russ Ford. I'm sure that everyone would like to be associated and that there will be people that will get up and express their own condolences to his family and his friends.

And then also I'd like to express condolences to my own family, my Aunt Eileen Roberts has passed away, to my cousin Linda and to her husband Kenny, and of course to my uncle Millard. And I'd like to associate Member Weeks as well.

Thank you, Madam Deputy Speaker.

The Deputy Speaker: Thank you.

Does anyone . . . I recognise the Member and Minister from constituency 15.

Hon. Owen Darrell: Thank you, Madam [Deputy] Speaker.

And while I understand where the Honourable Member from the other side was going, she totally missed that the Cleveland County Cricket Club—

[Laughter]

Hon. Owen Darrell: —from the area of Harris Bay was crowned this weekend (or last weekend) as the First Division champions.

An Hon. Member: Unbeaten!

Hon. Owen Darrell: So, while unbeaten, a perfect season. So, while I know she was trying to fit something in there, I will help her by congratulating those boys from Harris Bay on their undefeated First Division season. And we look forward to now switching places with the St. David's Cricket Club [that] will be coming down to First Division—

[Laughter]

Hon. Owen Darrell: —as our team goes up to the premier division.

The Deputy Speaker: Different zones.

Hon. Owen Darrell: But with that said, Madam Speaker, Deputy Speaker, I would like to continue on with my congrats regarding sports this morning.

And I'd like to congratulate Ms. Adriana Penruddocke as she is competing in the World Championships of Sailing and is doing quite well. So, I would like to congratulate her. As you would know, Madam Deputy Speaker—I associate the Honourable Member DeCouto from the other side. As you will know, she is one of our elite athletes competing on the world stage and continues to do well in all competitions. And I'd like to congratulate the first medal and cup winners of the local domestic season.

And I think I'd associate the Honourable Jason Hayward with this one. And that's congratulations to the North Village Community Club [Rams] for defeating the Dandy Town Hornets. Remember, that was last year's league champions versus last year's FA Cup champions, and they competed on Sunday evening in the Charity Cup. And congratulations to North Village who, well, North Village won but congratulates for Dandy Town.

[Inaudible interjections]

Hon. Owen Darrell: We already did that for last year. But congratulations to the North Village Community Club. As they say, the Village is definitely in the heart of the area that I represent. However, their field is located somewhere else, Madam Deputy Speaker.

So, thank you very much.

The Deputy Speaker: Thank you.

Is there anyone else who wishes to speak?
I recognise the Member from constituency 16.
Member, you have the floor.

Mr. Michael A. Weeks: Thank you, Madam Deputy Speaker.

[Crosstalk]

Mr. Michael A. Weeks: I'd like to start off by associating myself with the remarks for Carol Clarke. Carol Clarke was actually one of my constituents, she and most of her family. The Wednesday before she passed I was actually at her house. And she and I were sitting off talking because she was one of my constituents who you very seldom had a conversation with. She directed you, like. You know what I mean? And every year I had to contribute to her senior's teas. And not by choice, she would call me and say, *Michael, I need A, B, and C*. But on the night before, well, on the Wednesday before she passed (she passed on a Friday, but on the Wednesday before she passed), we had a good conversation about the party and the direction of the party. And that Friday we were supposed to get back together. I was supposed to go back by the house on the Friday. I never went, but I was supposed to go on the Friday. And when I got the call that she had passed, it really, really touched me.

So, condolences to her sister who lives with her, her brothers. We all pretty well were raised together. So, my heart goes out to a hard-working community woman that never looked for anything back. You know, she really worked hard for those whom she loved.

I would also like to be associated with the remarks for Reverend Charles Smith. When I first became an MP, Madam [Deputy] Speaker, Reverend Smith was the pastor up at Heard Chapel. And I didn't know him at the time, but right when I became an MP, I was baptised with fire. [There were] about four or five murders back-to-back, up in that area. And I remember going to Reverend Smith and asking him, *What's happening?* You know, he was very instrumental in helping me navigate that early period of my being an MP. And I would always remember that. So, my heart goes out to . . . well, his family and his children.

Before I take my seat, I also want to be associated with the remarks of Russ Ford. Before I got in this kind of seat, I was in a social services arena. And I remember Russ, well, this is how far back we go. I remember when Russ started Agape House and STAR. You know, I remember his passion. And my heart goes out to his family, because he was a true advocate and champion for the less fortunate among us.

Thank you, Madam.

The Deputy Speaker: Thank you, Member

Does anyone else wish to speak?

I recognise the Member . . . Minister from constituency 11 . . . 13, sorry.

Hon. Diallo V. S. Rabain: That's all right.

Thank you, Madam [Deputy] Speaker.

Madam Deputy Speaker, I'd like to be associated with the comments for the Cleveland County Cricket Club. It was a well-fought season that they did finish unbeaten and were crowned First Division champions. So, I look for bigger and better things as we move up to the Premier League next year.

Madam Deputy Speaker, I also want to send a hearty congratulations to all of our educators, principals, custodians, especially parents and students as we started the first week of public school. It was not without its challenges due to the inclement weather that we had over the last few days that unveiled where we thought all repairs, necessary roof repairs were done . . . there were some leaks that were uncovered during that hard rain.

But congratulations to the custodians and Public Works that worked extremely hard on Tuesday to make sure those were cleaned up so everyone was ready for when school went in . . . on Tuesday to make sure everything was ready when school went in on Wednesday. So, definitely a congratulations to them and congratulations to our educators at the schools who had to work, navigate around some of those challenges that were unforeseen and could not be foreseen. But they did a yeoman's work of making sure that all our students were received adequately. They were settled in and doing the things that they needed to do.

A special congratulations to the senior class of CedarBridge Academy. And I express my personal interest, that is my daughter has entered into S4 at CedarBridge. They conducted their annual sunrise event this morning at 6:45 at John Smith Bay. And so just congratulations to those young people as they navigate this final year of their senior class.

Thank you, [Madam Deputy] Speaker.

The Deputy Speaker: Thank you, Minister.

Does anyone else wish to speak?

I recognise the Member from constituency 25. Member, you have the floor.

Dr. Douglas DeCouto: Thank you, Madam Deputy Speaker.

Although I was already associated with the comments on the passing of Reverend Smith, I just did want to call it out explicitly as Bright Temple. It is an important part of the Spring Hill neighbourhood. And he was the pastor there for coming on 13 years. So, it's affecting them. And obviously, of course, his family, Madam Deputy Speaker.

In positive news, last weekend, Julia Laura Durham, JP, celebrated her 90th birthday. Some of you may know she's the mother of—associate yes—Dr. Shangri-La Durham-Thompson, as well as many other highly achieving Bermudians around the world. And it was a very pleasant afternoon in her backyard as the heat started to fade away. So, congratulations to Mrs. Durham.

Also, congratulations to St. Mary's Church, who are celebrating their 400th anniversary this year. But you do the math, [it] means they've been here since the beginning, pretty much. And they have a programme of events going on this year, which includes this weekend, the Service of [Lament] Remembrance [and Dedication] at the former enslaved person's graves at the St. Mary's . . . excuse me, at the Warwick Rubber Tree site. And I want to thank Reverend Carl Williams and the church, and all involved who will be putting that together. This is going to be Sunday.

I'd like to congratulate 15-year-old Dominic Wright, who recently competed in the World Aquatics Junior Open Water Swimming Championships in Santa Fe, Argentina. I don't believe he got the result he wanted, but he is a highly accomplished open water swimmer. And when you read the details of the event, you can see what an enterprise that is for that young man, who, by the way, won the gold medal at the Pan Am Aquatics 10-kilometre open water swim in Cayman this June.

And we've already heard about Adriana Penruddocke. And just to add a little information to that, as of yesterday's results, she was 29 out of 108 people in the world championships. So amazing. And I think that event is still ongoing. So amazing achievements. And let's wish her luck.

Thank you, Madam [Deputy] Speaker.

The Deputy Speaker: Thank you, Member.

Are there any other persons who wish to speak?

I recognise the Member from constituency 28. Member, you have the floor.

Mr. Dennis Lister III: Thank you, Madam [Deputy] Speaker.

Madam Deputy Speaker, I would first like to start off on a sad note, and that is that I'd like to associate my condolences to the family of Mr. Russ Ford. I knew him personally growing up. I went to school with his children, so I knew him through them, but also of the work that he'd done in the community, as MP Weeks has said, working in the space of therapy, physical therapy and so on, the work he's done. He's going to leave a lasting legacy with his work in setting up Agape and things like that. So, I just want to send condolences to his family. I know what it is like to lose a parent. And so, you know, I share in that loss. But know that we always have the memories that we had of them to keep us going.

Also in another vein, Madam Deputy Speaker, as we know what today is, the 25th anniversary of the 9/11 attacks that happened in New York. And while there were many people who lost their lives, I just want to take time to remember the few Bermudians who lost their lives and namely Ms. Rhondelle Tankard. Prior to her leaving to go to work at the Twin Towers, she actually used to work in the Lister Insurance Office. So,

that's how she got connected to go. So, I knew her through working at my family's insurance firm. And then she went off to bigger and better things. But unfortunately, the attacks of 9/11 happened and interrupted her career and her aspirations. But just to her family and to the families of the other Bermudians who lost their lives, again, just want to recognise and remember them on this day.

And I'd also like to associate with Minister Rabain in comments of welcoming students back to school. On Wednesday, the Warwick MPs and Warwick branches did our annual back to school. We attended different schools in our areas to give out give-aways. I was at Purvis to see all the fresh faces. It's welcoming to see the young children looking forward to a good school year, and I wish them well in their endeavours.

And lastly, I'd also like to associate with the comments from MP DeCouto in regard to the 400th anniversary of St. Mary's Church. My family has connection on my father's mother's side. They grew up in the Khyber Hill area and so they attended St. Mary's Church. And I even have some distant relatives who would have been buried in the former graveyard at the Rubber Tree. So, to commemorate and recognise the history of St. Mary's Church, I support that.

And I would also like to put a call out, and I will associate the Minister of Culture with that, in that the Ministry of Culture, the Department of Culture along with St. Mary's Church, is asking for people who have a connection to the area who might have photos or attended the church to submit them so they can capture the history on the 400th anniversary.

[Timer chimes]

Mr. Dennis Lister III: So, please, reach out to the Department of Culture or to Father Carl Williams at St. Mary's Church.

The Deputy Speaker: Thank you, Member.

Does anyone else wish to speak?

I recognise the Member from constituency 30. Member, you have the floor.

Mr. Dwayne Robinson: Thank you very much.

I just want to quickly associate myself with the comments made by the Minister of Education regarding the reopening and start of the new school year, and also with my colleague's (from [constituency] 28) mention of Purvis. I wanted to just congratulate a special young person who started his first year at Purvis.

[Inaudible interjections]

Mr. Dwayne Robinson: Yes, we had a very smooth transition, and we look forward to the school year. The school and the teachers did their utmost to be prepared, and my wife has great glowing reviews of the

assembly that they had that was apparently very educational and engaging. So, thank you.

The Deputy Speaker: Thank you, Member.

Are there any other persons who wish to speak?

I recognise the Member from constituency 36. Minister, you have the floor.

Hon. Rev. Dr. Emilygail A. Dill: Good morning, Madam [Deputy] Speaker and to my colleagues and the listening audience.

I'd like to take this opportunity to offer condolences to the family of Mrs. Gloria Eve-Steins. Mrs. [Eve-]Steins, spent many years as the administrator at the West End School, primary school, in the Sandys community and made such a great contribution. And so, we just wanted to celebrate her life as we also acknowledge her passing.

I'd like to also take the opportunity, like my other colleagues have shared, the back to school. It was wonderful. I want to especially highlight the Sandys Secondary Middle School and give commendation to the Board of Trustees and the Public Works Department for the reopening of the Dr. Eustace [A.] Cann media centre. It was really wonderful to see that reopened. When I was there it was the library and it had been closed for many years but to see the students engaged and to be able to see our three schools in the community . . .

And we would also like to take the opportunity to welcome our newest principal, Dr. Michelle Squire, who has taken the helm at the Somerset Primary School.

Thank you, Madam [Deputy] Speaker.

The Deputy Speaker: Thank you, Member.

Are there any other Members who wish to speak?

I recognise the Member from constituency 22, I believe it is.

Mr. Scott Pearman: Thank you. It is constituency 22, Madam Deputy Speaker.

The Deputy Speaker: Yes. Yes.

Mr. Scott Pearman: Madam Deputy Speaker, I would just like to add my voice to that of my PLP colleague, Dennis Lister III, who commented on the 25th anniversary today of the disaster of September 11.

The Opposition Leader, the Minister of National Security and the Honourable Attorney General, who sits in another place, and I all had the honour of attending this morning at a service in the Botanical Gardens in the Peace Garden that was a multi-party, multi-faith observation of the loss.

It is hard for me to believe that that was 25 years ago. And I think it is one of the few occasions in

the world where almost anyone who was alive then, and I appreciate there are people up to 25 who were not, but almost anyone who was alive then and lived that as their lives rather than lived it as history will remember likely where they were when they heard that news or they saw that TV image or they heard it on the radio or someone mentioned it to them.

And I would just like to share with the Honourable House and with the listening audience a comment that was made today at the ceremony. As I said, it was an interfaith ceremony, so many of the churches were represented and three faith ministers spoke, one from the Anglican Church, one from the Muslim faith and one from the Jewish faith.

The rabbi was an invited guest, and I just want to share quickly what he said. He talked about his uncle who had died as a rabbi at the occasion, and he mentioned how his uncle had died trying to get people out of the building. And he asked this, he said: *We can value the life of a stranger when that life is in danger, but can we also value the life of a stranger when there is no danger?* And I found that a very, very moving observation.

So, on behalf of the Bermudian victims, Rhondelle Tankard, who I believe the Honourable Member mentioned, also Bermudian Boyd Gatton, who I know he mentioned but not by name. And let me just add a third, which was of course Robert Higley, who though not Bermudian was born and raised here, was a personal friend of mine.

Madam Deputy Speaker, 3,000 people died that day; 1,700 in the towers, 90-something on one of the planes, 40-something on the other plane. And thank you to the first responders.

And let me leave you with this thought, Madam Deputy Speakers, because I think it's important. More than 90 citizens of 90 countries died in 9/11. It's not just an American thing. It's not just a Bermudian thing, et cetera. Citizens from 90 countries across this world died on that day and they deserve our respect.

Thank you.

[Desk thumping]

The Deputy Speaker: Thank you, Member.

Are there any other persons who wish to speak?

I recognise the Premier.

Premier, you have the floor.

Hon. E. David Burt: Thank you very much, Madam Deputy Speaker.

Madam Deputy Speaker, I'd like to be associated with condolences offered by the Honourable and Learned Member from constituency 22. And certainly, the Government was represented in that statement that was certainly issued.

And yes, we all certainly do remember the time. I myself was living in Washington DC and could look

outside of my window and see smoke. So, I understand clearly what certainly took place.

I'd also like to be associated, if I could briefly, Madam Deputy Speaker, with the condolences that were offered to the family of the late Charles Smith.

And certainly, to the family of the late Carol Clarke. Like the Member from constituency 16, I knew her, knew her family. Without question, of course, her sister is the head of the Public Service, Ms. Cherie Whitter. And her brother is also the head of the Department of Financial Assistance, Charles Clarke. And without question, a family that is committed to service, but also she was committed to significant service during her time.

Madam Deputy Speaker, if I could also ask this Honourable House to send a letter of condolences to the family of the late Paulette Robinson, who was a constituent of mine, who lived a very full life and was someone who I would always remember when I visited, would always be thrilled. And it always touched my heart how every year she kept every single one of our branch's Christmas cards, which I pitched to my family and lined up inside of her house. But she was certainly someone who attended my clinics and was very concerned about the youth and the future of this country. And I would just like the Honourable House to send a letter of condolence to her family.

Thank you.

The Deputy Speaker: Thank you.

Are there any other persons who wish to speak on Congratulatory and/or Obituaries [Speeches]?

There being none, I'd just like to add my voice to the condolences for, associate myself with the condolences for, I knew him as Alex Smith, Reverend Alex Smith. His mother is the matriarch of St. David's. I believe now she's 102 years old.

And so, you can imagine the loss that she feels along with the rest of her family. And I also want to be associated with the remarks made regarding September 11 to say, in particular, that Boyd Gatton himself and his family were my immediate next-door neighbours. And I watched Boyd grow up. So, we did suffer a loss on that day. Yes.

With that being said, Members, that [moves] us on.

MATTERS OF PRIVILEGE

The Deputy Speaker: There are none.

PERSONAL EXPLANATIONS

The Deputy Speaker: There are none.

NOTICE OF MOTIONS FOR THE ADJOURNMENT OF THE HOUSE

ON MATTERS OF URGENT PUBLIC IMPORTANCE

The Deputy Speaker: There are none.

INTRODUCTION OF BILLS

GOVERNMENT BILLS

The Deputy Speaker: I would first call on the Premier. Premier, you have the floor.

[Crosstalk]

The Deputy Speaker: So, for the Introduction of Bills, I think that there was something that would have been passed on if you're switching . . .

Hon. E. David Burt: Oh, they are listed under Introduction. Okay. Thank you, Madam Deputy Speaker. I sincerely do apologise.

The Deputy Speaker: Yes.

Hon. E. David Burt: First, I will do the Insurance Amendment Act.

BILL

FIRST READING

INSURANCE AMENDMENT ACT 2026

Hon. E. David Burt: Madam Deputy Speaker, I'm introducing the following Bill for its first reading so that may place on the Order Paper for the next meeting, the Insurance Amendment Act 2026.

The Deputy Speaker: Thank you.

BILLS WITHDRAWN

[Standing Order 48]

TRUSTEE AMENDMENT ACT 2026

PROCEEDS OF CRIME AMENDMENT ACT 2026

POLICE (INTERNATIONAL CO-OPERATION) AMENDMENT ACT 2026

Hon. E. David Burt: Thank you, Madam Deputy Speaker.

Further, under the provisions of Standing Order 48, I move to withdraw and discharge from the Order Paper the Bills entitled the Trustee Amendment Act 2026, Proceeds of Crime Amendment Act 2026, and Police (International Co-operation) Amendment Act 2026.

[Motion carried: The Trustee Amendment Act 2026, Proceeds of Crime Amendment Act 2026, and Police (International Co-operation) Amendment Act 2026 were withdrawn.]

BILLS

FIRST READINGS

TRUSTEE AMENDMENT ACT 2026

PROCEEDS OF CRIME AMENDMENT ACT 2026

POLICE (INTERNATIONAL CO-OPERATION) AMENDMENT ACT 2026

Hon. E. David Burt: I move to reintroduce those Bills today for their first day of reading so they may be on the Order Paper and that would be the Trustee Amendment Act [2026], Proceeds of Crime Amendment Act [2026], and Police (International Co-operation) Amendment Act [2026].

The Deputy Speaker: Thank you.

Hon. E. David Burt: Thank you.

The Deputy Speaker: Yes.
Opposition Bills, there are none.
Private Members' Bill—

[Inaudible interjections]

The Deputy Speaker: I don't see your name here, but you have Bills to introduce? Sorry. Sorry, Minister.

[Inaudible interjection]

The Deputy Speaker: Yes. That's why I should put my reading glasses on.

[Laughter]

Hon. Jason Hayward: Madam Deputy Speaker—

The Deputy Speaker: So sorry for overlooking you.

Hon. Jason Hayward: That's no problem.

BILL

FIRST READING

EMPLOYMENT AMENDMENT (NO. 2) ACT 2026

Hon. Jason Hayward: I am introducing the following Bill for its first reading so that it may be placed on the

Order Paper for the next day of meeting, the Employment Amendment (No. 2) Act 2026.

The Deputy Speaker: Thank you, Minister. And again, apologies for overlooking you.

And I do believe we are now covered for . . . I thought you did the others. You did, yes, you did those three.

[Inaudible interjections]

The Deputy Speaker: Yes. That was done by the Premier.

OPPOSITION BILLS

The Deputy Speaker: There are none.

PRIVATE MEMBERS' BILLS

The Deputy Speaker: There are none.

NOTICE OF MOTIONS

The Deputy Speaker: There are none.

ORDERS OF THE DAY

The Deputy Speaker: I call on the Premier.

SUSPENSION OF STANDING ORDER 29(1)

Hon. E. David Burt: Madam Deputy Speaker, I move that Standing Order 29(1) be suspended to enable the House to proceed with the second reading of the Bill entitled the Trustee Amendment Act 2026.

The Deputy Speaker: Are there any objections?
There are none.

[Motion carried: Standing Order 29(1) suspended.]

The Deputy Speaker: Continue, Minister.

Hon. E. David Burt: Thank you very much.
I move the Bill entitled the Trustee Amendment Act [2026] be now read for the second time.

The Deputy Speaker: Any objections to that?
There are none.
Continue.

Hon. E. David Burt: Thank you very much, Madam Deputy Speaker.
It's my honour to—

The Deputy Speaker: Premier, before you go, let me just remind the House that this was agreed to, that Bills

would be pulled off and replaced. And it was agreed that we would proceed to the second reading. So, I just don't want anybody to think that we are doing something that's out of order.

Continue, Premier.

Hon. E. David Burt: Thank you very much, Madam Deputy Speaker.

And I'm sure it's at the end of my remarks, but I'm grateful certainly for the hard work of the Attorney General's Chambers, for the cooperation of the Opposition [for] the work that's taking place this week on a number of things. Of course, this package of Bills of which we are passing today is significant and necessary for our mutual evaluation, which is upcoming under CFATF. And so, I am grateful and hopefully we can get through these particular matters expeditiously today.

BILL

SECOND READING

TRUSTEE AMENDMENT ACT 2026

Hon. E. David Burt: So, I rise this morning to debate the Bill entitled the Trustee Amendment Act 2026.

Madam Deputy Speaker, this Bill seeks to amend the Trustee Act 1975 to streamline and strengthen the record-keeping obligation of trustees, create a provision for the appointment of a supervisor for certain trustees, provide for the confidentiality and relevant disclosure of information kept by trustees, and to make consequential amendments to the Proceeds of Crime (Anti-Money Laundering and Anti-Terrorist Financing) Regulation 2008. The Bill aligns Bermuda's trust legislation with the revised Financial Action Task Force standards on the transparency of legal arrangements.

Madam Deputy Speaker, by way of background, in February 2023, FATF adopted significant revisions to Recommendation 25, which governs the transparency of legal arrangements such as trusts. Bermuda's Fifth Round Mutual Evaluation is currently underway, and Bermuda's submission on its technical compliance with standards which sets out the legal, regulatory, and operational framework of our anti-money laundering [and] anti-terrorist financing, and counter-proliferation financing regime is due by September 14. It is important that this Bill is now enacted so it can be appropriately incorporated into that submission.

The revised standards require trustees, whether professional or non-professional, to hold adequate, accurate, and up-to-date information on the settlor, the trustees, the protector, the beneficiaries, or class of beneficiaries, and any other natural person exercising ultimate effective control over the trust, to hold basic information on the regulated agents and service

providers of the trust, and to retain records for at least five years after their involvement [when] the trust ceases, and to be subject to effective, proportionate, and dissuasive sanctions for noncompliance.

Madam Deputy Speaker, the Trustee Act currently contains three separate record-keeping provisions in sections 13A, 13AA, and 13B, which apply to different categories of trustee and impose different duties with different consequences for each breach. The National Anti-Money Laundering Committee reviewed the Act against revised standards and consulted publicly on the proposed amendments for a two-week period from November 20, 2025, to December 4, 2025.

Madam Deputy Speaker, the feedback received during the consultation was generally supportive of the amendments. This Bill reflects that feedback together with the work of NAMLC's [National Anti-Money Laundering Committee] policy, legislative, and working group, which complies with all NAMLC agencies' further targeted consultation with trust law experts and detailed consideration of how such matters have been addressed by other jurisdictions that have been undertaken. This allowed for refinement of provisions relating to the definition of control and record-keeping obligations.

Further discussions have been held in response to concerns that the definition of beneficial ownership could create confusion with fundamental principles of legal ownership embodied within the Trustee Act. The Amendment Act has been updated to reflect these valid concerns. I would like to thank all respondents for their valuable input.

Madam Deputy Speaker, in addition to the changes made to address the principles of legal ownership and to refine the definition of "control," other changes were made to the previously tabled Bill. The record-keeping, control, confidentiality, and disclosure provisions have been moved to one part for ease of reference. Also, the provision for a commencement notice, which would have had the effect of delayed commencement, has been removed.

The Trustee Amendment Act is to take effect immediately upon assent. The Bill already contains a transitional clause which will allow affected persons a period in which to put their affairs in order.

Madam Deputy Speaker, the Act defines record-keeping requirements for trustees with respect to settlors, trustees, and protector (if any) of the beneficiaries, whether or not they have all been determined in the class of person whose main interest the trust is set up or operates, and any other individual who has control over the trust.

Honourable Members will note this category is broader than the existing law. Trustees and protectors are now expressly listed, whereas under the Proceeds of Crime Regulations, they were captured only as a person exercising control. Definition of controls aligns with the FATF definition. It captures the power to dispose of, advance, lend, invest, pay, or apply trust property to

direct, make, or approve trust distributions, or to vary and terminate the trust, to add or remove beneficiaries, to appoint or remove trustees, or to give another individual control over the trust, to direct, withhold consent, or veto the exercising of those powers. A professional investment manager acting in that capacity is expressly excluded. Where a company or other entity, such as a corporate trustee or private trust company, is a party to the trust, the individuals behind that entity are identified using the beneficial ownership test in section 6 of the Beneficial Ownership Act 2025, whether or not that Act applies to the entity. Consequential amendments are being proposed to the Proceeds of Crime Regulations, so the definitions are all appropriately aligned.

Madam Deputy Speaker, every trustee must keep records, including the underlying documentation of the identity and residential address of the beneficial owners, accounts records, the assets, liabilities, additions, distributions, purchases, sales, income, and expense of the trust, and a record of the names and addresses of the regulated agents and service providers of the trust. Records must be kept current, accurate, and updated on a timely basis, and retained for at least five years after the trustee's involvement with the trust ceases.

Madam Deputy Speaker, I wish to emphasise that the record-keeping requirements apply to every trustee of a Bermuda trust, professional or nonprofessional, individual, corporate, licensed, exempted, or not. The FATF standards draw no distinctions between professional and nonprofessional trustees in this respect, and the information required is information that any trustee must already hold in order to administer a trust properly.

The Bill, nonetheless, treats nonprofessional trustees fairly, and the Bill retains the exemptions of [section] 13AB for nonprofessional trustees who act alongside a licensed trustee or appoint a licensed trustee to maintain the trust records. And the Bill provides for a six-month transitional period after commencement before any civil penalty may be imposed on a nonprofessional trustee in regard to the new obligations.

Madam Deputy Speaker, in closing, this Bill forms part of the Government's continuing commitment to ensuring Bermuda's AML/ATF and CPF framework is robust, effective, and fully aligned with the international standards set by the Financial Action Task Force. A credible framework of this kind is not simply [a] compliance exercise, [it is] a key component of Bermuda's reputation and, by extension, the jurisdiction's long-term economic stability.

The amendments strike a deliberate balance. By extending record-keeping obligations and transparency requirements to all trustees, the Bill ensures that Bermuda trusts cannot be used to conceal the identity of those who ultimately own, control, or benefit from them. At the same time, the Bill preserves the confidentiality that legitimate settlors, beneficiaries, and their families are entitled to expect.

I thank the National Anti-Money Laundering Committee and its working groups and all participating agencies, the practitioners of Bermuda's trust industry, and the drafting team at the Attorney General's Chambers, and also, without question, the National Anti-Money Laundering Committee for their valuable contributions to this Bill, and I commend it to the House for its second reading.

The Deputy Speaker: Thank you.

It has been proposed that we commit the Bill entitled . . . the second reading of the Trustee Amendment Act 2026 be committed.

Are there any objections?

There are none.

I call on the Member from constituency 22.

[Inaudible interjections]

The Deputy Speaker: Oh. I am racing this debate. I sure am. I'm thinking we're going into Committee.

Are there any other Members who wish to speak to this Bill?

I recognise the Member from constituency 22. Member, you have the floor.

Mr. Scott Pearman: Thank you, Madam Deputy Speaker, and my thanks to the Premier wearing his Minister of Finance hat. He presented that at a gallop, and for the—

[Laughter]

Mr. Scott Pearman: —benefit of the listening audience, we have nine Bills on the docket today, and so I shall also try to emulate and be quick.

Having said that—

The Deputy Speaker: See, I was trying to rush this.

Mr. Scott Pearman: You were.

The Deputy Speaker: Yes.

Mr. Scott Pearman: I make no criticism, Madam Deputy Speaker.

The Deputy Speaker: Yes.

[Laughter]

Mr. Scott Pearman: I make no criticism.

Let's just step back for a second. The reason that this Honourable House is doing at least eight of the nine Bills today is owing to . . . and actually, let me also just pause to recognise the Financial Secretary who is in the Chamber. I do know, and I would echo the Premier's observations, that certainly the Ministry of Finance, and indeed the Attorney General's Chambers and the

Ministry of Legal Affairs, but probably civil servants all across the government, have been scrambling in relation to the huge amount of work that continues to be imposed upon Bermuda by international bodies. More of that in a minute when I get to my speech, but I do offer heartfelt thanks.

I've had the benefit of being on a number of calls and Zoom calls, et cetera, over the last 10 days, and I do appreciate and I want the general public to know how hard people are working on behalf of Bermudians to ensure that we are and remain a foremost jurisdiction for international best practice as an international financial centre.

But let me speak. I'm not going to speak on the rest of the Bills. My honourable colleague, Jarion Richardson, who is one of Bermuda's foremost experts in international regulatory matters, is going to deal with all the other ones. So, thank you, Jarion, for picking those up.

[Inaudible interjections]

Mr. Scott Pearman: I just get to deal with trustees. And so, a couple of quick points. The reason, for the listening public, why we're doing all this is that Bermuda, because we're a little island in the Atlantic, is one of the top international financial centres in the world. And in the trust sphere, Bermuda is widely regarded as one of *the* best jurisdictions in the world for trusts. I would argue the best, but that's my opinion. There are other places that try to keep up with us.

But certainly, we are in the top five without doubt, and nobody would doubt that, and many would say we are in the top two. So, there we are. So, this is all about trying to maintain international best practice and make sure that our laws are tip-top with T's crossed and I's dotted. Having thanked all of those involved, those in the room and those not, I will just say a few brief words about the regulatory matters that we face, and then the trust, and then the Act.

On the first of those, again, the Bermudian public probably is not aware of the alphabet soup of regulators that are out there. And I apologise to anyone who chooses to listen to the debates today because they're going to hear a lot of acronyms, and most of them (and some of us) don't have any idea what those acronyms stand for.

The Honourable Premier, wearing his Minister of Finance hat, used the expression NAMLC quite a lot. That is the National Anti-Money Laundering Committee, for those who don't know. And so, apologies in advance for using NAMLC a lot.

I'm also going to say what FATF means because you probably don't know what FATF is. It's the Financial Action Task Force. And finally, there's the OECD, which is the Organisation [for] Economic Control *[sic]* and Development over in—

Hon. E. David Burt: Co-operation.

Mr. Scott Pearman: —[Organisation for Economic Co-operation and Development. I used "control." That was perhaps an intentional slip of the tongue, but the Premier is quite right. Co-operation and Development does seem like control sometimes. The OECD over in Paris.

And so, again, I apologise to the listeners for all of the acronyms. But I can assure the listeners that their frustration at the use of acronyms is nothing like the frustration that practitioners and civil servants have been facing in relation to these various on sites and obligations. And let me just fly the flag for a second.

The reason I use the word "frustration" is intentional, because in my opinion—and it is my opinion, but I express it firmly and without hesitation—Bermuda is already at the forefront of international best practice. And there is a double standard in this world where certain onshore jurisdictions are not held to the same regulatory scrutiny and obligations that we in Bermuda and other offshore territories and offshore financial centres are held. There are rules that are applied to Cayman, the Channel Islands, Hong Kong, Singapore, Bermuda, that are not applied to Austria. They are not applied to Italy. They are not applied to Portugal. They are not applied to Spain. And sometimes because we want to make sure that we continue to be at the forefront, we are too polite to mention that fact.

But as I stand here, not just as a litigator, but also as a legislator representing the interests of my constituents and the Bermudian people, if anyone outside of Bermuda is listening, please know that we are already doing the best that is required. We are already at the gold standard. We are already demonstrating best practice. And so perhaps as a matter of cooperation, as well as control, one might look and see if the rest of the world is keeping up. And dare I suggest perhaps sometimes they are not.

So, with that slight observation, let me just say this. Again, it may not be a matter to those in Bermuda of which we're well aware. We often hear of the international business community and sector here, IB as we call it, another acronym. And many, many people will mistakenly think that IB means solely insurance and re-insurance. It does not. We are one of the foremost trust jurisdictions in the world. We have hundreds, if not thousands of people employed in the trust industry here in Bermuda. These are people who are at the pinnacle of their game in terms of expertise and knowledge. When, as I've had the good pleasure to do, I travel around the world and I go to gatherings of trust professionals and practitioners in other countries, everyone knows who Bermuda is. Everyone knows that a Bermuda trust is a Rolls Royce vehicle. And everyone is listening to what Bermuda lawyers have to say because in terms of our trust law, we are ahead of most. It is Bermuda that often leads and others follow.

And even the United Kingdom's trust law is very anachronistic and historic in contrast with where we stand today. And again, I think that that is perfectly

proper for me to say, and to fly the flag for all of those hard-working people who are in the trust industry, who are legislators, who are civil servants in relation to that, and indeed who are regulating the trust industry. They should know that they are dealing with people who do know what they're talking about. And if anyone doubts me on that, they may wish to continue to listen when my honourable colleague, Jarion Richardson, gets up to speak about these other Bills. And the expertise and insight that he has is second to none.

So, moving just lastly before I take my seat to this Act, the Premier has said what the Trustee Amendment Act is doing. It is making amendments to the primary Act, which is our Trustee Act 1975. It is also making a few small additional changes to certain other Acts, including I believe the Proceeds of Crime, ATL or ATM, ALF, whatever it is, regs from 2008. See, I can trip up over the acronyms too. But just three very, very high overarching points, high-level points.

One, the Bill is putting in a supervisory function for trusts. That's fine. I mean, our trusts have always been very, very well regulated anyway, but there we are. It's putting in a supervisory function over trusts.

Secondly, it's making some much-needed distinctions between professional trustees, of which there are many in this Island. There are professional trust companies. I declare an interest. Conyers is related to one. But there are also people who are trustees who are just sole individuals. If it's a family trust that might hold the house, for example, it might be Uncle Bob. It might be Aunt Sue who is the trustee. So, they could just be individuals who are not lawyers, who are not trust experts.

Third and finally, what this Act is doing is confirming the record-keeping that must be maintained by trustees in relation to persons or entities or parties who are connected to trusts. And that work is actually already done. So, what we are doing is putting into writing and codifying that which already happens, and quite rightly so.

So, the Opposition is pleased to support this Bill, which I believe has bipartisan support and will be unanimously supported. And before I take my seat, I would just like to give a personal note of thanks to the PLP Attorney General, who sits in another place. I am extremely grateful for the extra hours and dedication that she has done in keeping me informed about what is going on. And that is always appreciated when we are able to approach things with collaboration and discussion and communication. It really goes a long way. So, I offer my unvarnished and heartfelt thanks to the Attorney General.

Thank you.

ANNOUNCEMENT BY THE DEPUTY SPEAKER

HOUSE VISITOR

The Deputy Speaker: Thank you.

And before I ask if anyone else wishes to speak to the Bill, I would like to recognise the Attorney General, Senator and Minister of Legal Affairs, the Honourable Kim Wilkerson. Welcome.

[Trustee Amendment Act 2026, second reading, continuing]

The Deputy Speaker: Are there any other Member who wish to speak to the Bill entitled the Trustee Amendment Act 2026?

There being none, I call on the Premier and Finance Minister.

Hon. E. David Burt: Thank you very much, Madam Deputy Speaker.

I note the comments and the concurrence, and certainly I will take no argument with the comments of the Member opposite.

If we will note, I'm not certain if a communique has yet been issued from the gathering of the meeting of Caribbean Overseas Territories Premiers. One of the matters in there is that we state that we do exceed international standards in many areas, and it would behove the administering power (as some would call the colonial administering power) to recognise that in their conversation discussions globally rather than always trying to point out where we may not be because what the Honourable Member is saying is factual. There are many jurisdictions that do not have to comply with the same level of scrutiny of which we have to comply with and for that it is regrettable.

Nonetheless, Madam Deputy Speaker, I move that the Bill be committed.

The Deputy Speaker: It has been moved that the Bill entitled the Trustee Amendment Act 2026 be committed.

I call on the Member from constituency 24 to come and assume the seat. Thank you.

House in Committee at noon

[Mr. W. Lawrence Scott, Chairman]

COMMITTEE ON BILL

TRUSTEE AMENDMENT ACT 2026

The Chairman: Good morning, Members.

We are now in Committee [of the whole House] for the [Trustee Amendment Act 2026](#).

Premier, you have the floor.

Hon. E. David Burt: Thank you, Mr. Chairman.

Mr. Chairman, I would like to move clauses 1 through 7.

The Chairman: It has been moved that we do clauses 1 through 7.

Are there any objections?

No objections.

Go ahead.

Hon. E. David Burt: Thank you, Mr. Chairman.

Clause 1 provides the title.

Clause 2 inserts new definitions into section 1 of the principal Act for the purposes of these amendments.

Clause 3 inserts new Part IIA into the principal Act. New section 25A aligns the record-keeping duties of all trustees in relation to information [required] to be kept in relation to a trust including its settlors, trustees, beneficiaries, protectors (if any) and other persons with control over the trust (as defined in section 25B). Adequate accounts and records relating to the trust property must be retained, as well as information relating to regulated agents and service providers. All accounts and records must be kept current, accurate and updated on a timely basis, and retained for a period of five years after the trustee's involvement with the trust ceases. Failure to comply with the section may render a trustee liable to a civil penalty under section 54A. New section 25C re-enacts section 13AB, which provides an exemption for non-professional trustees who have a licensed co-trustee or who appoint a licensed trustee to keep the records. Section 25D confirms that the trustee obligations under section 25A have effect despite anything to the contrary in the trust, a contract or other enactment, but section 25E confirms that legal professional privilege exemptions are not overridden. Sections 25F and 25G prohibit the disclosure of specified information under the Public Access to Information Act 2010 or in contravention of the Personal Information Protection Act 2016. New section 25H confirms that nothing in the principal Act limits the specified record-keeping requirements imposed by or under the Beneficial Ownership Act 2025 and Proceeds of Crime Act 1997.

Clause 4 broadens section 54 of the principal Act so that civil penalties for breach of record-keeping duties may be imposed by a court on any trustee (the provision currently applies only to non-professional trustees). The maximum amount of the civil penalty is \$20,000 for each contravention of section 25A or regulations made under new section 63B (inserted by clause 5).

Clause 5 inserts new sections 63A and 63B into the principal Act. Section 63A empowers the Minister to designate one or more supervisory authorities for the purpose of overseeing compliance with the principal Act by trustees, other than trustees who are prohibited from carrying on trust business without a licence granted by the Bermuda Monetary Authority under the Trusts (Regulation of Trust Business) Act 2001. Section 63B is a regulation-making power. Regulations may in particular require trustees to register with a

supervisory authority and provide information and submit returns to the supervisory authority, and prescribe the purposes for which, [and] the persons to whom, the supervisory authority may disclose information provided by the trustees.

Clause 6 makes consequential amendments. Sections 13A, 13AA, 13AB and 13B of the principal Act, which set out differing record-keeping duties for different types of trustee with different consequences for breach, are repealed in consequence of the new Part IIA. Clause 6 also makes consequential amendments to regulation 3(3) and 3(4) of the Proceeds of Crime (Anti-Money Laundering and Anti-Terrorist Financing) Regulations [2008] (meaning of beneficial owner in the case of a trust) for consistency with section 25A of the principal Act (inserted by clause 3).

Clause 7 provides that the Bill shall come into operation on assent, and provides a six-month transitional period to give non-professional trustees time to comply with new record-keeping requirements under section 25A before a civil penalty can be imposed for breach.

The Chairman: Thank you, Mr. Premier.

Is there anybody who would like to speak to clauses 1 through 7?

Mr. Scott Pearman: Thank you, Mr. Chairman.

The Chairman: The Chair recognises MP Pearman.

Mr. Scott Pearman: Thank you, Mr. Chairman.

Just two points. My first is about clause 3 which is on page 2 of the Bill, and I just want to speak quickly to clause 3 because it is the meat of the Bill and it is something in relation to which the Government and the Opposition and, indeed most importantly, the trust industry have been focussing on over the last 10-plus days or indeed 10 months prior. But I just want to make a couple or two observations in relation and then I'll come to a further question for the Premier and Minister of Finance.

The first point really is for the benefit of the trust industry. They will now see in clause 3 that clause 3 is inserting into the primary Act [section] 25A (which is at the top of page 2), and that is the list of parties or persons for whom the trustee must now retain information. And it's important to note that those people are no longer being identified as beneficial owners of the trust. And I think that's really important that Bermuda is clarifying that point. The information will have to be provided. But it's quite wrong when you're talking about trust to talk about beneficial owners. It's a corporate concept that has no place, and I'm extremely grateful for the Government and indeed the industry and the Opposition for all getting their heads together on that point.

To the same clause but two pages over at [page] 4, I just want to quickly highlight again for the

listening industry that some of the things that they felt were very important for inclusion in the insertion into the primary Act do appear at page 4. You see [sections] 25C, 25D and 25E, the exemption for non-professional trustees. Again, I made the point a trustee isn't always a big company. It might be your uncle; it might be your aunt. Again, the confidentiality point is there, and I'm sure that the trust industry will be reading with care [sections] 25D and indeed 25E for the lawyers, everything that is privileged. So, that's the first of two points, Mr. Chairman, and I'm grateful.

The second of two points is really more . . . if I can advise or invite the Premier to take it under advisement. But at page 6, clause 6 (over the page at page 7) under subsection (2) after subsection (2)(b), I believe discussion was being had about the potential for an insertion there which doesn't appear at this moment in the Bill before me. I know there are various iterations and I just leave it with . . . I know the Honourable Attorney General is in the Chamber, so I just leave it with them to take as to whether or not the slip rule . . . whether that further amendment might be added between here and the other place in the Bill. Not a matter for me, [I'm] just pointing it out in case it might be done.

Thank you, Mr. Chairman.

The Chairman: Thank you, Honourable Member.

Are there any other Honourable Members who would like to speak to clauses 1 through 7 of the Trustee Amendment Act 2026?

Seeing none, Premier.

Hon. E. David Burt: Could I just ask the Honourable and Learned Member to just clarify that final point. You said clause 6 on page 6 under 6(1). You're saying there might be a—

Mr. Scott Pearman: Very happy to do so. There may just be a slip rule point. I leave it to the Attorney General. It was page 6,—

Hon. E. David Burt: Mm-hmm.

Mr. Scott Pearman: —clause 6—

Hon. E. David Burt: Mm-hmm.

Mr. Scott Pearman: —that's subsection (1)—

Hon. E. David Burt: Mm-hmm.

Mr. Scott Pearman: —over the page to page 7 you see subsection (2)—

Hon. E. David Burt: Mm-hmm.

Mr. Scott Pearman: —after 2(b)—

Hon. E. David Burt: Mm-hmm.

Mr. Scott Pearman: —above (ba) the trustees,—

Hon. E. David Burt: Mm-hmm.

Mr. Scott Pearman: —there was a potential (aa) that might have gone in.

Hon. E. David Burt: Got you.

Mr. Scott Pearman: It may be that people decided not to put it in. But I just flag it in case the slip rule might apply. I leave it with the Government. Thank you.

Hon. E. David Burt: Thank you very much. I will—

Mr. Scott Pearman: For the avoidance of doubt, the Attorney General will be well aware of what I'm mentioning. Thank you.

Hon. E. David Burt: Understood. Thank you.

And I do certainly know and recognise the Honourable and Learned Member's comments because there has been cooperation on these particular matters. As we know, we often join hands across the aisle to make sure we can pass Bills for our international business agency. I just wish we could join hands across the aisle on more things.

Nonetheless, noting all the comments and we'll take under advisement that specific matter so that it can be relayed to the Chambers. I know the Financial Secretary is listening there.

I move that clauses 1 through 7 be approved.

The Chairman: It has been moved that clauses 1 through 7 be approved.

Is there any objection to that motion?

[Motion carried: Clauses 1 through 7 passed.]

The Chairman: If there are none, it has been moved that the Trustees Amendment Act [2026] be approved.

Are there any objections?

Hon. E. David Burt: I haven't gotten that far yet.

The Chairman: Oh, sorry.

Hon. E. David Burt: Thank you.

[Crosstalk]

Hon. E. David Burt: Mr. Chairman I move that the preamble be approved.

The Chairman: Are there any objections to the preamble being approved?

None.

Go ahead.

Hon. E. David Burt: Thank you.

I move that the Bill be reported to the House as printed, with the proviso that was given.

The Chairman: It has been moved that the Bill be presented to the House as printed with the [proviso] as noted.

[Motion carried: The Trustees Amendment Act 2026 was considered by a Committee of the whole House and passed as printed, with the proviso as noted in Committee.]

House resumed at 12:09 pm

[Ms. Lovitta F. Foggo, Deputy Speaker, in the Chair]

REPORT OF COMMITTEE

TRUSTEE AMENDMENT ACT 2026

The Deputy Speaker: It has been reported that the Trustee Amendment Act 2026 has been reported to the House as printed.

Are there any objections to that?

There are none.

That takes us to the second order of the day which is the second reading of the Charities Amendment Act 2026.

I call on the Minister of Youth, Social Development and Seniors. Minister, you have the floor.

Hon. Tinee Furbert: Thank you, Madam Deputy [Speaker].

Madam [Deputy] Speaker, I move that the Bill entitled the Charities Amendment (No. 2) Act 2026 be now read the second time.

The Deputy Speaker: It has been moved that the Bill entitled the Charities Amendment (No. 2) Act 2026 be read a second time.

Are there any objections?

There are none.

Minister.

BILL

SECOND READING

CHARITIES AMENDMENT (NO. 2) ACT 2026

Hon. Tinee Furbert: Madam Deputy Speaker, I am pleased to introduce in this Honourable House today a Bill entitled Charities Amendment Act (No. 2) Act . . . Charities Amendment (No. 2) Act 2026.

The Deputy Speaker: It's just one of those days.

[Laughter]

Hon. Tinee Furbert: The purpose of this Bill is to amend the Charities Act 2014 and revoke the Charities (Anti-Money Laundering, Anti-Terrorist Financing and Reporting) Regulations 2014 (the AML/ATF regulations), which includes replacing references to money laundering and terrorist financing with a broader definition of financial crime clarifying how privately funded charities are treated, and to ensure civil penalties against non-compliant charities are more effective proportionate and dissuasive. All of these aim to align the effectiveness of Bermuda's anti-terrorist financing regime with international standards and to provide for connected purposes.

Madam Deputy Speaker, Bermuda was assessed through a mutual evaluation exercise in 2018 by the Caribbean Financial Action Task Force using the Fourth Round Financial Action Task Force Methodology. Bermuda received a compliant rating. And with respect to FATF Recommendation 8, which provides guidelines on the regulation of non-profit organisations, NPOs, with respect to the prevention and mitigation of terrorist financing, [TF], risk.

Madam Deputy Speaker, in 2023 the FATF revised Recommendation 8 to address concerns that many jurisdictions adopted overly broad or prescriptive regulatory measures for NPOs which had the unintended consequence of constraining legitimate charitable activities without providing a demonstrable corresponding benefit to the mitigation of potential terrorist financing risk.

Madam Deputy Speaker, the revised Recommendation 8 emphasises the term NPOs specifically relates to FATF definition of NPOs which is a legal person or arrangement or organisation that primarily engages in raising and dispersing funds for purposes such as charitable, religious, cultural, educational, social or fraternal purposes, and for the carrying out of other types of good works.

Additionally, the revised standard requires countries to have in place focused proportionate effective and risk-based measures to identify terrorist financing risk. Further, the revised Recommendation 8 makes clear that NPOs are not reporting entities subject to anti-terrorist financing and reporting ATF obligations, such as appointing a compliance officer, and should not be required to conduct customer due diligence as required by financial institutions and designated non-financial businesses and professions.

Madam Deputy Speaker, currently there are significant provisions in the AML/ATF regulations that require charities to appoint a compliance officer and impose an obligation for them to submit suspicious activity reports. Recommendation 8 explicitly cautions against treating NPOs in this way. And without corrective action Bermuda risks a non-compliant rating for this recommendation under FATF Fifth Round Methodology.

Madam Deputy Speaker, in May of 2025 a mock review exercise of the Registry General's [RG] readiness for the Fifth Round Mutual Evaluation was carried out. The key findings were that under the current charity legislative framework Bermuda's charity sector was over regulated, disproportionate measures for compliant requirements are threshold-based rather than risk-based, misaligned supervision with heavy emphasis on monitoring checks and regulatory compliance as opposed to assessing actual risk factors. These findings make clear that the Registry General's regime or framework does not align with the revised FATF Recommendation 8 standards.

However, Madam Deputy Speaker, this non-alignment presented a material risk of non-compliance with Recommendation 8 and its implementation under the Core Issue 10.3 of immediate outcome 10, which both required focused, proportionate and risk-based measures for TF risk oversight or monitoring of the local NPO sector.

If the AML/ATF regulations were not repealed and the required amendments to the acting regulations were not made, then it will be determined by the CFATF assessors at the mutual evaluation in 2027 that the RG does not have a correct understanding of the intentions or requirements of the revised Recommendation 8 standards and has misapplied or wrongfully imposed counter-terrorist financing measures that disrupt or discourage activities of the local charities and NPO sectors.

Madam Deputy Speaker, the policy intent behind the amendment is to repeal the AML/ATF regulations and amend the Act to address the over regulations of NPOs regarding the requirements set out by FATF standards to ensure aspects of the AML/ATF regulations that remain critical to good governance of charities and NPOs are retained and incorporated into regulations, and to further amend the Act to ensure the regulatory framework of Bermuda's charity sector remains robust and upholds international best practise.

The objectives are to do away with the AML/ATF regulations which impose obligations on charities that treat them like reporting entities as its provisions are not in line with the intentions of the revised Recommendation 8. Identify those provisions that are still required to maintain a robust charity's regulatory framework and transfer them to the regulations and to further strengthen the existing legislation by amending the Act to provide more clarity to the existing provision and introduce new provisions.

Madam Deputy Speaker, the Bill also seeks to replace the term "money laundering" and "terrorist financing" with a broader reference to financial crime which will be defined as "fraud", "money laundering" and "terrorist financing."

While both money laundering and terrorist financing are serious crimes, not all NPOs face the same level of risk or exposure to these, and by establishing financial crimes as a broader category to include fraud,

the Act will better demonstrate that general measures of financial crime should apply to all NPOs. This will then allow the Registry General to target specific oversight aimed at NPOs that are at an elevated exposure to terrorist financing through internal policy measures which will demonstrate that Bermuda does not impose unnecessary regulatory measures on all NPOs.

Madam Deputy Speaker, the Bill seeks to clarify how the Registry General treats charities that are privately funded. These charities do not receive money from either the public or from government grants and may in some cases be exempt from registration. Some provisions of the Act with respect of charities that are privately funded are vague and need to be better explained so these entities know when they must register with the Registry General and what obligations they have whether they must be registered or are exempt.

Madam Deputy Speaker, the Bill clarifies the following points:

1. An exempted charity that is privately funded which is a company or other legal person who qualifies for exemption must provide a copy of their service agreements to the Registry General.
2. Charities that are privately funded who not qualify for exemption must apply to register as a charity with the Registry General in the same manner as a public charity. But this register is kept separate from that of public charities.
3. Charities that are privately funded and qualify for exemption are recorded by the Registry General but not in a formal register.
4. Whether a charity that is privately funded is registered or is exempt from registration, any information held by the Registry General is not available for public inspection because neither entity receives nor uses public money.

Madam Deputy Speaker, the Bill seeks to repeal sections of the Act that relate to the supervision of the AML/ATF measures that are not relevant to the Registry General's oversight of the charity sector. Historically, these provisions require consultation with and approval from the National Anti-Money Laundering Committee and require using the affirmative resolution procedure. This was originally drafted to mirror similar legislation that dealt with regulated financial institutions because charities should not be regulated like financial institutions, these measures are not required, and if not repealed will affect Bermuda's ability to comply with FATF guidelines in the upcoming mutual evaluation. Instead, further amendments will confirm that any further regulations will be approved through the negative resolution process.

Madam Deputy Speaker, the Bill revises all existing civil penalties of [\$]100 or [\$]200 that may be levied for non-compliance with the Act by establishing a range from no penalty charge to a maximum of [\$]5,000 at the Registry General's discretion. This will ensure that Bermuda complies with FATF guidance that

sanctions which include monetary penalties must be effective, proportionate, and dissuasive.

The revised measures will ensure that the amount of any civil penalty will be appropriate relative to the circumstances of the breach, the ability of the charity to pay the fine, and whether charity may be more exposed to risk of financial crimes, such as terrorist financing. Further, charities will continue to have the power to appeal a penalty should they disagree with it.

Additionally, Madam Deputy Speaker, the Bill will address an issue whereby charities formed by the private Act could be exempt from registration and reporting under parts of the Act. In practice, only those charitable entities formed by public Act are exempt from these provisions and the appropriate amendments here will ensure that this is clear.

In closing, Madam Deputy Speaker, the Charities Amendment (No. 2) Act 2026 is further evidence of the Government's commitment to enhance the existing legal framework by providing oversight of charities and ensuring that the RG's regime effectively upholds international best practices.

Thank you, Madam Deputy Speaker.

The Deputy Speaker: Thank you, Minister.

Are there any other Members who wish to speak to the Charities Amendment (No. 2) Act 2026?

I recognise the Member from constituency 23. Member you have the floor.

Mr. Jarion Richardson: Thank you, Madam Deputy Speaker.

I rise to acknowledge the work of the dedicated civil servants and as well as the team from the National Anti-Money Laundering Committee in adapting our programmes to suit the recommendations of the Financial Action Task Force, compliance with which is crucial to the success of Bermuda altogether. And anyone who has been on the Grey List or Black List will attest to the damage it does to the economy.

So, it's key that even relatively minor parts of our economic framework are adapting to these international standards although not a large part of what we topically discuss in the world of regulatory compliance, charities are nonetheless crucial. In fact, the introduction of charities regulation saw participants drop in the number of charities in Bermuda at the introduction of that regulation from a very large number . . . I want to say something in the range of 900, to 200, if that.

And having participated in remediating a number of those charities and getting them authorised to undertake or continue charitable activities, I can say that it was a laborious and unnecessary process. One which probably did not serve Bermuda well. But nonetheless, got us over the threshold that we needed to accomplish at that time.

Suffice to say, I'm incredibly pleased that we are now adjusting our programme or our regulatory

framework to match the actual reality of charities in Bermuda because the simple fact of the matter is that it is extremely unlikely, as demonstrated in all of our risk assessments, that our charities would be used for the purposes of terrorist financing. Indeed, Bermuda itself is simply not conducive and has none of the red flags or criteria for such criminal conduct.

With that being said, Madam Deputy Speaker, it is nonetheless necessary that we would regulate charities in such a way so as to ensure not only compliance with international norms but also to ensure that they are not abused or misused within Bermuda itself. As all of us are well aware, charities play a key role in the socio-economic framework of Bermuda, most especially around those who are vulnerable populations, et cetera.

So, to that effect, it is very good that we are in fact removing a lot of this because the charities should get back to what they do. As a boss once told me when I was discussing regulatory compliance with her, she said, *I do have a day job you know*. And that's exactly what regulatory compliance can sometimes be. It's a little more than an obstacle to accomplishing a greater good.

So, with that being said I do have some questions for the Honourable Minister in this regard. Namely, we take note and support that protecting charities from abuse without treating every charity as a high-risk financial institution is a good idea.

My question to the Honourable Minister is: Which requirements will actually be reduced or removed from low-risk charities? This has a lot to do with the actual obligations of a charity not just from the reporting obligations in the primary legislation but subsequent preventive obligations that are contained in secondary legislation or regulation, which we're doing away with, but we are providing a power to create new regulation. So, the question is: How are we, or to what extent are we removing work for low-risk charities in this legislation?

Further, protecting charities from fraud is legitimate and is necessary. But a point to note, Recommendation 8 does not speak to that. That is, Financial Action Task Force Recommendation 8 doesn't speak to broadening the financial crime definition. But we do in Bermuda. Now, one of the reasons why I am curious why we're doing this is because the National Risk Assessment doesn't indicate that we have a propensity or even a vulnerability for fraudulent conduct in charities in Bermuda and that National Risk Assessment would have included all of the criminal investigations from the Bermuda Police Service, et cetera.

So, it seems like a bit of a step in a direction. It's a weird step to my mind because financial crime includes a number of other financial crimes, most enshrined in the Criminal Code [Act] of 1907, and that would include things like insider dealing, market manipulation, market abuse, et cetera. So, when we talk about financial crime, it's a big topic. And I'm wondering

why we're widening that topic for the purposes of charity in the same breath that we are reducing the amount of work they have to do. Especially, again since if this change is meant for the purposes of complying with Recommendation 8 of the FATF standards, then why are we expanding that definition?

Further, Madam Chair, I'm sorry . . . Madam Deputy Speaker, I do have some questions. Will the authorities retain timely access to relevant information for both registered and exempt privately funded charities? We are creating functionally multiple sources of information. And in other pieces of legislation authorities get access to these records. So, my question is: Are we going to be able to keep up, given that we're creating different buckets or sources of information?

And finally, whilst we are repealing those regulations nonetheless the charities will exist. Those that exist today will exist tomorrow, will exist as we bring this legislation into force, and it changes their reality of what they have to do. My question is: What, on day one, will these charities have to do to adapt to the new regulatory framework? So, the second that this is given assent and it's published, what do the charities of Bermuda have to do different than they would have had to do the day before?

That's . . . Oh, and the last one, Madam Deputy Speaker, is the timing of the new regulations and accompanying Guidance Notes. Again, we are removing the, say, superfluous regulations, but we are creating a broader enactment power for a different set of regulations. So, what can we anticipate for when those new regulations will come into force and the accompanying Guidance Notes?

Thank you, Madam Deputy Speaker.

The Deputy Speaker: Thank you.

Are there any other persons who wish to speak on this?

There being none . . . what I propose to do is, I will have the Minister stand up, and she can make comment now or she can choose to make it after lunch because it is just about 12:30. And if you have very few comments to make then I would suggest that we commit the Bill before we break for lunch. But if you do have a few comments to make, then I would ask when the Minister takes [to] her feet, given the time that she asks that we move for lunch and she can return and give her response before she commits the Bill.

Hon. Tinee Furbert: Madam [Deputy Speaker], I can wait till after lunch.

The Deputy Speaker: Okay. So, can you move us to lunch, Minister?

Hon. Diallo V. S. Rabain: Okay.

The Deputy Speaker: Can you . . . okay.
Minister.

Hon. Diallo V. S. Rabain: Madam [Deputy Speaker], I move that we break for lunch until at 12:30 and return to the Chamber at two o'clock.

The Deputy Speaker: Thank you.

It has been moved that we break for lunch and return at 2:00.

Members.

[Gavel]

Proceedings suspended at 12:30 pm

Proceedings resumed at 2:03 pm

[Ms. Lovitta F. Foggo, Deputy Speaker, in the Chair]

The Deputy Speaker: Members, we are resuming.

[Gavel]

BILL

SECOND READING

CHARITIES AMENDMENT (NO. 2) ACT 2026

[Second reading debate, continuing]

The Deputy Speaker: Minister, are you ready to make . . . Thank you.

Hon. Tinee Furbert: Good afternoon to my colleagues, the listening audience, and [the] Madam [Deputy] Speaker.

I want to thank the last Member who stood to his feet to comment and raise questions as it relates to the amendments to the Charities [Amendment] (No. 2) Act [2026]. This Bill, Madam Deputy Speaker, is meant to modernise Bermuda's oversight of charities. There have been some key changes to this piece of legislation, which include a transition to a financial crime network as well as risk-based oversight, clarification of exempted charities, confidentiality protections, financial crime risk management, also enhanced enforcement powers, as well as record-keeping and regulatory powers. These amendments, Madam Deputy Speaker, present us with a good governance framework.

I just want to answer some of the questions that were raised by MP Richardson. And the first question was: What obligations are being taken from low-risk charities through the amendments? The primary obligations that will no longer be required concerned all charities, which are, the removal of a requirement for charities to appoint a compliance officer, and an obligation for charities to report suspicious or suspicions of financial crime to the FIA [Financial Intelligence Agency] by way of a suspicion transaction report. These were measures specifically identified in

Bermuda's 2024 National Risk Assessment as over-regulation of the charity sector and not in compliance with FATF's [Financial Action Task Force] Recommendation 8.

Further, under the amended Act, low-risk charities will be expected to self-regulate with regard to the specific measures put in place to mitigate financial crime. The Registry General has a range of resources that charities can access with the Registry General's website and periodic training to provide so that all charities are aware of the risks that they may encounter particularly for terrorist financing. This allows low-risk charities to determine which measures are most appropriate for their specific needs. So, the Registry General does not micromanage every charity it regulates. The regular monitoring through annual reporting and financial submissions will continue, and the Registry General retains the power to inspect any charity more closely if there are concerns raised at any time. But the Registry General will only become involved directly with the small range of charities that have been identified as being at an elevated exposure to terrorist financing risk, leaving low-risk charities the ability to focus more on their efforts of carrying out their very important work in the community.

There was another question, Madam Deputy Speaker: Why are we changing the reference from AML/ATF to *financial crime*? Following Bermuda's 2024 National Risk Assessment, it was determined that the overall risk to the charity sector for terrorist financing was medium-low, and only a small percentage of registered charities were found to be more highly exposed to terrorist financing. By replacing references to money laundering and terrorist financing in the Act with a broader reference to financial crime, which also includes fraud, we are ensuring that the legislation itself remains more general because, Madam Deputy Speaker, the term that was used was we are "expanding." But we are not expanding; we are clarifying and making the term to be more general of financial crime.

Under the amended Act, charities will have a requirement to apply a risk-based approach to financial crime in general and in most cases will be expected to self-regulate using the guidance and resources the Registry General has given them. This ensures that the majority of charities that are not a significant risk for terrorist finance are not burdened by over-regulation and can more easily carry out their important charitable activities. Additional oversight and guidance required for specific charities with respect to terrorist financing is dealt with through internal policy, which is in line with the current FATF Recommendation 8 regulations.

How will Bermuda ensure that authorities will still have access to information on charities that are privately funded? The amendment to the Act does not create any new categories of charity. Private funded charities are currently defined in the Act, and the categories of registered and exempted private funded charities already exist in the Act. The proposed amendments only

provide further clarity on how these will be regulated. Whether a privately funded charity is registered or not, the Registry General's records will be open [and] accessible by any agency that requires information. While this information is not available for public inspection, the Registry General maintains records on every privately funded charity. In the case of those that are exempted from registration where the Registry General's information on file is limited, government authorities will also be able to access information through the Bermuda Monetary Authority and the Registrar of Companies to conduct appropriate supervision of the exempted privately funded charities.

What is the status of the charities' regulations? When will these be addressed? It is intended that the charities amendment regulations of 2026 will be subject to the negative resolution procedure that comes into operation immediately after the Bill comes into operation, which means that the regulations will be published on a particular date, and they will be laid in the House at the next available date. So, we have understanding that this Bill has to go to the Senate, and then things will fall into place. The regulations are ready, and ready to go immediately upon publication so that there will be a seamless transition to the new regulations once the Charities Amendment (No. 2) Act [2026] is enacted.

I already spoke about guidance, Madam Deputy Speaker, so I believe I have answered all questions.

I just want everyone to keep in mind that the immediate change to the AML and the [ATF] will be that that particular Act is repealed. And so, the changes to this particular Act, again, apply to all charities. It is providing a clarification. And it sets out for exemption registration of charities and provides for better clarity.

And with that information, Madam Deputy Speaker, I now move that the Bill be committed.

The Deputy Speaker: It has been moved that the Bill entitled the Charities Amendment (No. 2) Act 2026 be committed.

Are there any objections to that?

There are none.

I call on Member Scott Pearman to take the Chair [of Committee].

House in Committee at 2:13 pm

[Mr. Scott Pearman, Chairman]

COMMITTEE ON BILL

CHARITIES AMENDMENT (NO. 2) ACT 2026

The Chairman: Thank you, Honourable Members.

We are in the Committee of the whole [House] to consider today the [Charities Amendment \(No. 2\) Act 2026](#). We are hearing from the Honourable Minister Tinee Furbert

Honourable Minister, do you want to take us through? Do you want to do, what, five at a time—one through five?

Hon. Tinee Furbert: No, Mr. Chairman, I was hoping to move all clauses.

The Chairman: Okay, it has been proposed that all clauses are moved at once.

Is there any objection to that?

There being none, Minister, please proceed.

Hon. Tinee Furbert: Thank you, Mr. Chairman.

Mr. Chairman, this Bill seeks to amend the Charities Act 2014 (“the principal Act”) to shift from an AML/ATF specific framework to a broader financial crime one and to adopt an oversight and monitoring approach to charities that [are] more risk-based and proportionate. It also clarifies the distinction between registered charities and exempted charities, the procedure for exemptions from registration, and the treatment of privately funded charities including confidential protections. The Bill also repeals the Charities (Anti-Money Laundering, Anti-Terrorist Financing and Reporting) Regulations 2014.

Mr. Chairman, I move that clauses 1 through 17 be considered.

The Chairman: It has been moved by the Honourable Minister that clauses 1 through 17 be considered.

Are there any objections?

There being none, clauses 1 through 17 of the Bill will be considered.

Thank you.

Hon. Tinee Furbert: Thank you, Mr. Chairman.

Clause 1, Mr. Chairman, gives the title and it is self-explanatory.

Clause 2 amends section 2 of the principal Act, (interpretation). The clause removes the definition of “AML/ATF regulated financial institution” and inserts definitions of “beneficiary,” “financial crime,” “officer” and “partner.” The new definition of “financial crime” consolidates references throughout the Act to money laundering, terrorist financing, and fraud. The definition of “beneficiary” is brought in to reflect that beneficiaries are not limited to natural persons.

Clause 3 amends section 11 (Registrar’s general functions). The clause replaces references to money laundering and terrorist financing risk-based oversight with broader references to financial crime. It also requires a Registrar to implement a focused, proportionate, risk-based oversight or monitoring programme and, in consultation with the National Anti-money Laundering Committee, establish risk criteria to facilitate such oversight.

Clause 4 amends section 17 (Registration of charities). The clause clarifies that the separate part of the register maintained in relationship to privately

funded charities applies only to privately funded charities that are required to be registered and does not include exempted charities. It also expressly provides that this separate part of the register is not open to public inspection. These amendments reinforce the distinction between registered charities and charities whose exemption from registration has been confirmed by the Registrar.

Clause 5 amends section 17A (notification of establishment of certain charities). The amendments establish a clearer distinction between the registration of charities and the recording of charities that are exempted from registration. The amendments: clarify how a privately funded charity that claims exemption from registration applies to the Registrar to be confirmed and recorded as an exempted charity; empower the Minister to prescribe requirements for such applications; require certain corporate charities to provide a copy of their corporate service provider agreement; clarify that privately funded charities that do not qualify for exemption, or whose application for confirmation of exemption is refused, must apply for registration; require the Registrar to maintain a record of charities whose exemption has been confirmed; and require exempted charities to notify the Registrar of any change in circumstances affecting their eligibility for exemption.

Clause 6 amends section 18 (charities required to be registered unless exempted). The clause replaces references to anti-money laundering and anti-terrorist financing systems and controls with references to financial crime risk management systems and controls. The clause also removes a provision now relocated to section 17A concerning documents required from privately funded charities seeking recognition of their exempt status.

Clause 7 amends section 21 (public inspection). The clause clarifies that records related to privately funded charities are not available for public inspection. In particular, it provides that the following are not open to public inspection in relation to privately funded charities: the separate part of the register maintained under section 17(1A); the record of exempted charities maintained under section 17A(2A); statements of accounts; and annual reports. The amendment ensures that confidentiality protections applicable to privately funded charities extend consistently to both registered and exempt charities.

Clause 8 amends section 23 (remedial or protective action). The clause replaces references to money laundering, terrorist financing, and other financial crimes references to financial crime, thereby ensuring consistency with the new definition inserted in section 2.

Clause 9 amends section 32 (permitted disclosure). The clause also replaces references to money laundering, terrorist financing, and other financial crimes with references to financial crime, [thereby] ensuring consistency with the new definition inserted in section 2.

Clause 10 amends section 37 (submission of statement of accounts). The clause adds a subsection which provides that the requirement for statement of accounts submitted to the Registrar to be available for the public inspection does not apply to charities that are privately funded.

Clause 11 amends section 38 (annual reports). The clause replaces the existing requirement to report on anti-money laundering and anti-terrorist financing systems and controls with a requirement, where requested by the Registrar, to provide information on financial crime risk management systems and controls. This amendment supports a more targeted, risk-based approach. The clause also repeals subsection (3), which makes Regulations made under section subject to the affirmative resolution procedure. Such Regulations would therefore be subjected to negative resolution procedure as provided in section 48(2).

Clause 12 repeals section 47. Section 47 currently empowers the Minister to make regulations concerning the anti-money laundering and anti-terrorist financing controls. The clause repeals that section because equivalent powers, updated to refer to financial crime generally, are re-enacted in section 48.

Clause 13 amends section 47A (civil penalties). The clause significantly expands the Registrar's discretion in relation to civil penalties by increasing the maximum penalties from fixed amounts of \$100 and \$200 to amounts not exceeding \$5,000. The clause also: creates a revised penalty for failing to notify the Registrar of the establishment of a privately funded charity; updates references to reflect the distinction between registration and exemption; and adds a requirement for the Registrar to consider the charity's overall assets and financial position when determining penalties. These amendments are intended to provide a more effective and proportionate enforcement regime.

Clause 14 repeals section 47F. Section 47F currently provides certain exemptions for smaller charities. The repeal removes those exemptions so that all charities will be subject to the relevant record-keeping requirement established under the principal Act and regulations made under it.

Clause 15 amends section 48, (general regulation-making powers). This clause replaces the term "affiliates" with the defined term "partners." It also inserts a new power enabling the Minister, after consulting the Registrar and the Committee, to make regulations for the detection and prevention of financial crime. The new provisions substantially replicate the former section 47, but broaden the focus from money laundering and terrorist financing to financial crime generally. The regulations may require charities to implement donor and beneficiary due diligence, record-keeping, reporting, employee vetting, systems testing and training measures.

Clause 16 amends section 50 (savings). The clause restores the reference to the entity established by another public Act, rather than another Act

generally. The amendment clarifies that Parts 3 and 5 of the principal Act continue to apply to charities established by private Acts unless otherwise provided.

Clause 17 repeals the Charities (Anti-Money Laundering, Anti-Terrorist Financing and Reporting) Regulations 2014. The repeal forms part of the transition from the existing anti-money laundering and anti-terrorist financing regime to the new financial crime framework established under the Bill.

Mr. Chairman, I would like to move all clauses, 1 through 17, to be approved.

The Chairman: Yes. Before we move for approval, clauses 1 through 17 are now under debate.

Is there any Honourable Member who wishes to speak in the debate?

The Chair recognises the Honourable Member from constituency 23, Jarion Richardson.

Mr. Jarion Richardson: Yes. Thank you, Mr. Chairman. And again, [I am] thanking the technical officers for this work and the Minister for undertaking to provide answers in such a timely and effective manner.

Mr. Chairman, what we are going to do today, what my concept is, is to go through these questions and to provide some context. The courts will often read what we debate here to interpret, and also the compliance officers, who will then provide the consultation documents back to Government relating to the construction of the preventive obligations in the Guidance Notes. So, the purpose of this is to exhaust the topic so as to provide guidance to everyone who will be impacted by this suite of legislation.

Starting on clause 2, "financial crime" and other definitions, we note that the new definition includes "officer," which includes employees. And my question to the Honourable Minister is: Which duties will attach to employees, and how is that specifically relevant to them? As we are well aware, a compliance programme has lots of components, lots of moving pieces, lots of people involved. And not all charities have employees, but all charities will have some form of a governing structure. Typically, financial crime obligations reside at the very highest level of governance within a structure, and it very, very rarely sort of descends into the employee ranks. So, if the Honourable Minister could speak to the expectations for the employees, again, ensuring that we are protecting the workers of Bermuda from any kind of regulatory overreach.

The Chairman: Thank you, Honourable Member.

So that is a question on page 2 in relation to the definition of "officer," including employees.

Mr. Jarion Richardson: Yes, Mr. Chairman.

The Chairman: Honourable Minister, do you want to take them one by one, or would you prefer he bowls a few overs first?

Hon. Tinee Furbert: Take them all.

The Chairman: Take them all?

Hon. Tinee Furbert: I will take them all.

The Chairman: Yes.

Please continue, Honourable Shadow Minister.

We are hearing from the Member for constituency 23.

Mr. Jarion Richardson: Thank you, Mr. Chairman.

This is taking on the features of the Budget Debate, Committee of Supply, I think.

So, what I will do, moving on to clause 3, is speak on the alignment, I think that clause 3 is . . . We do see alignment with criterion 8.1 a through c of the technical criteria, but I do have an additional question here: What is the criteria identified by the NPO, or non-profit organisation subclass, to assess terrorist financing risk and to distinguish between oversight of the high-risk and low-risk charities? In other words, how is the Registry General going to determine who is high risk and who is low risk?

The Chairman: Thank you. That is a question in relation to page 2, clause 3.

Mr. Jarion Richardson: Yes. Yes. Thank you.

The Chairman: Please continue.

Mr. Jarion Richardson: In relation to clause 4 . . . Actually, I will move on to clause 5. I think the Honourable Minister answered that.

The Chairman: Right. So, we are on to page 3 of the Bill, clause 5.

Mr. Jarion Richardson: Yes, thank you.

In clause 5, this is an area where I am going to spend a little bit more time because the Honourable Minister did provide an answer relating to what I would call the expansion of the definition of money laundering into financial crime, but which she replied is actually a more general term.

And the reason is because clause [5] dealing with section 17A deals with the role of the relevant corporate service provider as the administrator of these charities. Now for those who do not know, Mr. Chairman, the corporate service provider, provides not only those specific regulatory filings but oftentimes will construct, draft, and implement compliance programmes on behalf of the entity which they are administering.

The Chairman: Mm-hmm.

Mr. Jarion Richardson: Now the reason this can work sometimes, especially in fund structures to fund

administrators or corporates into corporate service providers, is because it is deemed that the AML programme of both will be similar enough that operation of that programme is not going to be cost prohibitive.

When we add fraud into the mix, though, an anti-fraud programme is very different from an anti-money laundering programme. Both the risk indicators and control variables as well as any kind of residual activity are just different. There is some overlap, but they are very, very different, hence why fraud is deemed a precedent crime versus an actual money laundering crime.

So, the reason I am asking that is because any CSP [corporate service provider] now who has to provide that agreement on behalf of the charity will have to have a fraud provision built into that programme, and not all CSPs have that because the BMA [Bermuda Monetary Authority] does not require as robust a programme as they do for AML. So, the question [is] still: What evidence, decision, deadline, and review route . . . My question relates to . . . How will you determine that a CSP is fit, or a charity is fit, to rely on a CSP, especially given that I now see quite a few CSPs will not be in a position to facilitate the fraud provision?

Moving on to clause 6, Mr. Chairman—

The Chairman: Right, so [the] third question just for the benefit of the technical officers is the question in relation to clause 5 at page 3 in terms of the determination of the reliance on the CSP, as you put it. And now you are moving on to clause—

Mr. Jarion Richardson: Clause 6, Mr. Chairman.

The Chairman: Thank you. Okay, page 4 clause 6 is your fourth question?

Mr. Jarion Richardson: Yes. And this relates to section 18 wherein my question is: How will the Registry General establish the adequacy and avoid duplicating the licensed service providers controls? Specifically, as I was saying, there is a natural reliance between a service provider and the person receiving the services, in this case the charity. But what we do not want to do is wind up duplicating control environments. Things happen. Things disappear between the cracks, et cetera. And it becomes, again, cost prohibitive without any kind of effectiveness. So, how will they ensure that they are not duplicating the service provider's own controls and requirements?

The Chairman: And that question is in relation to clause 6 at page 4 in terms of establishing adequacy without duplication.

Mr. Jarion Richardson: Yes, it is. Thank you, Mr. Chairman.

The Chairman: Thank you, [Shadow Minister].

Mr. Jarion Richardson: Further, moving on to clause 11, Mr. Chairman—

The Chairman: Yes, which takes us to page 5 of the Bill, clause 11.

Mr. Jarion Richardson: Yes, sir.

Dealing with the annual controls reporting, I do note that there is reporting on financial crimes controls required when the Registrar requires it for that charity. And it is good because that would reduce unnecessary routine reporting. My question is: What published criteria will trigger a controls report, and how will the charity be notified? In other words, Mr. Chairman, How will the Registry General determine that a controls report is necessary? And how will that be communicated to the charity?

The Chairman: So, it is the trigger and the notification.

Mr. Jarion Richardson: Yes. Thank you, Mr. Chairman.

The Chairman: Thank you. Please continue, Member.

Mr. Jarion Richardson: This goes back to an earlier . . . We had we touched on this a little bit in the general debate. I am speaking on clause 12, or the repeal of the former regulation making power, Mr. [Chairman].

The Chairman: Yes. Still at page 5, clause 12.

Mr. Jarion Richardson: Yes, Mr. Chairman. Thank you.

I note that section 47 of the enabling Act is repealed, and clause 15 re-enacts broader powers. But I do have some questions about the sequencing, which the Minister spoke on a little bit, but I would like to get some clarity on behalf of the industry. What is the intended legal sequence between repealing section 47 and bringing the replacement rules into operation?

I believe the Honourable Minister spoke—and I may be misunderstanding—that the regulations . . . Are they ready or not ready? And it would be good to know when those regulations are anticipated to arrive in industry and impact industry so that they can take appropriate action.

The Chairman: So, the question is sort of, Does section 47 end on the same day the new ones start?

Mr. Jarion Richardson: Exactly.

The Chairman: So, by “sequencing” you mean temporal sequencing.

Mr. Jarion Richardson: Exactly.

The Chairman: All right, and that is page 5 at clause 12, again for the technical officers.

Mr. Jarion Richardson: Yes.

The Chairman: Thank you, Honourable Member.

Mr. Jarion Richardson: I am on clause 14.

The Chairman: Yes, page 6, clause 14?

Mr. Jarion Richardson: Yes, the removal of small charity records exemption. The repeal applies relevant records duties to previously exempt charities from commencement. The new burden . . . So, my question is: Which additional records must a previously exempt small charity now keep, and what makes that burden proportionate to its risk?

Mr. Chairman, how this works is functionally that obviously we are talking about charities that exist today under a current regulatory framework. They are going to have to transition into a new one, and that transition will require a bit of delicacy. None of them want to fall afoul of the Registry General’s expectations. And so the question is: What do they have to keep, especially given that the current regulations and Guidance Notes, which explain what they have to keep, are currently being repealed? So, they are going to think: *Okay. Well now that that is repealed, what do I have to do?*

The Chairman: Right. Yes, and that is your reference to small charities. Right?

Mr. Jarion Richardson: Yes. Thank you.

The Chairman: So again, [that is from] page 6, clause 14. And that I believe is your seventh question.

Mr. Jarion Richardson: Yes, thank you.

The Chairman: Please continue, Honourable Member.

Mr. Jarion Richardson: You did not have to keep count, Mr. Chairman.

The Chairman: Oh, I am keeping count.

[Laughter]

Mr. Jarion Richardson: Moving on to clause . . . I think there is . . . I would note that clause 17 is the repeal of the 2014 Regulations. And again, I was very happy to hear that, but I would also add that clause 17 deals with my seventh question as you noted.

And with that, Mr. Chairman, I thank the Honourable Minister and technical officers, and I take my seat waiting for a reply.

The Chairman: Thank you, Honourable Member, the Shadow Minister Jarion Richardson.

May I now call upon the Honourable Minister to address the questions posed in relation to clauses 1 through 17 under consideration, unless there is any other Honourable Member who wishes to speak to those clauses?

There being none, Minister, you have the floor.

Hon. Tinee Furbert: Mr. Chairman, I am still waiting for some responses, but I will start with a section that I—

The Chairman: Take them in any order you would like.

Hon. Tinee Furbert: —that I had.

I want to thank my colleague for those questions. But I do want to start with the one in regard to the order of the regulations.

The Chairman: Right. Is that the sequencing question?

Hon. Tinee Furbert: Yes. That's the sequencing question.

The Chairman: So, that is the one at page 5, clause 13 *[sic]*.

Hon. Tinee Furbert: Yes. Okay, I hope my—

The Chairman: I am sorry. Clause 12. My mistake.

Hon. Tinee Furbert: Clause 12.

The Chairman: Page 5, clause 12. Yes.

Hon. Tinee Furbert: I am hoping the Member is listening.

[Inaudible interjection]

Hon. Tinee Furbert: The Charities Amendment Regulations 2026 will be gazetted on the 14th of September 2026, subject to assent being granted to the Charities Amendment (No. 2) Act [2026] on that day. The regulations are to be submitted subject to the negative resolution process, which allows for them to be published on this date and laid in the House at the next available date, which is expected to be the 25th of September. The regulations will state that they will go into effect immediately upon publication so that there will be a seamless transition to the new regulations once the Charities Amendment (No. 2) [Act 2026] is enacted.

There was a question . . . I am sorry, Mr. Chairman. I am not going to remember.

The Chairman: I will assist you if I can. What was the next one?

Hon. Tinee Furbert: Okay.

There was a question in regard to duties that would be affected by the employees. I think it was the first question.

The Chairman: It was. It was the definition of "officer" on page 2. Yes, [it was] page 2 the Bill, definition of "officer" in clause 2 at the second [to] last line.

Hon. Tinee Furbert: I do want to just mention that the responsibility will definitely fall to the responsibility to provide answers to the trustees, directors, [and] principal officers of the charity. Of course, we know that there are certain positions within certain charities such as the executive officer that, you know, provide reporting to their board or trustees or directors, and so responsibility would fall to the executive director. These are not different or unusual to what has been required of executive directors already. But the main obligations that will extend to employees, such as the executive director, are being required to advise the RG [Registry General] of any suspicion or evidence of financial crime in line with charity trustees and the principal officers that I mentioned. And this will extend to these employees in the ordinary course of their duties.

There was a question in regard to criteria of assessment to determine who is high risk and low risk.

The Chairman: Yes. That was in relation to clause 3.

Hon. Tinee Furbert: High- and low-risk entities will keep the same requirements to apply as it relates to general records for financial transactions and activities as all other charities. So, there is no difference. It is just the requirement for them to keep general records of financial transactions and activities. However, high- and low-risk differentiation is an FATF guideline [that] will require a specific focus only on those high-risk charities and not so much on low-risk charities.

The Chairman: Thank you, Minister.

Hon. Tinee Furbert: I can actually answer the question in regard to . . . There was a question around transitions for the charities sector, particularly when the AML and ATF regulations will be repealed.

The Chairman: Yes.

Hon. Tinee Furbert: So again, [I] just wanted to share that there is nothing new or nothing that has been added. It has just been a lift of some of the areas or criteria within the repealed Act that has been now lifted over into the new regulations. And so, the charity should be familiar already if they are familiar with the AML and ATF (these acronyms!) regulations prior.

The Chairman: TGIF.

[Laughter]

Hon. Tinee Furbert: I think that is a supplementary response to your early response in relation to clause 12 at page 5 if I am following.

Hon. Tinee Furbert: Okay. I am just waiting for answers as it relates to a determination on the corporate service providers—

The Chairman: Thank you.

Hon. Tinee Furbert: —being fit to examine fraud—

The Chairman: Yes.

Hon. Tinee Furbert: —as well as a question on the duplication of work for corporate service providers.

The Chairman: Yes. And in addition to those, I think there was a question on clause 11—

Hon. Tinee Furbert: What will trigger controls.

The Chairman: —and a question on 14. And I think then we are—

Hon. Tinee Furbert: Yes, I answered 14 already.

The Chairman: You have done 14. Okay.

[Inaudible interjection]

The Chairman: I did not hear it.

[Inaudible interjection]

The Chairman: Minister, while we are waiting for those last three answers, are there any other Members who have any further questions at this moment in time on the Bill, on the clauses under consideration, which are clauses 1 through 17?

There being none, Minister as and when you are ready to address the remaining items raised by the Shadow Minister . . . Thank you.

Hon. Tinee Furbert: There was a question around the Registry General triggers a control report where a charity is deemed to be at higher risk for terrorist fraud or other concerns for financial crime. The Registry General will conduct a desk-based review, and where a charity does not satisfy the Registry General's concern, they can start a site audit. This is dealt with [in] policy rather than the Act as only the small groups of charities will need to be dealt with in that way. And I think it is also important to recognise the information that is required in the annual reports, which also includes financial information as well. Also—

The Chairman: That was in respect of page 5, clause 11?

Hon. Tinee Furbert: Yes.

The Chairman: Thank you, Minister.

Hon. Tinee Furbert: Also, the charities amendment regulations . . . Sorry, I have been given more information as it relates to the timeline of the charities regulations.

The Chairman: Right, the sequencing part.

Hon. Tinee Furbert: The sequencing.

The Chairman: Yes.

Hon. Tinee Furbert: The charities amendment regulations will state that they are to come into operation immediately after the coming into operation of the Bill.

The Chairman: Yes. Which is . . . I think you said [it] was the date of publication, the 14th of September.

Hon. Tinee Furbert: Correct.

The Chairman: Okay. Great. Thank you.

Hon. E. David Burt: It's going to be a busy day.

The Chairman: It is going to be a busy day. It is Monday.

Thank you, Minister. Unless I am mistaken, I think there are just two more to address, which were the questions relating to clause 5 and clause 6, but I . . . maybe I have lost my count . . . which were I believe the questions relating to the development of compliance programmes for CSPs, and the fraud point, and how to determine reliance on the CSP.

Hon. Tinee Furbert: Yes.

The Chairman: I think the other question was adequacy without duplication.

Hon. Tinee Furbert: Yes. The duplication of work with service providers—the purpose of the exemption is to remove double regulation. So, the Registry General must be satisfied that the service agreement provides adequate financial crime supervision by the corporate provider, and the Registry General is not required to take any further regulatory action. So, this is information that would be provided by the corporate service provider. So, it is not going to be . . . we are going to try by all means to avoid duplication if the corporate service provider provides that information.

The answer is coming for the next question.

The Chairman: Yes. I think there is only one more.

Are there any other Honourable Members who wish to make points? No? No.

There being none, Minister, we are in your hands when you have a moment.

Just for the benefit of the listening audience, we are in Committee of the whole [House] considering the Charities Amendment (No. 2) Act [2026], and we are hearing from Minister Tinee Furbert.

Shadow Minister, I assume you have no further questions after these are addressed?

Mr. Jarion Richardson: None, Mr. Chairman. Thank you.

The Chairman: Thank you.

Minister, you have the floor. I believe you were about to address clause 5—

Hon. Tinee Furbert: Yes.

The Chairman: —on pages 2 and 3 of the Bill.

Hon. Tinee Furbert: Thank you, Mr. Chairman.

The reliance on the corporate service provider . . . Sorry, this is more information in regard to duplication. The service agreement must align and demonstrate that there are similar controls in place that the Registry General would impose upon a registered charity. If it does not, then they will be required to register as any other charity.

The Chairman: So that actually goes back to clause 6 and the adequacy duplication point?

Hon. Tinee Furbert: Yes.

The Chairman: Okay. Thank you, Minister.

Hon. Tinee Furbert: Yes.

The question in regard to how the Registry General will determine a corporate service provider is fit to examine fraud is the answer that I am waiting for.

The Chairman: Yes.

[Pause]

The Chairman: Thank you, Minister. You have the floor, and I believe you were about to address the question relating to clause 5 of the Bill at pages 2 and 3.

Hon. Tinee Furbert: Thank you, Mr. Chairman.

I just want us to make notes that the corporate service provider will have to examine fraud, but we will ask the corporate service provider to advise how they as a company address financial crime supervision with the entities in which they provide services for. So, this will be a communication between the Registrar's office as well as the corporate service providers to obtain the information in regard to whether or not they are fit to examine fraud. And the Registry General must be

satisfied that these measures, again, are in line with what a registered charity would have to do within the Registry General's oversight.

The Chairman: Thank you, Minister.

Are there any other Members who wish to post questions on clauses 1 through 17, which are currently under consideration?

There being none, Minister, would you like to move clauses 1 through 17, please?

Hon. Tinee Furbert: Thank you, Mr. Chairman.

I would like to move all clauses 1 through 17 be approved.

The Chairman: It has been moved that clauses 1 through 17 that be approved.

Is there any objection to that motion?

No objection. Agreed to.

[Motion carried: Clauses 1 through 17 passed.]

The Chairman: If you would like to move the preamble, please.

Hon. Tinee Furbert: Mr. Chairman, I move that the preamble be approved.

The Chairman: It has been moved that the preamble be approved.

Is there any objection to that motion?

There being none; agreed to.

Would you now move the Bill, please?

Hon. Tinee Furbert: Mr. Chairman, I move that the Bill entitled the Charities Amendment (No. 2) Act 2026 be reported to the House as printed.

The Chairman: It has been moved that the Bill entitled Charities Amendment (No. 2) Act 2026 be reported to the House as printed.

Is there any objection to that motion?

No objection. Agreed to.

The Bill will be reported to the House as printed.

[Motion carried: The Charities Amendment (No. 2) Act 2026 was considered by a Committee of the whole House and passed without amendment.]

House resumed at 2:48 pm

[Ms. Lovitta F. Foggo, Deputy Speaker, in the Chair]

REPORT OF COMMITTEE

CHARITIES AMENDMENT (NO. 2) ACT 2026

The Deputy Speaker: The Bill entitled the Beneficial Ownership Amendment Act 2026 has been—

[Inaudible interjections]

The Deputy Speaker: The Bill entitled the Charities Amendment (No. 2) Act 2026 has been approved and reported to the House as printed.

Are there any objections to that?

There are none.

Members, we are having a fine day today, aren't we?

[Inaudible interjections and laughter]

The Deputy Speaker: This moves us on to the third item for debate. That item being the Beneficial Ownership Amendment Act 2026.

I call on the Minister of Finance and Premier.

Premier, you have the floor.

Hon. E. David Burt: Thank you, Madam Deputy Speaker. Good morning to you. Oh sorry. Good afternoon. Yes, it is well in the afternoon. Well, well, well, all right—

The Deputy Speaker: It continues. It is a comedy of errors. It is a comedy of errors today.

Hon. E. David Burt: No, no, no. We are going to take this one through, Madam Deputy Speaker.

[Laughter]

Hon. E. David Burt: Madam Deputy Speaker, I move that Standing Order 29(1) . . . Good Lord, that's the wrong title as well. I do not think we are suspending 29(1) because we did not repeal or replace this one.

The Deputy Speaker: No, you did not.

Hon. E. David Burt: That is right. So, yes.

So, Madam Deputy Speaker, I move the Bill entitled the Beneficial Ownership Amendment Act 2026 be now read a second time.

The Deputy Speaker: It has been moved that the Beneficial Ownership Amendment Act 2026 be read a second time.

Are there any objections?

There are none.

Continue, Premier.

Hon. E. David Burt: Thank you very much, Madam Deputy Speaker.

BILL

SECOND READING

BENEFICIAL OWNERSHIP AMENDMENT ACT 2026

Hon. E. David Burt: The Bill before this House is the Beneficial Ownership Amendment Bill 2026, which amends the Beneficial Ownership Act 2025, here and after I will refer to as the principal Act and makes consequential and related amendments [to] the Companies Act 1981, the Overseas Partnerships Act 1995, and the Registrar of Companies (Compliance Measures) Act 2017.

Madam Deputy Speaker, Honourable Members will recall that the principal Act was enacted in September 2025 as part of the Government's ongoing work to modernise and strengthen Bermuda's beneficial ownership framework. The principal Act consolidated Bermuda's beneficial ownership requirements within a single legislative framework and transferred responsibility for the central register beneficial ownership information from the Bermuda Monetary Authority to the Registrar of Companies.

The principal Act was developed against the background of the revised Financial Action Task Force standards relating to transparency and beneficial ownership of legal persons. Since that enactment, further work has continued to ensure that Bermuda's framework is not only technically aligned with those international standards but is also clear, coherent, and capable of effective implementation.

Madam Deputy Speaker, the Bill before the House represents the next stage of that work. It strengthens a number of existing requirements, clarifies the treatment of particular persons and ownership structures, and introduces additional measures related to access, disclosure, enforcement, and regulatory co-operation. A central objective [of] the Bill is to strengthen the quality of beneficial ownership information held by legal persons and ultimately available to the Registrar. The Bill therefore reinforces the obligation on legal persons to identify their beneficial owners and obtain and maintain adequate accurate up-to-date beneficial ownership information.

The Bill also strengthens the verification requirements by requiring the minimum required information to be verified using documents, data, or information obtained are reliable independent sources before that information is entered into the beneficial ownership register. Legal person will also be required to co-operate fully and promptly with the Registrar determining and verifying their beneficial owners.

Madam Deputy Speaker, the Bill further strengthens transparency in relation to nominee arrangements. Where an individual acts [as] a nominee shareholder, the beneficial ownership register will be required to record that person's nominee status and the identity of the person on whose behalf the nominee acts.

The Bill also clarifies the meaning of “beneficial owner” where a trust forms part of the ownership control structure of a legal person. Section 6(3) of the principal Act has been revised to provide a clearer framework for determining when a trustee of such a trust is regarded as a beneficial owner of the legal person. The revised provision applies the ownership and control test under section 6 to the trustee and requires a trustee to also have control of the trust. The revised approach is intended to provide greater clarity and consistency with the treatment of trusts within the beneficial ownership framework. Where the application of section 6(3) requires consideration of whether a trustee has control of the trust. The provision cross refers the meaning of “control” in section 25B of the Trustee Act 1975, thereby ensuring the same concept of trust control is applied across the relevant legislative framework.

[Madam Deputy] Speaker, the Bill also clarifies an individual operating solely in the capacity of a liquidator is not to be regarded as a beneficial owner merely by reason of performing that role.

Moving on to the topic of legitimate interest access. Madam Deputy Speaker, another significant component of this Bill is the establishment of the statutory foundation for access to beneficial ownership information by persons who can demonstrate a legitimate interest. Honourable Members may recall that initially Bermuda made a commitment to the United Kingdom to implement a publicly accessible register of beneficial ownership information; however, subsequent developments in the European Union following the judgment of the Court of Justice of the European Union concerning unrestricted public access to beneficial ownership registers resulted in a revised European approach. Under the sixth anti-money laundering directive from the European Union, access [is] provided to persons able to demonstrate a legitimate interest rather than through unrestricted public access.

Government has considered that framework together with the approaches adopted or being developed in comparable jurisdictions in determining an appropriate model for Bermuda. The Bill therefore empowers the Registrar to disclose prescribed information from the central register to persons who have demonstrated a legitimate interest in that information relating to the prevention or detection of money laundering or related offences, terrorist financing or proliferation financing.

The Bill establishes the legislative gateway, the detailed criteria governing legitimate interest. The application process in circumstances in which information may be disclosed will be prescribed in regulations.

Madam Deputy Speaker, although those regulations are still being finalised, it is considered appropriate to provide this Honourable House with an indication of policy framework the Government intends to implement. The intended approach will recognise specified categories of persons as having a legitimate interest by virtue of the nature of their work or functions who

have a recognition of the category will not result in automatic access to beneficial ownership information. An applicant will be required to establish his or her identity and, where applicable, credentials before information is disclosed by the Registrar. The intended framework will also accommodate applications from persons seeking beneficial ownership information in the context of a potential or actual business relationship or transaction as well as other persons who are able to demonstrate requisite legitimate interests. Access will be application based [and] will be determined by the Registrar in accordance with the prescribed requirements. The information disclosed will be limited to prescribed particulars of beneficial ownership information rather than providing an applicant with unrestricted access to the central register.

The framework is also intended to provide important protection for beneficial owners. This will include a mechanism through which a beneficial owner may apply to the Registrar for exemption from disclosure in prescribed circumstance including where disclosure could expose a beneficial owner or an immediate family member to serious risk of fraud, kidnapping, blackmail, extortion, harassment, violence, intimidation, or similar harm.

Madam Deputy Speaker, the Bill itself strengthens the protection applying to information held on the central register. Information received, processed, or held on the central register must be securely protected and may only be disclosed or used in accordance with the legislation, applicable regulations, and Guidance Notes.

A breach of these obligations by the Registrar [or] persons acting on behalf of the Registrar will constitute a criminal offence carrying significant penalties. The Bill also strengthens controls governing onward disclosure by persons who have lawfully received beneficial ownership information from the Registrar and provides enforcement powers where those restrictions are breached.

Moving on to [the] exemption order. Madam Deputy Speaker, the Government also intends to make a beneficial ownership exemption order under section 15 of the principal Act. The proposed order is being finalised and therefore does not accompany the Bill before the House today. Given the significance of the proposed exemptions, I wish to provide Honourable Members with an indication of the intended approach. The proposed framework recognises that a requirement for all beneficial ownership information to be routinely filed on the central register may not be appropriate in every case.

In relation to trusts, information relating to the trust is already subject to statutory requirements of the Trustee Act 1975 concerning its identification, collection, and maintenance. The proposed framework recognises a particular nature of trust arrangements and the sensitivities associated with routine filings of trust

information on the central register while ensuring that such information remains available to the Registrar.

Investment funds present a different practical consideration. By their nature, ownership interest in investment funds may change frequently in the ordinary course of business requiring beneficial ownership information be continuously refiled with the Registrar. Those interests change[s] may therefore create a disproportionate administrative burden without materially improving the Registrar's ability to obtain accurate and current information. The intended exemption order therefore adopts a different mechanism for qualifying legal persons. Rather than requiring the relevant beneficial ownership information to be routinely filed in the central register, a qualifying legal person will be required to identify an appropriately regulated contact person [who] has access to the relevant beneficial ownership information through whom the Registrar can obtain that information promptly when and if required.

Madam Deputy Speaker, I wish to emphasise that these will be exemptions from specified filing requirements only. They will not remove the relevant legal persons from the beneficial ownership regime. The relevant beneficial ownership information must continue to be identified, obtained, maintained, and must remain readily accessible to the Registrar. The objective is therefore to preserve timely access by the Registrar to adequate, accurate, and up-to-date beneficial ownership information while avoiding unnecessary or impractical duplication of filing requirements.

We have gone to other amendments. Madam Deputy Speaker, the Bill also contains a number of consequential and related amendments which strengthen the Registrar's wider regulatory framework. And also, Madam Deputy Speaker, I believe there are about one, two, three, four, five amendments in Committee. Those amendments have been given to the Opposition, were sent to the Clerk of the Legislature, and I have also shared those particular matters with the Shadow Minister who is leading this debate.

Continuing with the amendments, Madam Deputy Speaker, these include extending the prohibition on bearer shares to permit companies and permitting the grounds on which permits held by overseas companies and overseas partnerships may be revoked for regulatory non-compliance.

The Bill also introduced a new power enabling the Registrar to apply to the Supreme Court for an order to secure compliance where a registered entity has failed to comply with its statutory obligations or with a notice, direction, or other requirement issued by the Registrar. This provides an additional remedial mechanism aimed at bringing entities into compliance rather than relying solely upon penalties or other enforcement measures.

The Bill also amends the Companies Act 1981 to clarify the Registrar's role in relation to the incorporation of companies and to align the statutory

framework more closely with the equivalent provisions governing limited liability companies and partnerships.

Regulations exemption order and consultation. Madam Deputy Speaker, Members will therefore appreciate that the regulation of beneficial ownership exemption order will contain important operational aspects [of] the revised framework but do not accompany the Bill today. These instruments are still being finalised, and regulations will address, among other matters, the operation of the legitimate interest access regime including applications, verification, disclosure conditions governing the use of information, and protections for beneficial owners.

They will also address other operational requirements related to the filing and maintenance of beneficial ownership information. The exemption order will identify the legal persons qualifying for exemption from specified filing requirements and the conditions that must be satisfied in order for those exemptions to apply. Both instruments will be made and laid before the Legislature in accordance with a negative resolution procedure prescribed by the principal Act.

Madam Deputy Speaker, while the Bill, regulations, and the exemption order were not subject to a formal public consultation, the development was informed by targeted engagement with industry subject matter experts including practitioners with expertise in trust, insolvency, and investment funds. That engagement assisted with the Government identifying practical and technical issues relevant to the development of the legislative framework.

Madam Deputy Speaker, these amendments form part of the Government's continuing commitment to maintaining a beneficial ownership framework that is effective, proportionate, and consistent with Bermuda's international obligations while providing appropriate safeguards for confidential and personal information.

And with those introductory remarks, Madam Deputy Speaker, and with my thanks to the team at the Registrar of Companies, the Attorney General's Chambers, the members of the private sector who do this work for a living (one of them is about to speak), I want to thank them for all of their work and cooperation to getting us to this point, which is a significant step forward and is part of making sure that we maintain our international obligations and commitments. And so, with those introductory marks I present the Beneficial Ownership Amendment Bill 2026 and welcome comments from other Honourable Members.

Thank you, Madam Deputy Speaker.

The Deputy Speaker: Thank you, Premier.

Are there any other Members who wish to speak to the Bill entitled the Beneficial Ownership Amendment Act 2026?

I recognise the Member from constituency 23. Member, you have the floor.

Mr. Jarion Richardson: Thank you, Madam Deputy Speaker.

I rise on a similar premise as to the last debate wherein it is my intention to put on record in Hansard the questions that would be inevitably asked both in legal circumstances as well as regulatory compliance so that members of the public and professionals are able to reflect on our debate and use them to better comply with these obligations.

But before I start, Madam Deputy Speaker, I should note that this is yet again another statutory instrument that is seeking to enhance and protect Bermuda from pressures that may not always seem the most sensible in Bermuda. Indeed, the entire concept of “know your customer” in a country where you probably went to school with half of them is a bit weird. But with that being said, Madam Deputy Speaker, over decades we have wrestled with the question of beneficial ownership.

The Bermuda Monetary Authority, acting as a controller, or on behalf of the controller, had always undertaken a regime that satisfied, certainly, the Third Round mutual evaluation of Bermuda. However, like all regulatory mechanisms or international standards, the goalposts have yet again shifted, and the definition of “beneficial ownership” is shifting along with that. Indeed, not only do we have those documented expectations, but [we have more] in overseas political commitments.

The Honourable Premier spoke to the sixth money laundering directive. People in my field would know that does not really apply to us since Brexit because it comes through the EU. But the OECD [Organisation for Economic Co-operation and Development] in its constant pressure, as well as the FATF will constantly overlay and interweave different standards. A great example is even though the FATF standards themselves do not refer to legitimate access, or rather they say that you can choose which path to go, we have effectively been forced down a particular path. And to that end, that means that we now have to come up with a very robust mechanism, which is local and effective, whereas it is not expressly provided for under the technical criteria that we are examining this afternoon.

Further, Madam Deputy Speaker, I want to put on the record that beneficial ownership is not just some international conspiracy. It is indeed the mechanism by which one connects criminal interests, or benefit, to activities. In the training that I provide in the anti-money laundering space, we often point out, in fact, that a sophisticated financial criminal is no garden variety. They in fact will often own multiple corporate structures and trust structures. And to that end, this piece of legislation is Bermuda's role in preventing them from abusing our system, our country, our laws, and our people for the purposes of criminal gain.

With that being said, Madam Deputy Speaker, I do think that this has a subtle and very quiet flaw that has to be brought up. And before I go down that road, I

would like to thank the Honourable Premier for providing me his Ministerial Statement, and [following] suit, I provided him my questions ahead of time because some matters that become before this House are not necessarily divided along the aisle. And in this case, we are undoubtedly unified to make sure that Bermuda gets the best out of this imposition.

My problem is with a specific clause that deals with the . . . And we will get into it in Committee, but it basically says that a person who applies for an incorporation does not, . . . The RoC is under no obligation to tell them why they are rejected. The reason I bring this one up is because of a lesson that I learned while I was at the Bermuda Monetary Authority, which is: *business requires certainty in order for people to put sums of money into that business*. And by the time we get to the stage of incorporation in Bermuda, by the time we get to that point, there has been a lot of investment and typically from overseas.

So, I am worried that unless the RoC, like the Bermuda Monetary Authority should, be forced to provide an explanation as to why something has failed . . . And in this case, it also removes the ability for the person to refer to the courts. If that is left in there, then that means that there is a degree of certainty that a person cannot arrive at. And I am finding it very hard to think through how I would explain that to a client who wants to come into Bermuda and invest. And I [would] say: *Well, actually, this application could be rejected after you spend (I do not know) a million dollars. And I have no idea why it would get rejected*. That seems like a proposition that I do not think any one of us wants to explain.

With that being said, this Bill nonetheless is technically accurate. I take the point that the order is not accompanying it. I am thankful that we have engaged experts, especially around the investment funds—that is very sensible—and trusts. So, with that being said, I think this Bill is effectively sound and certainly ready for Committee debate.

Thank you, Madam Deputy Speaker.

The Deputy Speaker: Are there any other Members who wish to speak to the Beneficial Ownership Amendment Act 2026?

There being none, Premier . . .

Hon. E. David Burt: Great. Thank you.

I know that the Honourable Members have submitted a number of questions, which typically . . . which do typically . . . which we will typically handle in Committee.

Any now, or all in Committee?

[Inaudible interjection]

Hon. E. David Burt: So we will go into Committee.

So, with that, Madam Deputy Speaker, I move that the Bill be committed.

The Deputy Speaker: It has been moved that the Bill entitled the Beneficial Ownership Amendment Act 2026 be committed.

Are there any objections?

There are none.

I call on the Member from [constituency] 24 to come and assume the seat. Thank you, Member.

House in Committee at 3:09 pm

[Mr. W. Lawrence Scott, Chairman]

COMMITTEE ON BILL

BENEFICIAL OWNERSHIP AMENDMENT ACT 2026

The Chairman: Good afternoon, Members. We are now in Committee for the [Beneficial Ownership Amendment Act 2026](#).

Premier.

Hon. E. David Burt: Thank you very much, Mr. Chairman. This is going to be a little bit complex. We have got five amendments. So, it will be a little chop, chop, chop, but we will hopefully get through it pretty quickly. Thank you, Mr. Chairman.

Mr. Chairman, I move that we take under consideration clause 1.

The Chairman: Are there any objections to taking clause 1 under consideration?

No objections.

Premier.

Hon. E. David Burt: Thank you.

Clause 1 is the citation of the Bill. I move that clause 1 be approved.

The Chairman: There is a motion for clause 1 to be approved.

Any objections?

No objections. Approved.

[Motion carried: Clause 1 passed.]

AMENDMENT TO CLAUSE 2

Hon. E. David Burt: Thank you.

Mr. Chairman, I would like to move to clause 2 if I may. Clause 2 amends section 2 of the principal Act, "Interpretation" and clarifies which partnerships may fall within the definition of "legal arrangement" and inserts definitions for the purposes of this amendment.

However, there is an amendment to clause 2. And with that, Mr. Chairman, the amendments have been handed out. As I say, there are five of them. Do you have a copy in front of you, Mr. Chairman? Thank you.

With this one it says in clause 2 at the end of paragraph (b) insert the following definition. "'Promptly' means within 24 hours, or such longer period as the Registrar may allow."

"Promptly" is being defined as within 24 hours to clarify the compliance requirement, though the Registrar may allow additional time if needed on a case-by-case basis. So that is just the explanation of the particular amendment.

Do you have any objections the amendment? Oh, sorry.

The Chairman: Are there any objections to the amendment for clause 2?

No objections.

Proceed.

Hon. E. David Burt: Thank you, Mr. Chairman.

I move that the amendment be approved.

The Chairman: Are there any objections to the motion to the amendment being approved?

POINT OF ORDER

Mr. Jarion Richardson: Actually, I just have a question. Point of order, Mr. Chairman.

During an amendment, when would we put the question about the clause?

Hon. E. David Burt: After.

Mr. Jarion Richardson: Because you just said approved. And I have not asked a question yet.

Hon. E. David Burt: That was to move the amendment.

The Chairman: That was to move the amendment itself to the clause. So, if you would like to speak to the clause, you can speak to the clause.

Hon. E. David Burt: After we move the amendment.

The Chairman: Correct.

Are there any objections?

Are you objecting to the amendment of "promptly"?

[No audible response]

The Chairman: All right.

With there being no objections; approved.

[Motion carried: Amendment to clause 2 passed.]

The Chairman: Is there anybody that would like to speak to the amended clause 2?

Hon. E. David Burt: All right, Lawrence.

[Laughter]

Mr. Jarion Richardson: Thank you, Mr. Chairman.

And just a point of note, Mr. Chairman, that when we reviewed this material, obviously, we did not review it with these tabled amendments. So, there may be some changes to these questions, to the construction and points that are contained within the question, but under clause 2 of the draft we reviewed, “partnership” and “contact person” definitions, it clarified the classifications and created new administrative definitions. And I just wanted to confirm the partnership distinction produces no gaps between the legal person and legal arrangements. And so, my question is: Which partnerships fall into each category after this amendment?

The Chairman: Is there anybody else who would like to speak to clause 2?

We have nobody [who] wants to speak to amended clause 2.

Premier.

Hon. E. David Burt: And just for the purposes of ease for me on this, I am assuming that was one of the questions . . . Sorry, I should be speaking to you. I am just asking the Honourable Member, if in regard to the question provided in advance: Is this is one of those questions on that list? Or this a separate question?

The Chairman: Member.

Mr. Jarion Richardson: Yes, it should be on that list. We gave it once we started debate on another Bill. So, it was a bit of a . . . We had to move quite quickly to cooperate with the Premier on this one. But it should be on the other one. It should be on that list.

I am happy to move on or give a list of questions because I am very, very mindful . . . or ask a bunch of questions at one time . . . because I am mindful that because of these amendments, this may be quite a chop-and-change Committee session. So, however it works easiest for you, Mr. Chairman.

The Chairman: Yes, it is going to be a chop and change.

Premier, which would you prefer? Would you prefer all at once?

Hon. E. David Burt: Well, I mean it cannot be all at once because we are going through clauses. So, he will be asking questions on clauses that we have not considered yet. I have that. I was just asking just for the purposes of me trying to find the answer. As the teams have gotten the answers, if you can say, *Question X*, from your long list? And if you want a printout, I can

even give you a printout, which might be easier to refer to than the thing.

So, you just let me know how to handle it and we will take it that way.

The Chairman: Member.

Mr. Jarion Richardson: Yes. Thank you.

In an effort to be suitably helpful, we now have multiple lists and documents kicking around the floor of the House right now, which is typically a good thing.

[Laughter]

Mr. Jarion Richardson: Listen, Mr. Chairman, I am okay to forego on the question on clause 2 because it is a relatively minor or administrative one, and then I can focus on my constructed list, which starts on clause 3, which the technical officers have now had. So, I think we can proceed on to the more substantive questions in Committee.

The Chairman: All right. And so for moving forward just for my recollection, what I will do is just ask you to refer to what question you have already submitted that you are actually re-asking or asking on the floor.

Hon. E. David Burt: And the number. The number. Yes. Does it have a number from 1 through 22?

[Laughter]

Hon. E. David Burt: That is why I numbered them.

The Chairman: All right.
Premier.

[Crosstalk]

The Chairman: And for the listening audience, we are in Committee of the Beneficial Ownership Amendment Act 2026. We have passed clause 1. We have amended clause 2. And we are currently speaking to the amended version of clause 2.

The Premier has the floor.

Hon. E. David Burt: Thank you so kindly, Mr. Chairman.

Mr. Chairman, I move that clause 2 be approved as amended.

The Chairman: Are there any objections to approving clause 2 as amended?

With there being no objections, approved.

[Motion carried: Clause 2 passed as amended.]

Hon. E. David Burt: Thank you very much, Mr. Chairman.

I move that we take under consideration clause 3.

The Chairman: Are there any objections to considering clause 3?

With there being no objections, proceed.

Hon. E. David Burt: Thank you very much, Mr. Chairman.

Clause 3 amends section 3 the principal Act, “Application of Act,” to provide that subsidiaries of legal persons and subsidiaries of overseas bodies corporate whose shares are listed on the Bermuda Stock Exchange or any other appointed stock exchange may be exempted from the provision of the Act. New subsection (6) requires a legal person no longer meeting the exemption to notify the Registrar within 30 days.

The Chairman: With that, is there anybody that would like to speak to clause 3?

Mr. Jarion Richardson: Yes.

The Chairman: Honourable Member, you have the floor.

Mr. Jarion Richardson: Thank you, Mr. Chairman.

Clause 3 actually deals with these listed companies, as the Honourable Premier had mentioned. And we have for some time dealt with this quite effectively in Bermuda. Indeed, our simplified customer due diligence regime under Regulation 10 of the Proceeds of Crime [(Anti-Money Laundering and Anti-Terrorist Financing) Amendment] Regulations [2026], has effectively utilised this provision as has our diversified holding when we were doing this under foreign exchange control regulations.

The question, though, is since that this suite of legislation is trying to keep up with the ever-evolving FATF standards, specifically Recommendation 24 criteria, 24.6 and 24.8, can the Honourable Minister confirm—our Premier—how the Government has established that there is equivalent beneficial ownership transparency so that we are not . . . so we have satisfied Recommendation 24?

Thank you.

The Chairman: Is there anybody else that would like to speak to clause 3?

With nobody else . . . Premier.

[Pause]

The Chairman: And for the listening public, we are on Beneficial Ownership Amendment Act 2026. We have moved and approved clause 1; amended and approved clause 2; and we are currently speaking to clause 3. And the Premier has a floor.

Hon. E. David Burt: I am awaiting an answer to his question.

[Pause]

Hon. E. David Burt: Thank you very much, Mr. Chairman.

It is generally accepted that beneficial ownership information is available on publicly traded companies on the relevant stock exchange.

The Chairman: All right.

Is there anybody else who would like to speak to clause 3?

With there being nobody indicated . . . Premier.

Hon. E. David Burt: Thank you very much, Mr. Chairman.

I move that clause 3 be approved.

The Chairman: Are there any objections to the motion of clause 3 being approved?

With there [being] no objections; approved.

[Motion carried: Clause 3 passed.]

The Chairman: Proceed, Premier.

Hon. E. David Burt: Thank you. Hold on one . . . Can you give me a second to confer with my technical officers?

The Chairman: Of course.

[Pause]

Hon. E. David Burt: Thank you very much, Mr. Chairman.

I move that clause 4 be taken under consideration. Did I do that already? I am sorry.

The Chairman: No.

Are there any objections to the motion to move clause 4?

No objections.

You can speak to clause 4, Premier.

Hon. E. David Burt: Thank you very much, Mr. Chairman.

Clause 4 amends section 6 [of] the principal Act, (meaning of beneficial owner) to remove duplicate references to direct and indirect ownership and control in subsection (1), and to clarify subsection (3) by providing that where an individual or corporate trustee meets the specified conditions the trustee is a beneficial owner of legal person if they have control (as defined in section 1A of the Trustee Act 1975) of the trust. New subsection (4) provides that a liquidator is not considered [a] beneficial owner.

However, it is important to note, Mr. Chairman, that as you have in front of you, there is an amendment. And at this point in time, I would like to move an amendment to clause 4, if I may.

The Chairman: There is a motion to move an amendment to clause 4.

Are there any objections to that?

No objections.

Proceed.

AMENDMENT TO CLAUSE 4

Hon. E. David Burt: Thank you very much, Mr. Chairman.

The amendment is that in clause 4(3), in the inserted section 6(3), delete “section 1A” and substitute with “section 25B.” This is a consequential amendment to update a section reference as a result of the Trustee Amendment [Act 2026], which Honourable Members of approved earlier today.

And I know that there was a question on here with the reference to “section 1A,” and we have corrected that. So that was question 2 that was submitted that I am answering in advance.

So, given that I have answered that, I would move that the amendment be approved.

The Chairman: Are there any objections to the amendment being approved?

With there being no objections to the amendment being approved, clause 4 is approved as amended.

[Motion carried: Amendment to clause 4 passed.]

The Chairman: Does anybody want to speak to the amended clause 4?

Mr. Jarion Richardson: Yes. Thank you, Mr. Chairman.

Hon. E. David Burt: Question three.

Mr. Jarion Richardson: Yes. And I thank the Government for being so responsive, too, to the matters that were arising out of “section 1A.”

Moving on to question three dealing with clause 4, we will defer our question three for the purposes of moving on to clause 5 as quickly as possible as I think that the previous amendments have covered sufficient grounds.

The Chairman: All right.

Is there any other Member that would like to speak to the amended version of clause 4?

With none . . . Premier.

Hon. E. David Burt: Thank you very much, Mr. Chairman.

I move that clause 4 be approved as amended.

The Chairman: Are there any objections to clause 4 being approved as amended?

No objections. Approved.

[Motion carried: Clause 4 passed as amended.]

Hon. E. David Burt: Thank you, Mr. Chairman.

Mr. Chairman, at this point in time I would ask that the Committee take under consideration clauses 5 through 7.

The Chairman: Are there any objections to moving clauses 5 through 7?

With no objections, proceed.

Hon. E. David Burt: Thank you.

Clause 5 repeals [and] replaces section 7 of the principal Act (legal persons to obtain information regarding beneficial owners) to comply with revised FATF standards, which now require that all legal persons have an absolute obligation to obtain and maintain adequate, accurate and up-to-date information on their beneficial ownership

Clause 6 amends section 8 of the principal Act (legal person to issue notice to beneficial owners) to include a requirement that information must be verified.

Clause 7 amends section 9 of the principal Act (legal person to verify identity of beneficial owner) to clarify that it applies only to legal persons to whom the principal Act applies (for example, not exempted persons) and to require legal persons to verify the minimum required information. New subsection (3) requires every legal person to cooperate fully and promptly with the Registrar in determining its beneficial owner.

The Chairman: Is there anybody [who would] like to speak to clauses 5 through 7?

The Chair recognises the Honourable Member.

Mr. Jarion Richardson: Yes. Thank you, Mr. Chairman.

Certainly, dropping the reasonable grounds criteria under certain provisions is smart and in keeping with the FATF Recommendation 24. However, we have an additional question, I want to say on clause 7, which is question five that we have put forward. And this goes back to the actual mechanisms of verification of identity, which are as outlined typically [in] AML regulations, such as passports, or for companies, certificates of incorporation, et cetera. And absolutely no one at the RoC will be unfamiliar with this.

When we brought in the Beneficial Ownership Act [2025], we actually spoke to the mechanisms, that is, the actual processes for verifying a company's identity. And the regulations and the Guidance Notes were

to do that, but it took some time for those to come forward. We are now back into the Beneficial Ownership Act [2025], the primary Act. We are amending it.

And so, my question to the Honourable Premier is functionally what it was last year, but now that we have the regulations and Guidance Notes in draft, the question to the Honourable Premier is: Will those regulations move from draft into finalising, and when will that happen, as well as the Guidance Notes? Again, [this is] relating to the obligation to verify, which we are now passing into law and will be passed very quickly into law.

The Chairman: And that was question five?

An Hon. Member: Number five. Thank you.

The Chairman: All right.

Is there anybody else that would like to speak to clauses 5 through 7?

Premier.

Hon. E. David Burt: I take it that the question is not the thing about the Guidance Notes but a question as to when the Guidance Notes [will] be provided. I just want to make sure I am clear on the question

Mr. Jarion Richardson: Thank you, Mr. Chairman.

Question five is: What evidence will be required to verify that a person is in fact a beneficial owner by ownership or control as distinct from verifying only that person's identity?

And that was a question relating to the Guidance Notes, and the regulations were supplementary information to say that that is where the obligation lives. We know that. The question is: When will that information come forward in a finalised version?

The Chairman: All right. So, the Honourable Member has asked a question on clauses 5 through 7 of when the regulations will come in place, and the Premier is conversing with his technical officers and will provide to us [an] answer shortly.

Hon. E. David Burt: Thank you.

As the Honourable Member knows, guidance will be provided in the Guidance Notes. Example evidence will include instruments of ownership, voting rights, et cetera. And I would note that the guidance, the notes, will be 10 days after assent. Yes? Ten days after assent. That sounds like September 24.

[Crosstalk]

The Chairman: Is there anybody else that would like to speak to clauses 5 through 7?

Nobody else.
Premier.

Hon. E. David Burt: Thank you.

I move that clauses 5 through 7 be approved.

The Chairman: There is a motion to approve clauses 5 through 7.

Are there any objections to approving thrive 5 through 7?

No objections. Approved.

[Motion carried: Clauses 5 through 7 passed.]

The Chairman: Premier.

Hon. E. David Burt: Thank you very much, Mr. Chairman.

I move the Committee do now take under consideration clause 8.

The Chairman: There is a motion to take under consideration clause 8.

Are there any objections?

No objections.

Proceed.

Hon. E. David Burt: Thank you very much, Mr. Chairman.

Clause 8 amends section 10 [of] the principal Act (duty to keep beneficial ownership register). New subsection 2(b)(v) requires a legal person to enter the status of any individual nominee shareholders into its beneficial ownership register, to cover the case of an overseas legal person operating in Bermuda with individuals acting as nominee shareholders (since in Bermuda only licensed corporate service providers can act as nominee shareholders). New subsection (2)(h) requires specific information to be entered into the beneficial ownership register in respect of trusts. New subsection (6) provides for legal persons exempted from the requirement to file beneficial ownership with the Registrar under section (4) to be responsible for ensuring that a contact person is appointed to provide the necessary beneficial ownership information to the Registrar promptly on request.

Before I yield, Mr. Chairman, there is an amendment to this section that was circulated in the regular fashion, and I would like to please move that amendment at this time.

The Chairman: There is a motion to move an amendment for clause 8.

Are there any objections to this?

No objections.

Proceed.

AMENDMENT TO CLAUSE 8

Hon. E. David Burt: Thank you very much, Mr. Chairman.

I move that in clause 8, in: the inserted section 10(6), delete paragraph (b) and substitute “(b) where applicable, with any other beneficial ownership information required to be obtained and maintained in respect of a registrable person by or under the Proceeds of Crime Act 1977 [sic] or any other statutory provision; and, in relation to a trust, with information required to be obtained and maintained by or under section 25A or [25]B of the Trustee Act [1975].”

And this will reflect the language of the Trustee Amendment [Act 2026], which Honourable Members approved earlier today.

The Chairman: Are there any objections to the amendment of clause 8?

Hon. E. David Burt: Oh, dear.

Mr. Jarion Richardson: Yes, Mr. Chairman.

I think there is a typo that we should catch before it goes into law. Proceeds of Crime Act . . . Yes, [19]77.

Hon. E. David Burt: Oh, do not worry. I read that, and I said I was sure it was 1977.

Mr. Jarion Richardson: Yes, we got to circulate that as a 1997 Act.

[Crosstalk and laughter]

Hon. E. David Burt: You heard me pause. I was like *Grrrr*.

The Chairman: So, just for clarification, it is 1997 or . . .

Hon. E. David Burt: Correct.

The Chairman: Correct. So, the amendment is correct.

Hon. E. David Burt: Does it say 1997 there?

The Chairman: It says 1997.

Hon. E. David Burt: Then that is correct.

The Chairman: Okay.

Hon. E. David Burt: My brief is not, but the amendment text is correct. It is 1997. Thank you.

[Inaudible interjections]

Hon. E. David Burt: It says 1977 on your amendment?

[Crosstalk]

Hon. E. David Burt: The amendment as submitted is correct. Apparently, unfortunately, my brief had had . . . maybe . . . maybe . . . No. Yes, this one says 1997.

So, for the avoidance of doubt, it is the amendment of the proceeds . . . Sorry . . . “by a registrable person by or under the Proceeds of Crime Act 1997” as in the text of the amendment.

And I move that the amendment be approved.

The Chairman: There is a motion to approve the amendment to clause 8.

Are there any objections?

No objections. Approved.

[Motion carried: Amendment to clause 8 passed.]

The Chairman: Would anybody like to speak to the amended clause 8?

Nobody wanted to speak to the amended clause 8?

Oh . . . Honourable Member.

Mr. Jarion Richardson: Yes.

The Chairman: Honourable Member, you have the floor.

Mr. Jarion Richardson: We are on question . . . I would guide the Honourable Premier and technical officers to number eight, referring to clause 8 section 10(6), specifically relating to enforcement action following a failure to provide the information promptly, obviously an FATF requirement that the information be provided, and provided promptly. But I was not sure what the sanction was for failure.

Thank you.

The Chairman: So, the Honourable Member’s question . . . Would this . . . What number question would this be?

Mr. Jarion Richardson: Question number nine, Mr. Chairman.

The Chairman: Okay. So, the Honourable Member is asking question nine on his previously submitted list of questions, and we will give that to the Premier once he is ready to respond.

And for the listening public, we are on the Beneficial [Ownership] Amendment Act [2026]. We are on clause 8. We have had two previous amendments on clause 2 and clause 4. This is our third amendment, which is on clause 8. The Honourable Member Richardson has asked a question from a previously submitted list of questions to the Premier which was question number nine on his list.

Premier.

[Pause]

Hon. E. David Burt: Just to be clear, I am answering question number nine?

The Chairman: Correct. Question number nine.

Hon. E. David Burt: And a question on clause 8 section 10(6) (I think, is the floor amendment), the new definition in section 2 of the Act “‘promptly’ means within 24 hours,” or as the Registrar may allow.

The Chairman: Does anybody else wish to speak to the amended clause 8?

Nobody wants to speak to amended clause 8.
Premier.

Hon. E. David Burt: Thank you, Mr. Chairman.

I move that clause 8 be approved as amended.

The Chairman: Are there any objections to moving or approving clause 8 as amended?

No objections. Approved.

[Motion carried: Clause 8 passed as amended.]

The Chairman: Premier.

Hon. E. David Burt: Thank you very much, Mr. Chairman.

I move that the Committee do take under consideration clauses 9 through 11.

The Chairman: There is a motion to move clauses 9 through 11.

Are there any objections?

No objections.

Proceed.

Hon. E. David Burt: Thank you, Mr. Chairman.

Clause 9 amends section 11 of the principal Act (legal person to keep beneficial ownership register current) to extend the period allowed for a legal person to update the beneficial ownership register from 14 days 30 days, and to delete superfluous words in [subsection (6)].

Clause 10 amends section 15 the principal Act (filing of beneficial ownership information with Registrar) to require the minimum required information in respect of a change of beneficial owner to be filed with the Registrar as soon as practical after the legal person is notified and in any event within 30 days.

Clause 11 amends section 18 of the principal Act (disclosure of information.) Subsection (1) and new subsection (1A) allow disclosure of information on the register for the purposes beyond statutory functions of the bodies listed to include international cooperation, information sharing, and in furtherance a customer due diligence obligations, in line with FATF recommendations. New subsection (1B) provides the Registrar with a statutory basis to grant access to information to

persons who can demonstrate legitimate interest. New subsection (6) requires information on the central register to be securely protected and only disclosed following an application in accordance with the Act, regulations and guidance. Breach of that obligation by the Registrar or staff is a criminal offence with severe maximum penalties as specified, mirroring those in section 15A of the Registrar of Companies (Compliance Measures) Act 2017 for an authorised disclosure of beneficial ownership information.

The Chairman: Is there anybody who would like to speak to clauses 9 through 11?

[Inaudible interjection and laughter]

Mr. Jarion Richardson: Thank you, Mr. Chairman.

Yes. Moving on to the examination in this Committee, I have a question relating to clause 11, question ten as forwarded. And this question is: What prescribed information will AML/ATF regulated persons be permitted to access for customer due diligence and discrepancy reporting? And what process and time frame will apply to the Registrar's investigation and correctional deficiencies?

The reason, Mr. Chairman, I want to put on record how important this is, is because this is a new mechanism in Bermuda's regulatory landscape where a person or an RFI [request for information] as we call them, AML/ATF regulated persons will be able to access these records, and it will go a long, long way to simplifying onboarding processes, reliance between businesses. So, this is a fantastic good thing. The question is: What [is] the mechanism, and how does it work?

So, my question again [is], What prescribed information will AML/ATF regulated persons be permitted to access for customer due diligence and discrepancy reporting? And what process and timeframe will apply to the Registrar's investigation and correction of discrepancies?

Thank you, Mr. Chairman.

The Chairman: Premier.

Hon. E. David Burt: Do you want to go to question eleven too, with these clauses?

[Inaudible interjections]

Hon. E. David Burt: Can I ask you to ask question eleven? I can answer that one. I will wait to get you an answer on question ten.

The Chairman: Go ahead.

Mr. Jarion Richardson: Yes, thank you, Mr. Chairman.

I am happy to oblige. My question eleven relating to clause 11 is surrounding persons of a legitimate

interest and the test. I spoke briefly before on legitimate interests and the road that we are taking on this one, and the fact of the matter it is still an area that the . . . I think the Honourable Premier's statement spoke to developing further. And it seems he might be ready to speak on that.

So, my question is as it relates to section 18(1B) and section 27(2)(f) through (g). What persons or categories of persons are intended to satisfy the legitimate interest test? What evidence must they provide? What beneficial ownership information may they receive? And what appeal rights will apply?

Thank you, Mr. Chairman.

The Chairman: All right, is there anybody else who would like to speak to these clauses?

No.

Premier.

Hon. E. David Burt: Thank you.

The Honourable Member should have the printed response (yes?) inside of the pack under question number eleven. But there are three pathways to establishing legitimate interests: those that are deemed, i.e., journalists and civil society connected with AML/ATF, they just need to verify their credentials case-by-case and must apply and demonstrate legitimate interests; or those that are or may wish information on the basis that they will or may engage in a transaction and would like to do their due diligence. Guidance will be provided on the requisite evidentiary documentation. And there is a right of appeal against a decision not to give disclosure.

And I will, of course . . . For question number ten, the regulations currently draft[ed] will set out the information, but I have nothing else in front of me because it seems that my computer is taking a while to update.

The Chairman: Is there anybody else who would like to speak to clauses 9 through 11?

[No audible response]

The Chairman: And for the listening public, we are just awaiting the answer to the Honourable Member from the Opposition's question, question ten, which is under clause 11[(4)] section 18(1A). What prescribed information will AML/ATF regulated persons be permitted to access for customer due diligence and discrepancy reporting? And what process and time frame will apply to the Registrar's investigation and correction of discrepancies?

Hon. E. David Burt: Thank you, Mr. [Chairman].

In regard to question . . . I think we are on question . . .

The Chairman: Ten.

Hon. E. David Burt: Ten. The answer to that is the regulations currently in draft form set out the information including name, birthday, and address.

The Chairman: Is there anybody else who would like to speak to clauses 9 through 11?

Mr. Jarion Richardson: Yes. Yes. Thank you, Mr. Chairman. I appreciate your patience on this.

I believe the Honourable Premier said name, date of birth, and address. And those three data points are how you establish identity under the FATF standards. Unfortunately, in Bermuda, that is not how you identify identity. It is another four data points, I want to say.

So, this does cause a problem, and I would just bring it to the Honourable Premier's attention so that he and his colleagues may take it under advisement that Guidance Notes paragraph 4.24 provides for the additional bits of information that would help make this actually useful for the industry. [That is] just a piece of advice.

Thank you, Mr. Chairman.

The Chairman: Premier.

Hon. E. David Burt: I will be curious about if the Honourable Member would like to share his other four points.

The Chairman: Honourable Member.

Mr. Jarion Richardson: Now, just remembering paragraph 4.24 was a test, but what are the other four points on 4.24?

[Inaudible interjection]

Mr. Jarion Richardson: There is a verification . . . There are the data points relating to the verification documents. And the verification documents are the passport and proof of residence. But they are quite interesting because, for example, one of the data points was gender and then we had to remove it from the Guidance Notes. So, there are definitely another couple more data points in there. I just cannot remember [them] off the top of my head.

The Chairman: Thank you, Member.
Premier.

Hon. E. David Burt: So, I take the Honourable Member's point. He knows far more about this stuff in a practical measure than I do. But what I would state is that I do also know that there are questions around the fact that we exceed FATF requirements in some of these things. And we know the challenges of which this causes. And so, when the Guidance Notes come, I will take certain attention and actually look at them prior to

them being published to make sure that we are not going overboard, so I do not get complaints from my digital asset companies and everyone else who we are above the requirements that are necessary because we should not do more than is required by international standards. And if FATF only requires three things, then why are we requiring seven?

Thank you. I hope that is clear for the record.

I move that clauses 9 through 11 be approved.

The Chairman: Are there any objections to clauses 9 through 11 being approved?

With no objections, approved.

[Motion carried: Clauses 9 through 11 passed.]

The Chairman: Premier.

Hon. E. David Burt: Thank you, Mr. Chairman.

I move that we take on clause 12.

The Chairman: There is a motion to move clause 12.

Are there any objections?

No objections.

Proceed.

Hon. E. David Burt: Thank you very much, Mr. Chairman.

Mr. Chairman, clause 12 repeals and replaces section 19 of the principal Act (restrictions on further disclosure). The new section 19 provides for and limits the basis on which onward disclosure of information disclosed by [the] Registrar may be made by persons falling within section 18, which in all cases must be with the consent of the Registrar and may include conditions. Enforcement powers are given to the Registrar for breach of the further disclosure restrictions, and the offence in section 15A(2) of the Registrar of Companies (Compliance Measures) Act 2017 (as amended by clause 20 applies).

However, Mr. Chairman, after reading that introduction statement, I do have an amendment to this clause. May I move that amendment at this time?

The Chairman: Are there any objections to the amendment of clause 12?

With there being no objections, proceed.

AMENDMENT TO CLAUSE 12

Hon. E. David Burt: Thank you very much, Mr. Chairman.

Mr. Chairman, I move that in clause 12 the inserted section 19 at the end of subsection (3), insert "except with the consent of the Registrar;" and moving on in subsection (4), delete "subsection (1) or (2)" and substitute "subsections (1) or [sic] (3)."

This insertion clarifies that persons who obtain beneficial ownership information from the Registrar on

the ground of legitimate interest will be allowed to make onward disclosure with the Registrar's consent.

The Chairman: Premier, [I have] just one quick correction. You said "(1) or (3)." It is "(1) to (3)."

Hon. E. David Burt: Can someone give me a copy of the amendments?

Yes, thank you. In clause 12, it says in "subsections (1) to (3)."

The Chairman: Are there any objections to the amendment of clause 12?

With there being no objections, the amendment is approved.

[Motion carried: Amendment to clause 12 passed.]

The Chairman: Is there anybody who would like to speak to the amended clause 12?

Honourable Member.

Mr. Jarion Richardson: Yes. Thank you, Mr. Chairman. And I thank the Honourable Premier and technical officers for providing written answers to my written questions.

My question relating to clause 12 section 19(3) is: How may a legitimate interest recipient report suspected money laundering, terrorist financing, proliferation financing, or criminal conduct to the FIA or other competent authority if section 19(3) prohibits any disclosure? And what it is, is that you need consent to then use that information for another purpose.

Now the reason this one is going to be a problem . . . The answer, by the way, is valid. The intent of section 19 is to prohibit onward disclosure of information received unless the person who received information pursuant to section 18 is exempted. And unfortunately, I don't . . . I'm not that good. So, section 18 . . . I might require a reminder on this. But my concern is when a person comes into possession of any information that they are obliged to report to the Financial Intelligence Agency, if they are prohibited or require consent they wind up basically stuck between two different laws. So, what I am trying to get some clarity on is: Are they free to proceed to report the criminal suspicion? Or are we saying that they require the RoC's permission to report the criminal suspicion?

Thank you.

The Chairman: And that was the Honourable Member providing a question to the amended clause 12.

Premier.

Hon. E. David Burt: Was there . . . I am sorry. Mr. Chairman, certainly the written answers were provided as they are here. We did say to prohibit, and of course the subsection was amended to allow onward

disclosure with the Registrar's consent. Was there a further question or was it just—

Mr. Jarion Richardson: Yes. The further question is: Are we saying that a person who comes into information, which leads them to suspicion to file with the FIA, requires the consent of the Registrar of Companies?

Hon. E. David Burt: Yes.

[Crosstalk]

Mr. Jarion Richardson: It is a criminal offence?

The Chairman: Honourable Member.

Mr. Jarion Richardson: Yes. Sorry. So, we call this a Nova Scotia situation where one law tells you to do one thing, and another law tells you to do another thing. The reason is that in AML, as most practitioners are aware, when you come into possession of information leading to suspicion, you are . . . It is not a proactive duty that you report. It says that you basically . . . It is an offence to fail to report. That is literally how it says in section (I do not know) 46 . . . yes, 46 . . . of the Proceeds of Crime Act [1997].

So effectively, what we are raising is a problem where a person will not have permission to use the information upon which they built their suspicion when they tell the Financial Intelligence Agency that they suspect money laundering. And so, I again provide that to you, to everyone, to take under advisement as to how they wish to navigate that scenario. Obviously, we do not want this navigated in the scenario where a person has formed suspicion and is then in legal trouble because of that.

Thank you.

The Chairman: Thank you for that clarification, Honourable Member.

Is there anybody else that would like to speak to the amended clause 12?

With there being nobody else wanting to speak to the amended clause 12 . . . Premier.

[Pause]

The Chairman: And just for the listening public following along diligently, we have made for . . . This is our fourth amendment to the Beneficial [Ownership] Amendment Act 2026. We made an amendment to clause 2. We made an amendment to clause 4. We made an amendment to clause 8. And we are currently making an amendment to clause 12. And the Honourable Member Jarion Richardson has brought up a technical question, which is taking some time to research.

I will hand it over to the Premier.

Hon. E. David Burt: It is just . . . Can I clarify for the Honourable Member? You were . . . I heard everything that you said, the Nova Scotia thing . . . got it, and understood, taking [it] under advisement. I just want to make sure you asked questions twelve and thirteen, or just twelve?

Mr. Jarion Richardson: Just twelve.

Hon. E. David Burt: Okay, let me go to just give you the answers for question thirteen, which clearly deals with . . . touching along these particular clauses. And the answer is that we will consider the Financial Intelligence Agency Act [2007] to ensure harmonisation.

The Registrar's consent is required to disclose beneficial ownership information, not to do with suspicious activity. There is no direct access [to the] central register. Section 19 prohibits onward disclosure and prescribes when disclosure may be made. Offences are created under the Registrar of Companies (Compliance Measures) Act [2017] in the event of breach.

The Chairman: Is there anybody who would like to speak to the amended clause 12?

The Honourable Member Richardson has the floor.

Mr. Jarion Richardson: I want to make sure I get on the record that the question that the Honourable Premier was referring to is: Will the FIA's proposed direct read-only access to public authority databases include direct access to the central beneficial ownership register notwithstanding the application and disclosure controls in sections 9 and 19 in which statutory safeguards will govern that access and onward use?

Thank you, Mr. Chairman.

The Chairman: That is correct. That was my understanding.

Premier.

[Inaudible interjection]

The Chairman: Yes. That was question thirteen on your list of twenty-two questions.

Mr. Jarion Richardson: Yes. I was making sure it got read into Hansard, Mr. Chairman.

The Chairman: Oh. Thank you.

Hon. E. David Burt: Much appreciated to the Honourable Member, and I move that the clause 12 be approved as amended.

The Chairman: Are there any objections to clause 12 being approved as amendment?

Approved.

[Motion carried: Clause 12 passed as amended.]

The Chairman: Premier, proceed.

Hon. E. David Burt: Thank you.

I move that the House do take under consideration clause 13, which also has an amendment.

The Chairman: There is a motion to amend clause 13. Are there any objections to that?
No objections.
Proceed.

Hon. E. David Burt: Thank you very much, Mr. Chairman. I appreciate your permission to amend the clause. Let me just give the introduction right quick that clause 13 amends section 25 [of] the principal Act (other provisions concerning beneficial ownership or registers, etc. not affected). The amendment . . .

[Pause]

Hon. E. David Burt: Thank you.

Clause 13 amends section 25 of the principal Act (other provisions concerning beneficial ownership registers, etc. not affected). The amendment to subsection (2) removes an incorrect reference the Registrar's consent to the issue and transfers of shares [since no such requirement] exists. New subsection (4) clarifies that nothing in [the] principal Act limits, restricts, or affects any obligation or requirement imposed by or under the Trustee Act 1975, the Proceeds of Crime Act 1997, [or] any other statutory provision requiring the identification, collection, maintenance, updating, verification, or production of beneficial ownership information.

AMENDMENT TO CLAUSE 13

Hon. E. David Burt: And now, Mr. Chairman, the amendment is that in clause 13(3), delete the inserted section 25(4) and substitute—

“(4) Nothing in this Act, unless expressly provided to the contrary, shall . . .”

Let me read it from the amendment. Sorry.

“(4) Nothing in this Act, unless expressly provided to the contrary, shall limit or otherwise restrict any obligation or requirement imposed—

- (a) by or under sections 25A or 25B of the Trustee Act 1975; or
- (b) by or under the Proceeds of Crime Act 1997, or any other statutory provision, requiring the identification, collection, maintenance, updating, verification, or production of beneficial ownership information.”

The Chairman: Are there any objections to the amendment to clause 13?

No objections. Approved.

[Motion carried: Amendment to clause 13 passed.]

The Chairman: Is there anybody who would like to speak to the amended clause 13?

Hon. E. David Burt: I move that clause 13 be approved.

The Chairman: No . . . Oh, yes.

[Laughter]

The Chairman: Is there any objection to clause 13 being approved?

No objections.
Approved.

[Motion carried: Clause 13 passed as amended.]

The Chairman: And Premier, proceed.

Hon. E. David Burt: Thank you, Mr. Chairman.

I move that the Committee now take under consideration clauses 14 through 22.

The Chairman: Are there any objections to 14 through 22?

Proceed, Premier.

Hon. E. David Burt: All right. Thank you, Mr. Chairman.

Clause 14 amends section 27(2) of the principal Act (regulations.) Paragraph (a) is deleted in consequence that repeal of section 16 of the Beneficial Ownership Act 2025; an incorrect reference in paragraph (d) is corrected; new paragraph (f) provides for regulations [prescribing] what amounts to a “legitimate interest” for the purposes of section 18(1B), and the circumstances in which the Registrar can disclose information under that subsection; and new paragraph (g) provides for appeals against the decisions of the Registrar.

Clause 15 amends section 14 of the Companies Act 1981 (registration of companies) to remove outdated reference to the Registrar giving permission under the Beneficial Ownership Act 2025 for the issue of shares in the company, but instead to require the Registrar's consent for the registration of a company. The Registrar is not bound to give reasons if he refuses to consent, and the refusal is not subject to appeal or view in any court. This aligns the Companies Act 1981 with similar provisions in the Limited Liability Company Act 2016, Limited Partnership Act 1883 and the Exempted Partnerships Act 1992.

Clause 16 amends section 139(1) of the Companies Act 1981 (grounds for revocation of a permit of an overseas company) to add additional ground of

failure to comply with the Registrar of Companies (Compliance Measures) Act 2017 or notice, direction or other requirement issued by the Registrar.

Clause 17 inserts section 143B into the Companies Act 1981 (permit companies: bearer shares prohibited) to prohibit the issue of bearer shares by permit companies, mirroring section 53 of the Act.

Clause 18 amends section 18 of the Overseas Partnerships Act 1995 (revocation of a permit of an overseas partnership) to add an additional ground of failure to comply with the Registrar of Companies (Compliance Measures) Act 2017 or notice, direction, or other requirement issued by the Registrar.

Clause 19 inserts a new section 9ZA into the Registrar of Companies (Compliance Measures) Act 2017 (power of Registrar to apply to Court to secure compliance) to enable the Registrar to apply to the Supreme Court for an order if a registered entity to which the Act applies (i.e., a company, limited liability company, or company partnership) is not in compliance with a provision of the 2017 Act or the entity's relevant Act or a direction or notice given by the Registrar under those Acts.

Clause 20 amends section 15A of the Registrar of Companies (Compliance Measures) Act 2017 for the disclosure of beneficial ownership information in consequence of revisions to section 18 and 19 of the principal Act (made by clauses 11 and 12).

Clause 21 amends section 18(1) of the Registrar of Companies (Compliance Measures) Act 2017 (Secrecy) to apply the obligation to preserve secrecy with its penalty for non-compliance to the Registrar (as well as his staff), and to include an exemption for due performance of functions under the principal Act.

And clause 22 provides for commencement on Assent. A transitional provision empowers a Registrar to apply to the Supreme Court under new section 9ZA of the Registrar of Companies (Compliance Measures) Act 2017 (inserted by clause 19) in relation to a pre-commencement act or omission by a registered entity.

The Chairman: Is there anybody who would like to speak to clauses 14 through 22?

Honourable Member Richardson, you have the floor.

Mr. Jarion Richardson: Yes. Thank you, Mr. Chairman.

I draw the Committee's attention to clause 15 and my question fourteen of submitted questions: What FATF recommendation or technical criterion requires or is intended to be addressed by the power to refuse consent to incorporation without giving reasons and with no statutory appeal or court review?

[Inaudible interjections]

The Chairman: We can answer all of them at the end.

Mr. Jarion Richardson: Yes. And with that being said, Mr. Chairman, I reserve the right to still reply to the answers when given at that time.

Question fifteen as previously submitted relates to clause 15: What is the policy and legal justification for excluding reasons and review and the provision intended to exclude judicial review as well as a statutory appeal?

Relating to clause 17, which provision expressly prohibits bearer share warrants and addresses any bearer shares or bearer share warrants already in existence?

Question seventeen, clauses 16 and 18, relating to revocation provisions: What criteria, notice requirements, representations, and appeal rights will apply before revocation of an overseas company or overseas partnership permit for non-compliance?

Section . . . my . . . I am referring to clause 19, Mr. Chairman. What criteria will determine when the Registrar seeks a compliance order, a restriction on business, or strike-off? And what procedural opportunity will the entity have to make representations before such orders are made?

I am very mindful that some of these questions may be outlined in new Guidance Notes, Mr. Chairman.

Clause 22: Will the new section 9ZA power be used in relation to pre-commencement conduct only where the underlying statutory obligation already applied at the time of act of omission?

And that is where I will stop my questions.

Thank you, Mr. Chairman.

The Chairman: All right. Thank you, Honourable Member.

Premier, the Honourable Member has asked his questions from question fifteen *[sic]* to question nineteen.

Hon. E. David Burt: Thank you, Mr. Chairman.

Question fifteen says clause 15 to the come—

The Chairman: Sorry. [I have a] correction. He asked [questions] fourteen through nineteen.

Hon. E. David Burt: Oh, he started with fourteen? No problem. I got it.

Question fourteen deals with clause 15, Companies Act 1981, section 14, to be what FATF recommendation or technical criterion requires or is intended to be addressed by the power to refuse consent to incorporation without giving reasons and no statutory appeal or court or review.

This is not a FATF-related amendment. This provision lies with the Companies Act [1981], with the Limited Liability Company Act [2016], [and] with the partnerships Acts which already empower the Registrar to give consent to registration. Order of the registration of such entities is approved upon the ROC satisfying itself that all statutory filing requirements have been

complied with. Since the enactment of the Beneficial Ownership Act [2025], the Registrar of Companies also ensures that the beneficial ownership filing requirements are required where met.

Moving on to clause 15, which spoke about the policy and legal justification for excluding reasons and review. And that says section 14(2B) follows the approach established in the other legislation.

Moving on to question sixteen dealing with clause 17, Companies Act 1981, new section 143B, which provision expressly prohibits bearer share warrants and addresses any bearer shares or bearer share warrants already in existence. That is referring to FATF Recommendation 24, criterion 24.12.

Section 53 has prohibited the issuance of bearer shares since inception, and the enactment of the Companies Act 1981 section 53A was an amendment to the Companies Act 1981 to require bearer shares to registered shares and notify the Registrar. Three months was provided for the conversion failing which the bearer shares would be null and void. The expiry date was 31st of March 2026. The Registrar was not notified of any conversions during that period. This amendment was in response to a CFATF recommendation. A related amendment in relation to section 139 of the Companies Act 1981 is being put forth to prohibit the issuance of bearer shares by permit companies. Also, a FATF-related amendment in preparation for the Fifth Round of the CFATF evaluation.

You did all the questions up to 23?

The Chairman: No, he stopped at question number 19.

Hon. E. David Burt: Okay, so I will do 17, 18, 19. Thank you, Mr. Chairman.

Question 17: Clauses 16 and 18 permit revocation revisions. What criteria, notice requirements, representations and appeal rights will apply before revocation of an overseas company or overseas partnership? Permit for non-compliance. Section 139 allows a Minister to revoke a permit, and the procedure for it is set out in section 140 of the Companies Act.

Moving on to question 18: Clause 19 of the Registrar of Companies (Compliance Measures) Act, 2017, new section 9ZA. What criteria would determine whether the Registrar seeks a compliance order, a restriction on business or strike off, and what procedural opportunity will the entity have to make representation before such orders are made? The purpose of this amendment is to enable the Registrar to bring a non-compliant entity into compliance. Procedures for court-related applications are set out in the Rules of the Supreme Court.

And I will await an answer for question 19 should the Honourable Member wish to pose further questions.

The Chairman: Is there anybody else that would like to speak to clauses 14 to 22?

Honourable Jarion Richardson, you have the floor.

Mr. Jarion Richardson: Yes, thank you. I just want to enter it onto the record relating to clause 15, question number 14, where the Honourable Premier had mentioned that the power to refuse consent to incorporation without giving reasons and with no statutory appeal or court review already exists in the Limited Liability Company Act and Exempted Partnerships Act. And my submission would be that in a fairly localised market with de minimis commercial interests, I could see how not providing answers to the market would be acceptable. But I would reject, given our international profile, that some reason must be given, were a person to make such an attempt, and it failed. Save that of, obviously, provisions of law where there is some form of restriction of information, such as suspicion of money laundering, et cetera. That is my point on clause 15, question 14.

And as it relates to the Honourable Premier's question on my question 16, clause 17, relating to prohibiting bearer share warrants, the question replied relating to bearer shares, and I take that point, and this is where the devil is in the details. Can I get the Premier's assurance that these statutory provisions will cover any form of warrant or arrangement to acquire shares at any time, which is the bearer share warrant?

Thank you.

The Chairman: Honourable Premier.

Hon. E. David Burt: I can answer in the affirmative to the question that the Honourable Member just last asked.

Any further questions right now?

Mr. Jarion Richardson: No further questions, Mr. Chairman.

Hon. E. David Burt: All right. Thank you.

If I may, just for one particular point, on the referring to a clause that we had completed, and the Honourable Gentleman was talking about Nova Scotia and talking about the Financial Intelligence Agency, the Registrar's permission is not required to file a suspicious activity report [SAR]. So someone can still file a SAR. But just saying, you know, from that particular basis, just letting you know.

Mr. Jarion Richardson: They will not accept it without information.

Hon. E. David Burt: Nonetheless, Mr. Chairman, I move that clauses 14 through 22 be approved and stand part of the Bill.

The Chairman: Are there any objections to clauses 14 through 22 being approved?

If there are no objections, approved.

[Motion carried: Clauses 14 through 22 passed.]

Hon. E. David Burt: Thank you very much, Mr. Chairman

I move that the preamble be approved, because I don't think we have schedules, do we?

The Chairman: I don't see any schedules.

Hon. E. David Burt: I move that the preamble be approved.

The Chairman: Any objections to the preamble being approved?

No objections, approved.

Hon. E. David Burt: I move that the Bill, be reported to the House as amended.

The Chairman: Are there any objections to the Bill being reported to the House as amended?

No objections.

The Bill will be reported to the House as amended.

[Motion carried: The Beneficial Ownership Amendment Act 2026 was considered by a Committee of the whole House and passed as amended.]

[Gavel]

House resumed at 4:05 pm

[Ms. Lovitta F. Foggo, Deputy Speaker, in the Chair]

REPORT OF COMMITTEE

BENEFICIAL OWNERSHIP AMENDMENT ACT 2026

The Deputy Speaker: Good afternoon, Members.

I understand that the next item up for debate will be Order number 6, the second reading of the Payroll Tax Rates Amendment Act 2026, as agreed by both parties in the House. Is that correct?

An Hon. Member: Yes.

The Deputy Speaker: Okay.

And so, I now call on the Minister of Finance.

Hon. E. David Burt: Thank you so very much, Madam Deputy Speaker.

And I appreciate the indulgence of all our Members who tried to deal with these matters and ensure that persons who may need to be somewhere else are able to get there. So, I move the Bill entitled the Payroll Tax Rate Amendments Act 2026 be now read a second time.

The Deputy Speaker: It is moved that the Bill entitled Payroll Tax Rates Amendment Act 2026 be read a second time.

Are there any objections to this? There are none.

BILL

SECOND READING

PAYROLL TAX RATES AMENDMENT ACT 2026

Hon. E. David Burt: Thank you, Madam Deputy Speaker. I will just make it brief.

Mea culpa. I accept this. I take it on the chin. We did something wrong. We messed up, and we are changing it. And the change in itself is difficult. But I will explain the reasons for the changes in case there are questions that come up.

Nonetheless, Madam Deputy Speaker, the Payroll Tax Rates Amendment Bill amends the Payroll Tax Rates Act 1995, which were approved in the House of Assembly in March 2026 as part of the 2026/27 budget legislation, and announced during the Budget Statement.

The Bill reverses an unintended payroll tax rate reduction for employers with an annual payroll of less than \$200,000. The payroll tax rate for this category is currently set at 0.5 per cent. And this Bill amends the payroll tax rate, increasing it to 1.0 per cent, which was the original rate. It was never said in the Budget Statement that this rate was being adjusted. It is the lowest rate that we have for employer payroll tax, which is set at 1.0 per cent. During the Budget Statement, it did not say so. We did say that we were moving other ones down by 0.5 per cent, and somehow this got transposed. It was not picked up. As I said, I maintain responsibility as the Minister. I will take it on the chin.

But the reality is that there are a number of rates that come off of this rate. And what was happening is that there was a disparity regarding programming. So, the question was whether or not we were going to cut all those rates, or whether or not we were going to fix this particular problem. And we decided to fix this particular problem.

Yes, some people say, *Well, you cut it down that way, and why are you increasing it now?* But it creates additional issues. And I said, rather than leaving it and the particular issues to my successor who will come as Minister of Finance after, I will take it on the chin, accept responsibility, and deal with this particular matter.

Nonetheless, the amendment does increase it from 0.5 [per cent] to 1.0 [per cent], which was what was stated in the Budget Statement. And the Validation Act will take effect from the 1st of April 2026, when the rate applies. So, people who pay the lower rate do not have to pay the higher rate; we are just making sure we validate. And the rate of 1.0 per cent will apply to the

tax period from October going forward in subsequent tax periods.

So, for the April to June period, and for the July to September period, it will be the 0.5 per cent rate, and then the rates will be reset. Because, as I said, there are a number of other rates which are tied to this. And so, when this was there, and then the different things were causing issues with the computers and other things, and how the filing works, I just decided to [take it] on the chin and put it back to what it was in the actual Budget Statement.

With that, I will submit to take my licks from the Opposition.

The Deputy Speaker: Okay. Are there any other persons who wish to speak to the Bill entitled Payroll Tax [Rates] Amendment Act 2026?

I recognise the Member from constituency 25. Member, you have the floor.

[Inaudible interjection]

Dr. Douglas DeCouto: I don't really know what to say. I mean, anybody who voted in favour of this cannot possibly support the increase now. So clearly, we do not support the increase. Especially, you know, if you . . . I appreciate the Premier's comments about the downstream impacts. And honestly, I do not even know what to say about that. You know, it's ridiculous.

But if you think about a small—

The Deputy Speaker: Member, can I stop you for one second?

Dr. Douglas DeCouto: Yes, Madam Deputy Speaker

The Deputy Speaker: The Member from constituency 24, can you approach the bench?

Continue, Member.

Dr. Douglas DeCouto: If you sort of take it at face value and put aside the (quote/unquote) “downstream effects” of the rates derived from this, or if you think about a small business with a payroll of less than \$200,000 a year, you know what that is. That is a solo entrepreneur. That is a man with a van. That is someone who is out there hustling (Right?), trying to get ahead. I mean, if they are getting \$200,000 a year, they are probably doing . . . that is probably pretty good in that world, actually.

And, you know, I know when we originally had the debate I referred back to the Hansard on this whole payroll tax change. We talked about actually some people could use a bigger cut, and some people perhaps should be paying more. And if I think about that small entrepreneur. I know that this was not in the Budget Statement, but I remember at that time thinking, *Well, you know, let's go for it*. These are people who could take this. You know, with \$500 in their pocket, \$1,000

in their pocket, that could be used to pay for the van, pay for the rent, pay for the BELCO, whatever.

So clearly, on principle and on impact, I cannot support this. We do not support it,

And I would suggest that the Premier does indeed take it on the chin, and take it back to the Ministry and say, *Sort it out; suck it up, get the systems working*. I know in the past we have heard that such and such couldn't be done because [it was] complicated, complicated, complicated. Not interested, Madam Deputy Speaker. And the people who are now going to turn around and have to pay more tax are also not interested.

With that said, I do have some specific questions that perhaps the Premier could answer, which are: How many taxpayers will this increase impact? And how much revenue, tax revenue, do they think was impacted by this change?

Thank you, Madam Deputy Speaker.

[Inaudible interjection]

The Deputy Speaker: Let me say that out loud.

[Laughter]

The Deputy Speaker: Are there any other Members who wish to speak to the Payroll Tax Rates Amendment Act 2026?

Hon. E. David Burt: Let's not go too crazy

The Deputy Speaker: There are none.

Premier, let me please recognise you to respond.

Hon. E. David Burt: Okay, yes

The Deputy Speaker: Yes.

Hon. E. David Burt: I was just looking at the spreadsheets, so I hopefully can answer the Honourable Member's questions in the absence of technical support here in the Chamber.

The amount is, I will just say on an overall broad measure to you, *de minimis*. I do not know the number of persons who are captured. But the amount from a revenue basis is probably about a million dollars.

An Hon. Member: I think \$800,000

The Deputy Speaker: About \$5,000,000 you said?

Hon. E. David Burt: I think \$800,000 to be precise.

The Deputy Speaker: Eight hundred thousand?

Hon. E. David Burt: Eight hundred thousand to be precise for an entire year overall.

Nonetheless, I understand the concerns. The same concerns were raised by the Cabinet. The same concerns are raised by persons. The reality is that there is a larger adjustment to other tax rates that has to be done. And so, with that, I have answered that particular question. I will undertake to get their things. I will take the licks myself and move that the Bill be committed.

The Deputy Speaker: It has moved that the Bill entitled the Payroll Tax Rates Amendment Act 2026 be committed.

Are there any objections? There are none.
I recognise the Member from constituency 32.
Thank you.

The Deputy Speaker: Nobody's standing.

[Laughter]

House in Committee at 4:13 pm

[Mr. Scott Simmons, Chairman]

COMMITTEE ON BILL

PAYROLL TAX RATES AMENDMENT ACT 2026

The Chairman: Good afternoon, Members. We are in Committee of the whole [House] for further consideration of the Bill entitled The Registration . . . is that correct? The beneficial? Where are we?

Hon. E. David Burt: The Payroll Tax [Rates] Amendment [Act 2026], [item] number 6

The Chairman: We are on [item] number 6, the [Payroll Tax Rates Amendment Act 2026](#).

I recognise the Minister in charge. Premier, you have the floor.

Hon. E. David Burt: Thank you, Mr. Chairman. I move that we take under consideration all of the clauses.

The Chairman: The Premier has asked that we consider all the clauses.

All those in favour?
They are in favour. Go ahead, Premier.

Hon. E. David Burt: Thank you.

Clause 1 gives the title.

Clause 2 increases from 0.5 [per cent] to 1.0 per cent the rate of payroll tax [applicable] for an employer with an annual payroll of less than \$200,000 specified in Class B(f) of the Table in section 5 of the Payroll Tax Rate Act 1995. This reverses the accidental reduction made in the section of the Payroll Tax Amendment and Validation Act 2026 with effect from the 1 April 2026. [The] rate of 1.0 per cent applies to

the tax period of October to December 2026 and subsequent tax periods.

The Chairman: Thank you very much, Premier.

Would anybody else wish to speak to clauses 1 and 2?

No one else wishes to speak. Go ahead, Premier.

Hon. E. David Burt: I note that the Opposition does object, and as I said, I take this on the chin. We just have to correct it as the disparity is causing an issue within the Chambers, and I move that clauses 1 and 2 be approved.

The Chairman: It has been so moved that clauses 1 and 2 be approved.

Any objection?
There is none.
Premier.

[Motion carried: Clauses 1 and 2 passed.]

Hon. E. David Burt: Thank you.

I move that the Bill be reported to the House as printed.

The Chairman: The Premier has asked that the Bill be reported to the House as printed.

Any others in favour?
They are, Premier, all in favour.
Thank you.

Hon. E. David Burt: Thank you.

The Chairman: Thank you.

[Motion carried: The Payroll Tax Rates Amendment Act 2026 was considered by a Committee of the whole House and passed without amendment.]

[Gave!]

House resumed at 4:15 pm

REPORT OF COMMITTEE

PAYROLL TAX RATES AMENDMENT ACT 2026

[Ms. Lovitta F. Foggo, Deputy Speaker, in the Chair]

The Deputy Speaker: The Bill entitled the Payroll Tax Rates Amendment Act 2026 has been reported to the House as printed with approval.

Are there any objections to that?

Dr. Douglas DeCouto: I object.

The Deputy Speaker: There is one objection, so that is recognised.

Thank you.

[Laughter]

The Deputy Speaker: That takes us to item, I think, number . . . because we went out of order, that takes us to item number 4, Registration (Births and Deaths) Amendment Act 2026.

I call on the Minister of Economy and Labour.
Minister, you have the floor.

Hon. Jason Hayward: Madam Deputy Speaker, I move that the Bill entitled the Registration (Births and Deaths) Amendment Act 2026 be now read a second time.

The Deputy Speaker: It has been moved that the Bill entitled the Registration (Births and Deaths) Amendment Act 2026 be read a second time.

Are there any objections? There are none, so moved.

Continue, Minister.

BILL

SECOND READING

REGISTRATION (BIRTHS AND DEATHS) AMENDMENT ACT 2026

Hon. Jason Hayward: Madam Deputy Speaker, I am pleased to introduce in the Honourable House today a Bill entitled the Registration (Births and Deaths) Amendment Act 2026.

The purpose of this Bill is to amend the Registration (Births and Deaths) Act 1949 (the principal Act), and the Registrar-General (Recording of Documents) Act 1955 (the Documents Act), to restrict the persons who may obtain a copy of a birth certificate and to make consequential amendments.

Madam Deputy Speaker, birth certificates are among the most important identity documents issued by the government. They are frequently relied upon to establish identity when applying for passports, driver's licences, financial services, immigration benefits, and a wide range of other official documents and services.

Madam Deputy Speaker, as society becomes increasingly dependent on identity verification, governments around the world must ensure that personal information is protected against misuse, fraud, and other unlawful activity. It is therefore appropriate that Bermuda periodically review its legislative framework to ensure that it continues to meet modern standards of privacy, security, and public administration.

A review by the Registry General identified concerns relating to unrestricted public availability of certified copies of birth certificates. The National Anti-

Money Laundering Committee Working Group also identified this issue as a potential vulnerability that could facilitate identity theft, financial fraud, and other forms of misuse involving personal information. While Bermuda has long maintained a system that promotes transparency through access to public records, it is now necessary to ensure that appropriate safeguards exist to protect sensitive personal information from exploitation.

This Bill before the Honourable House seeks to achieve that objective through a measured and proportionate approach. Madam Deputy Speaker, the Bill inserts a definition of birth certificate into the principal Act, meaning a certificate compiled from the General Register of Births and certified under the hand and seal of the Registrar-General.

Madam Deputy Speaker, the principal amendments repeal and replace the existing provisions governing searches and copies of entities. However, the right of any person to search these entities in the Register during ordinary office hours upon payment of the prescribed fee is preserved and remains unrestricted. What changes is who may obtain a certified copy of a birth certificate itself.

Madam Deputy Speaker, under the proposed amendments, only the following persons may obtain a copy of a birth certificate:

- (a) the individual whom the certificate relates;
- (b) a parent or guardian of the individual or a child or grandchild of the individual who is at least 18 years of age;
- (c) a person authorised in writing by the individual provided that that individual is at least 18 years of age;
- (d) a legal representative of a person mentioned in the preceding paragraphs;
- (e) a police officer with a court order authorising the obtaining of a copy;
- (f) a public officer whom the Registrar-General is satisfied requires a copy to carry out statutory duties.

As such, the Bill strikes an appropriate balance between protecting personal information and ensuring that individuals and organisations with a lawful need for access can continue to obtain certified copies when necessary.

Madam Deputy Speaker, this restriction does not apply where a birth certificate is sought in respect of an individual born more than 150 years before the request is made to the Registry General, consistent with the provision set out in the Personal Information Protection Act 2016.

Madam Deputy Speaker, this Bill also sets out the form of the official birth certificate that is issued by the Registry General. This will replace the current short certificates of birth that are set out in the principal Act. The short-form birth certificate is no longer in use for any official purposes and is therefore no longer needed.

Madam Deputy Speaker, a related amendment to the Documents Act applies the same restriction on access to birth certificates under that Act, ensuring consistency across both pieces of legislation governing the Registrar-General's records.

Madam Deputy Speaker, the Bill also makes consequential amendments to the Government Fees Regulation 1976, in Head 67, with specific fees for issuing a birth certificate set at \$35, and the fee for express two-day service is specified at \$25. While these changes to the Head of fees appear to increase the existing fees, they are in fact simply replacing the now-defunct fees that used to be charged for short-form birth certificates. The amended fees are aligned with the fees currently charged for these services under other Heads. They are specifically listed within Head 67 to provide greater clarity to the public.

Madam Deputy Speaker, the Act will come into effect on a date to be appointed by the Minister responsible for the Registry General by notice published in the *Gazette*. Importantly, the restriction on obtaining a copy of the birth certificate will also apply to any request for a copy that is pending on that commencement date.

Importantly, Madam Deputy Speaker, these amendments do not eliminate transparency. The public inspection of birth registers will remain available in accordance with existing practise and historical records will continue to become publicly accessible after an appropriate period of time. The objective is not to restrict legitimate access to information, but, rather, to prevent the misuse of certified identity documents that may be used to facilitate fraud or identity theft.

Madam Deputy Speaker, in closing, the Registration (Births and Deaths) Amendment Act 2026 represents a practical and necessary reform. It will strengthen protections against identity theft, enhance public confidence in the administration of Bermuda civil registration records, and align our legislative framework with contemporary standards of privacy and security, while preserving the public's ability to search the register and access historical records.

Thank you, Madam Deputy Speaker.

The Deputy Speaker: Thank you, Minister.

Are there any other persons who wish to speak to the Bill entitled the Registration (Births and Deaths) Amendment Act 2026?

I recognise the member from Constituency 23. Member, you have the floor.

Mr. Jarion Richardson: Thank you, Madam Deputy Speaker.

We rise to support the modification and updating of the Registration (Births and Deaths) Act 1949 through the Amendment Act of 2026. Really, this is a fairly straightforward exercise, so my comments will be appropriately brief. Nonetheless, we do have to take care [with] amending law as it relates to the impacts on

our society. So, I will have some questions in Committee.

I only have two general questions, because the Honourable Minister did point out that this is being done pursuant to a review following an assessment to determine compliance with FATF standards. And I would like to know from the Honourable Minister which mutual evaluation finding or technical criteria these changes, . . . sorry, require this change, and what evidence establishes the risk.

Just to unpack that a little bit for the listening audience and for the record, the mutual evaluation report is the exercise that is undertaken to ascertain Bermuda's compliance with international money laundering norms as set out in the Financial Action Task Force recommendations and applied by their methodology and procedures. And what that means is that our last mutual evaluation report was quite successful, and it did leave us, nonetheless, with a list of things to update and change. And so, my question to the Honourable Minister is: Which one of those on the list is this Bill aimed at remediating? And if not that, then which technical criteria?

And so that we know. The Financial Action Task Force standards break down into two categories. One is the technical criteria; the other one is performance related. And we are dealing with the technical criteria in this area. So, if not the mutual evaluation report finding, then which technical criteria does this Bill address specifically?

And last, a general question. We certainly identify with the intent of the Bill to safeguard families, vulnerable persons, and estate administration. But for the questions, there is a very specific list of people who will be able to access or . . . sorry, to retrieve these records from the Registrar. So, the question is: How will a spouse, an executor, or a carer obtain a necessary certificate when no listed route is available?

Thank you, Madam Deputy Speaker

The Deputy Speaker: Thank you.

Are there any other persons who wish to speak to the Bill entitled the Registration (Births and Deaths) Amendment Act 2026?

There being none at this time, I call on the Minister.

Minister, you have the floor.

Hon. Jason Hayward: I thank the Member for his general support for the Bill.

When we looked at the recommendations, they pertained specifically to Recommendation 10, which deals with identity, death, and fraud. And so, it is in alignment with those risk factors, and it emanated from the 2024 National Risk Assessment. And so, some of these concerns were raised at that particular time, and now we are ensuring that we put a framework in place to minimise the risk of identity theft and fraud.

The other question, as it pertains to the exhaustive list, while a spouse may not be mentioned in name as it pertains to an individual, we still have a legal representative of a person mentioned in the preceding paragraphs. And one can authorise anyone in writing to obtain that particular certificate.

And so, while the list lists the number of persons, the number of persons that have the ability to access the file is actually greater than if you look at one [person] having the ability to provide written confirmation that somebody else can pick up that birth certificate on their behalf. And so, I think when we looked at the criteria, we were satisfied that the criteria opened it up for all relevant persons who may need to obtain a birth certificate, even an individual who is a legal representative of a person mentioned in the preceding paragraphs. And so, I think that will cover other individuals that the Honourable Member had actually mentioned.

With that said, I move that the Bill be now committed.

The Deputy Speaker: It has been moved that the Bill entitled the Registration (Births and Deaths) Amendment Act 2026 be committed.

Are there any objections? There are none.

I call on the Member from constituency 32 to take the seat.

House in Committee at 4:29 pm

[Mr. Scott Simmons, Chairman]

COMMITTEE ON BILL

REGISTRATION (BIRTHS AND DEATHS) AMENDMENT ACT 2026

The Chairman: Honourable Members, we are now in Committee of the entire House for full consideration of the Bill entitled [Registration \(Births and Deaths\) Amendment Act 2026](#).

I recognise the Minister in charge, the Minister of Economy and Labour. Minister, you have the floor.

Hon. Jason Hayward: Mr. Chairman, I move clauses 1 through 7.

The Chairman: The Minister has asked that clauses 1 through 7 be moved.

Those opposed. There are none.

Go ahead, Minister.

Hon. Jason Hayward: Mr. Chairman, the Bill seeks to amend the Registration (Births and Deaths) Act 1949 (the principal Act), and the Registrar-General (Recording of Documents) Act 1955, to restrict the person who may obtain a copy of a birth certificate and to make consequential amendments.

Clause 1 gives the citation.

Clause 2 amends section 1 of the principal Act to insert the definition of a birth certificate.

Clause 3 repeals and replaces section 4 of the principal Act (searches, and copies of [entries]) to restrict the person who may obtain a copy of a birth certificate, although searching the register remains unrestricted.

Clause 4 inserts Form F2 into the First Schedule of the principal Act (birth certificate).

Clause 5 amends section 4 of the Registrar-General (Recording of Documents) Act 1955 (inspection of registers and indexes; copying; obtaining certified copies) to apply the restriction in section 4 of the principal Act on the persons who may obtain a copy of a birth certificate under that Act.

Clause 6 makes consequential amendments and prescribes the fees for issuing a birth certificate. In the First Schedule of the principal Act, Form F (short certificate of birth) is repealed because these will no longer be issued. In Head 67 of the Schedule of the Government Fees Regulation 1976, the fee of \$25 for a short certificate of birth is replaced by a fee of \$35 for issuing a birth certificate, with an additional fee of \$25 for express (two-day) service.

Mr. Chairman, clause 7 provides for commencement and the transitional provision.

The Chairman: Thank you, Minister.

Does any other Member wish to speak to clauses 1 through 7?

I recognise the Honourable Member, Mr. Richardson.

Mr. Richardson, you have the floor.

Mr. Jarion Richardson: Thank you, Mr. Chairman. I'll be asking these questions again for the edification of the record and to provide assistance to those later reading these records.

Mr. Chairman, my first question relates to clause 3.

The Chairman: Clause 3?

Mr. Jarion Richardson: Yes, sir, relating to open searches and certified entries. This is section 4(1) through (2). And my view is that any person may still search and request certified entry particulars.

Now, my question is: Can an ineligible applicant obtain the equivalent information that would otherwise be on a certificate simply by reviewing or inspecting the registry? Now, the reason I ask that question is because we have made the point, or the Honourable Minister made the point, that this is about modernising and restricting access in some conditions, especially where there are certain weaknesses in our system. So, it appears like there is an easy workaround simply by asking to inspect the record and not asking for a certificate.

Obviously, transnational organised crime . . . we are well aware that one of the highest-priced commodities is data. But typically, that is data in volume, so we are not facing that issue here. Nonetheless, the point of this is to protect identity. So, if the Minister could help me there.

Clause 3, Mr. Chairman, my next question?

The Chairman: Go right ahead. Thank you.

Mr. Jarion Richardson: Relating to section 4(3), (a) through (d). Sorry, the Minister already answered that.

My next question is still in clause 3, section 4(3), proof of entitlement. How will identity and entitlement be checked? And what protects an adult at risk from misuse by an eligible representative?

And my third question, Mr. Chairman, is relating to police officers. I note that the police officers require a court order and other public officers need the Registrar's satisfaction of statutory necessity. My question is: Why are those thresholds different? And further to that point, how do they fit within the interagency agreements we are seeing within this framework right now?

We know that we have an agency. We have not dealt with that Bill yet, but there will be an agency that is basically getting access to all kinds of information. So, the question is: Why are those thresholds different relating to police officers requiring a court order, but any other public officer simply needs to satisfy the Registrar? And how do they fit with the wider information sharing in government that we know is coming?

Fourth question, Mr. Chairman, with your permission.

The Chairman: Go right ahead.

Mr. Jarion Richardson: Thank you.

Under clause 4, the Form F2: What assessment supports the fields included, and can applicants obtain a minimum data certificate for limited purposes? It is because the full form includes parental names, occupations, and other particulars, and routine identification purposes typically do not include such information, Mr. Chairman.

And last question, Mr. Chairman, is on clause 6(1) in regard to the abolition of the short certificate. And it sort of ties into my last question, because removing it may mean that more family information is disclosed for ordinary transactions and routine identification purposes. So why are we abolishing the short form instead of retaining it with an appropriate access control?

The Chairman: Very well.

Mr. Jarion Richardson: That's all my questions. Thank you, Mr. Chairman.

The Chairman: Thank you very much, Honourable Member.

Does any other Member wish to speak to clauses 1 through 7?

There's no other member, Minister.

Hon. Jason Hayward: [Mr.] Chairman, as it pertains to searches, I have made it clear multiple times in this statement that we will continue to allow the search function.

The search function provides an important public benefit. So, if we look at it from a fraud lens, we can say, okay, it still gives people the ability to obtain one's information. But if we look at it from one who is simply trying to trace their family tree, then you can go to the Registrar's office and trace your family tree or begin to have a deeper look at your lineage. And I think that is an important function that the public still has that ability to access.

The other thing is when you are also trying to historically cross-reference other documents, whether it be property documents from dated periods or other documents from dated periods, it is an important function that we continue to have that. Notwithstanding that, persons can go in there and search, but if they are not one of those listed persons, they will not be able to physically obtain the birth certificate of anybody that they may have done a search on unless they are actually permitted. While that is not foolproof, as it pertains to the restriction of information, it still reduces the risk, because the actual birth certificate is the document that is also issued for obtaining other documents.

You cannot just go with somebody's particulars on a napkin or a piece of paper and [present] it to an institution to get a licence or passport or whatever it may be. But you can fraudulently issue a birth certificate. And so that's what we are trying to protect. We are trying to maintain the integrity of the information by ensuring it remains accessible while also reducing the likelihood of fraud.

The next question you would ask, and I will seek to answer that, is pertaining to the requirements between, for example, a police officer who may have to receive a court order and another public official with a statutory duty. I think the important point within that is that police officers are typically not named in the legislation as having a statutory role. However, there are a very specific group of public officers who have a statutory role. And you can just appreciate in the Immigration Department, if you wanted to cross-reference the Bermuda Register, there's something in the Registry General's Department, and the Chief Immigration Officer who has a statutory role within that Act can access that if need be.

And so, I think it is important to understand that while the title of police officer is an important role, then you would say, well, why would any police officer have access? And so, this is not just to aid in any type of surveillance investigation that they may be doing or

utilising it for whatever means people may not know. But if it pertains to a court order and the court instructs the Registrar to provide it to the police officer, then we have no problem complying because we do not want to impede any of the work that police actually have to execute.

So, the question [was]: Why insert Form F2 into the Schedule? And to be clear, the Form F2 identifies what will be set out on the birth certificate, and that is, the child's full name, the date of birth, the place of birth, the sex, the mother's full name, the mother's maiden name, the mother's occupation, the father's full name, the father's occupation, additional information, registration number, and date. And this simply codifies the existing form of the full birth certificate to clarify to the public what is actually obtained. And so, if you have a current long-form birth certificate, you will see that the fields that we put in Form F2 in the Schedule match the fields that are currently listed in that long-form birth certificate now.

The question about why we abolished the short-form certificate, these are not used in any way by any other agencies, and so they are no longer applicable as it pertains to their utilisation. I think they are more family heirlooms now than anything else, and they are not used for any official purposes. So, we want to make it clear that the long forms are the ones that are used for official [purposes] moving forward and just make that specific so that persons do not have multiple documents. And then persons who only have short forms know that to have an official birth certificate they should obtain the long form and put in persons in that space.

The Chairman: Right

Hon. Jason Hayward: I think that answers the questions that were asked.

The Chairman: Thank you, Honourable Minister.

Does any other Member wish to speak?

I recognise the Honourable Member Richardson.

Mr. Jarion Richardson: Yes, I thank the Honourable Minister for that very sensible explanation of those points. It is always helpful to keep the, sometimes technical debates, to that point where it is impactful and useful in how to understand it. I would only raise we are in Committee so I get to speak on, not a question, but I would say that by providing a distinction between the police requiring a court order and other public officers, I think I completely understood the immigration point.

And I agree with those statutory roles. What I would argue, though, is the police are not always in the business of evidence collecting. Sometimes it relates to intelligence. And given that FIA [Financial Intelligence Agency] and other people will have access to these databases, what I would argue is the police have their own set of constraints, professional standards, safeguards.

And equally within the police service, one should be in specific units to access government records. You are not just some constable . . . I hate to put it that way, but not every B watch guy can just walk in anywhere and get something. Although B Watch is obviously the best watch, Mr. Chairman.

The Chairman: Yes, I appreciate that. However, I would confine, and I don't want to interrupt you, Honourable Member. It just that —

Mr. Jarion Richardson: I might have misunderstood.

The Chairman: No, no, no. I think that you are explaining it, and I think we are in the wrong stage for that. I think if you have something specific to it, I'd be happy to hear it.

Mr. Jarion Richardson: Mr. Chairman, I only mean to say—

The Chairman: We are getting there, I take it.

Mr. Jarion Richardson: I just want to answer on the record—

The Chairman: Okay

Mr. Jarion Richardson: —that I do not agree these are the same. I think the police should have the exact same records as the other public officers—

The Chairman: Right

Mr. Jarion Richardson: —for the purposes of . . . because policing is not just criminal investigation.
Thank you

The Chairman: Right. No, thank you, Honourable Member.

Minister . . . Before the Minister comes, does any other Member wish to speak to clauses 1 through 7?

There are none, Minister.

Hon. Jason Hayward: Mr. Chairman, I move that clauses 1 through 7 be approved.

The Chairman: The Minister has asked that clauses 1 through 7 be approved.

Is there any objection to that motion?

There are none.

Minister.

[Motion carried: Clauses 1 through 7 passed.]

Hon. Jason Hayward: I move that the preamble be approved.

The Chairman: It has been moved that the preamble be approved.

Is there any objection to that motion?

Minister, there is no objection.

Hon. Jason Hayward: I move that the Schedule be approved.

The Chairman: It has been moved that the Schedule be approved.

Is there any objection to that motion?

No objection, agreed.

[Motion carried: Schedule passed.]

Hon. Jason Hayward: I move that the Bill be reported to the House.

The Chairman: Thank you very much, Minister. It has been moved that the Bill be reported to the House as printed.

Is there any objection to that motion?

There is no objection.

The Bill will be reported to the House as printed. Thank you.

[Gravel]

[Motion carried: The Registration (Births and Deaths) Amendment Act 2026 was considered by a Committee of the whole House and passed without amendment.]

House resumed at 4:45 pm

[Ms. Lovitta F. Foggo, Deputy Speaker, in the Chair]

REPORT OF COMMITTEE

REGISTRATION (BIRTHS AND DEATHS) AMENDMENT ACT 2026

The Deputy Speaker: It is my understanding that the Bill has been reported to the House as printed.

Are there any objections to that?

There are none.

Members, we will continue to item 5, the second reading of the Proceeds of Crime (Miscellaneous) Act 2026. I call on the Junior Minister to carry the Bill.

Junior Minister, you have the floor.

Mr. Dennis Lister III: Good afternoon, Madam Deputy Speaker. Just getting all my papers together, Madam Deputy Speaker.

The Deputy Speaker: [Junior] Minister, you have the floor.

BILL

SECOND READING

PROCEEDS OF CRIME (MISCELLANEOUS) ACT 2026

Mr. Dennis Lister III: Thank you. Madam Deputy Speaker.

It is my distinct honour and privilege on behalf of the Government to rise this afternoon in this Honourable House to present the Bill entitled the Proceeds of Crime (Miscellaneous) Act 2026.

This Bill seeks to amend the Proceeds of Crime (Anti-Money Laundering and Anti-Terrorist Financing Supervision and Enforcement) Act 2008, the Chartered Professional Accountants of Bermuda Act 1973, and the Bermuda Bar Act 1974.

It does two things: First, it provides for extended investigatory powers over firms that carry on business as regulated professional firms without being registered as such. Second, it amends the qualifications for the Chairperson, members and Supervisor of the Barristers and Accountants AML/ATF Board, and makes consequential amendments.

Madam Deputy Speaker, by way of background, the Proceeds of Crime (Anti-Money Laundering, and Terrorist Financing Supervision and Enforcement) Act 2008, which I will refer to as the "principal Act," establishes the supervisory and enforcement framework for regulated professional firms and provides for their oversight by designated professional bodies.

At present, the supervisory and investigatory powers in the principal Act are directed at regulated professional firms that are registered. This Bill closes a gap by extending those powers so that a designated professional body can act where it has reasonable grounds to suspect that a firm is providing the services of a regulated professional firm without being registered as such.

Madam Deputy Speaker, the Bill inserts a new section into the principal Act, where a designated professional body has reasonable grounds to suspect that a firm is providing the services of a regulated professional firm without being registered, the body may require the firm to provide such information or records, or to attend before an officer of the designated professional body as the body reasonably requires for the purpose of determining whether the firm has been carrying out the services of a regulated professional firm. The Bill then extends a series of existing supervisory and enforcement powers to capture firms suspected of providing the services of a regulated professional firm without being registered. These amendments ensure that a firm cannot place itself beyond reach simply by failing to register.

Madam Deputy Speaker, the second part of the Bill amends the qualification requirements for the members of the Barristers and Accountants AML/ATF Board. The Bill amends the Bermuda Bar Act 1974 and

the Chartered Professional Accountants of Bermuda Act 1973 in parallel terms. In each Act, the Chairman and the other members of the board are to be persons who, in the opinion of the two professional bodies, have such qualifications, expertise, and experience in anti-money laundering and anti-terrorist financing regulatory compliance as are required for the effective performance of their duties.

The requirement that the Supervisor be a professional legal advisor or accountant is removed and replaced with a requirement that the Supervisor be a suitably qualified person. A person who, in the opinion of the board, has such qualifications, experience, and expertise in anti-money laundering and anti-terrorist financing regulatory compliance as are required for the effective performance of the duties of a Supervisor. These amendments broaden the pool of suitably qualified candidates by recognising the increasing importance of specialist AML/ATF expertise.

Madam Deputy Speaker, in closing, this Bill forms part of the Government's continuing commitment to ensuring that Bermuda's anti-money laundering and anti-terrorist financing framework is robust and effective. By extending investigatory and enforcement powers to firms that operate outside the regulated professional firm framework and by ensuring that those charged with supervising barristers and accountants have the specialist AML/ATF expertise the role demands. The Bill strengthens the integrity of the regime and the standing of the designated professional bodies who administer it.

Thank you, Madam Deputy Speaker.

The Deputy Speaker: Thank you, Junior Minister.

Are there any other Members who wish to speak to the Bill entitled the Proceeds of Crime (Miscellaneous) Act 2026?

I recognise the Member from constituency 23. Member, you have the floor.

Mr. Jarion Richardson: Thank you, Madam Deputy Chair. This Bill before us is proportionate, effective, and necessary for improving the supervision of law firms and accounting firms in Bermuda. We have not always . . . we have been working on developing that regulatory framework for some time. It takes a little . . . it is very different [from] regulating credit institutions or financial institutions, and, as such, it requires a deft touch. Hence the introduction of a competency test, which I agree with. And as such I think that this is a proportionate move in accordance with the nature of our market and structure.

Thank you, Madam Deputy Speaker.

The Deputy Speaker: Thank you, Member.

Are there any other Members who wish to speak to the Bill entitled Proceeds of Crime (Miscellaneous) Act 2026?

There being none, I call on the Junior Minister.

Junior Minister, you have the floor.

Mr. Dennis Lister III: Yes, thank you, Madam Deputy Speaker.

Madam Deputy Speaker, I . . . you have to take a step back. I did forget to read the introduction for this. Can I?

The Deputy Speaker: That you suspend [Standing Orders]?

Mr. Dennis Lister III: Yes.

The Deputy Speaker: Yes.

SUSPENSION OF STANDING ORDER 29(1)

Mr. Dennis Lister III: Okay.

Madam Deputy Speaker, I move that Standing Order 29(1) be suspended to enable the House to proceed with the second reading of the Bill entitled the Proceeds of Crime (Miscellaneous) Act 2026.

The Deputy Speaker: Thank you, Member, for at least making sure that that has been placed on the record.

Mr. Dennis Lister III: Thank you.

The Deputy Speaker: So, but you may continue.

Mr. Dennis Lister III: Thank you. And now I will move that the Bill be committed.

The Deputy Speaker: Yes, since we have had Members who have spoken on the Bill, both yourself and your Opposition Member, we will proceed to committing the Bill.

Can you . . . It has been moved that the Bill be committed. Are there any objections to that?

There are none.

I ask the Member from constituency 22 to take the seat.

An Hon. Member: Twenty-two?

[Laughter]

The Deputy Speaker: Thirty-two!

[Laughter]

The Deputy Speaker: Thirty-two.

[Inaudible interjection]

House in Committee at 4:54 pm

[Mr. Scott Simmons, Chairman]

COMMITTEE ON BILL**PROCEEDS OF CRIME
(MISCELLANEOUS) ACT 2026**

The Chairman: Honourable Members, we are now in Committee of the entire House for further consideration of the Bill entitled [Proceeds of Crime \(Miscellaneous\) Act 2026](#).

I recognise the Minister or the Junior Minister.

Mr. Dennis Lister III: Thank you, Mr. Chairman.

Mr. Chairman, because there are only 5 clauses—

The Chairman: Yes

Mr. Dennis Lister III: —I will go through them one by one. Starting with clause 1

The Chairman: It has been moved that . . . you wish to move—

Mr. Dennis Lister III: Actually, let me do my overview. But I will go through them one by one, since there are only 5 of them.

The Chairman: Carry on.

Mr. Dennis Lister III: Okay.

This Bill seeks to amend the Proceeds of Crime (Anti-Money Laundering and Anti-Terrorist Financing Supervision and Enforcement) Act 2008 (the principal Act), the Chartered Professional Accountants of Bermuda Act 1973, and the Bermuda Bar Act 1974 to provide for extended investigatory powers over firms carrying on business as regulated professional firms without being registered; to amend the qualifications for the Chairperson, members, and Supervisors of the Barristers and Accountants AML/ATF Board, and to provide for connected purposes.

Clause 1 provides a citation for the Bill—

The Chairman: One moment, Junior Minister. You wish to move that these clauses be considered, am I correct?

Mr. Dennis Lister III: I am getting ahead of myself, Mr. Chairman.

The Chairman: Yes. Correct. You wish to move. Go ahead, Minister. You wish to move that these clauses be considered.

Go ahead, [Junior] Minister.

Mr. Dennis Lister III: Yes, I wish to move that these clauses be considered.

The Chairman: Yes, clauses . . . I take it, and that is going to be clauses 1 through—

Mr. Dennis Lister III: I will move [clauses] 1 through 5, but I will do them one by one.

The Chairman: That is fine. You wish to move that the clauses 1 through 5 be considered.

Is there any objection to that motion?

There is no objection. Go right ahead, clauses 1 through 5, [Junior] Minister.

Mr. Dennis Lister III: Thank you, Mr. Chairman.

Clause 1 provides a citation for the Bill.

Clause 2 amends the principal Act to expand the regulatory powers over firms that provide the services of a regulated professional firm without being registered as such. Subclause (1) inserts a new section 30 CA into the principal Act giving a designated professional body the power to require a firm to provide information or records or to attend before an officer of the designated body where there are reasonable grounds to suspect that the firm is providing the services of a regulated professional firm but is not registered.

- Subclause (2) amends section 30E of the principal Act to permit site visits to premises used by a firm suspected of providing the services of a regulated professional firm without being registered.
- Subclause (3) amends section 30H of the principal Act to permit designated professional bodies to issue directives to firms suspected of providing the services of a regulated professional firm without being registered.
- Subclause (4) amends section 30I of the principal Act to permit a civil penalty to be imposed on a firm suspected of providing the services of a regulated professional firm without being registered and amends the headnote to also refer to firms.
- Subclause (5) amends section 30J of the principal Act to extend the existing penalty procedures to firms suspected of providing the services of a regulated professional firm without being registered.
- Subclause (6) amends section 30K of the principal Act to permit publication of decisions imposing penalties on firms suspected of providing the services of a regulated professional firm without being registered.
That would be clause 2.

The Chairman: Go right ahead to clause 3.

Mr. Dennis Lister III: Now to clause 3.

The Chairman: Go right ahead.

Mr. Dennis Lister III: Clause 3 amends the Bermuda Bar Act 1974 to amend the qualification requirements for the Chairperson members and the Supervisor. Subclause (1) inserts a new subsection (3A) into section 25B providing for a Chairman and members to be appointed who in the opinion of CPA Bermuda and the Bar Council, possess the qualifications, expertise, and experience in anti-money laundering and anti-terrorist financing regulatory compliance required for the effective discharge of their functions. This broadens the pool of suitably qualified candidates by recognising the increasing importance of specialist AML and ATF expertise. Subclause (2) amends section 25C to remove the requirement that the Supervisor be a professional legal advisor or accountant and substitutes the requirement that the Supervisor be a suitably qualified person, one who in the opinion of the Barristers and Accountants AML/ATF Board possesses such qualifications expertise and experience in anti-money laundering and anti-terrorist financing regulatory compliance as required for the effective performance of their role.

Clause 4 amends the Chartered Professional Accountants of Bermuda Act 1973 to amend the qualification requirements for the Chairperson, members, and the Supervisor in parallel terms with clause 3. Subclause (1) inserts a new subsection (3A) into section 8B, providing for a Chairman and members to be appointed who, in the opinion of CPA Bermuda and the Bar Council, possess the qualifications, expertise, and experience necessary for the effective discharge of their functions. Subclause (2) amends section 8C to require that the supervisor be a suitably qualified person who possesses qualifications, expertise, and experience in anti-money laundering and anti-terrorist financing regulatory compliance, as determined by the board to be sufficient for the effective discharge of the Supervisor's functions.

Clause 5 provides that the Act shall come into operation on such date as the Minister may appoint by notice published in *The Gazette*.

The Chairman: Thank you very much, Honourable Junior Minister.

[Is there] any other Member who wishes to speak to clauses 1 through 5?

I recognise the Honourable Member Mr. Richardson. Mr. Richardson, you have the floor.

Mr. Jarion Richardson: Thank you, Mr. Chairman. Mr. Chairman I'll put my questions to you.

The Chairman: Honourable Junior Minister, do you wish to have all the questions put to you together? Or do you wish to separate them so you can answer them individually? I will take your lead.

Mr. Dennis Lister III: Can I ask how many questions the Member has?

The Chairman: It's an appropriate question.

An Hon. Member: Six hundred.

[Laughter]

The Chairman: It's an appropriate question.

Mr. Jarion Richardson: About 50. I'm joking—

The Chairman: It's a few? No, if you're comfortable, if you want to do it one by one, I'm satisfied if the [Junior] Minister is satisfied. So, you can take them all.

Mr. Dennis Lister III: You said how many, five?

Mr. Jarion Richardson: Maybe five to 10

Mr. Dennis Lister III: Okay, I'll take them all at the same time.

The Chairman: Shadow Minister, you have the floor.

[Inaudible interjection]

Mr. Jarion Richardson: Yes, thank you. I seem to be getting a reputation for asking a lot of questions. I think that's good.

The Chairman: Well, your Leader said 300. It concerned me; but carry on.

[Laughter]

The Chairman: If it's not 300, I'm sure the Permanent Secretary will take exception. But, nonetheless, carry on. If it's up to 10, I'm satisfied.

Mr. Jarion Richardson: Thank you, Mr. Chairman. And I thank the Honourable Junior Minister.

With respect to clause 2, the new section [30]CA determining a firm's status, which outlines a reasonable suspicion to permit their information records and attendance records to determine their status.

My question to the Honourable Junior Minister is: What evidence supports suspicion that a firm may, in fact, require regulation? And how will the notice keep the enquiry limited to determining whether the specified activities are being carried on?

My further question is about clause 2(2). We are dealing with premises and records. I note the inspection provision extends to premises used by suspected unregistered firms. And my question is: Will the existing limits on entry, reasonable requirements, and legal privilege still apply equally to suspected firms?

My next question is on clause 2(3) regarding directives and approved statutory duty. Extending directives to a suspected firm does not alone, or I should say a suspicion does not alone, establish a breach. So,

this question relates to what more needs to be done [beyond] a suspicion to prove a breach. What must be established before a suspected firm is directed to comply with substantive AML requirements?

The Chairman: And that's in [clause] 2(2), am I correct?

Mr. Jarion Richardson: That's in [clause] 2(3), sir.

The Chairman: [Clause] 2(3). Carry on.

Mr. Jarion Richardson: Clause 2(3).

In regard to section 30H(6) [of the principle Act], an appeal against a directive, I note that the retained provision expressly gives this appeal to a regulated professional firm. The Bill changes subsections (2) and (4), but not the appeal wording. So, my question is: Will subsection (6) expressly cover a firm that disputes its regulated status? Again, we are talking about extending powers over someone who asserts that they are, in fact, not regulated.

And I will ask one last question relating to the warning notice process in clause 2(5), Mr. Chairman. Dealing with section 30J, penalty notices and representations, the warning and representation provisions are extended. I am checking to see if all consequential decision notice wording, including the retained subsection (3), is for newly covered firms. So will every affected firm receive the same reasons, representation opportunity, and final decision notice?

Mr. Chairman, just to put a little colour on that. In Bermuda, when we started the enforcement regime for AML penalties, or civil penalties, I should say, it was obviously new, so it required some figuring out. But we were pretty advanced in that regard, relating to financial services companies. Whereas AML/ATF . . . those who are subject to regulation by the AML/ATF Board, being attorneys and accountants, are still relatively new to this process. And what I am trying to make sure is that the rigours and lessons learned from the BMA in our enforcement regime will be applied here. And so, repeating that question: Will every affected firm receive the same reasons, representation opportunity, and final decision notice?

Thank you, Mr. Chairman.

The Chairman: Thank you very much, Honourable Member.

[Does] any other Member wish to speak to clauses 1 through 5?

There's no Honourable Member, Honourable Junior Minister.

Mr. Dennis Lister III: Thank you, Mr Chairman.

Mr. Chairman, just for my record, I did count six questions that [the Shadow Minister] asked—

[Laughter]

Mr. Dennis Lister III: —only because my pen ran out of ink. So, I did miss one of the questions. If the [Shadow Minister] would be able to repeat. On my list was question number four. I believe it was: What more will be done before breach? [The Shadow Minister] asked the question, and the question after that.

Mr. Jarion Richardson: This is what happens when you have a lot of questions

The Chairman: Right.

[Laughter]

The Chairman: Not a problem at all. Go right ahead, Honourable Member.

Mr. Jarion Richardson: This might be in relation to what must be established before a suspected firm is directed to comply with a substantive AML requirement. I think that is the one.

Mr. Dennis Lister III: Okay.

The Chairman: Which clause was it?

Mr. Jarion Richardson: I was dealing with clause 2(3).

The Chairman: [Clause] 2(3). Okay.

Mr. Jarion Richardson: On directives.

Mr. Dennis Lister III: Thank you.

The Chairman: You're satisfied, Junior Minister?

Mr. Dennis Lister III: Yes. Thank you.

The Chairman: Very well. Carry on.

To remind the House, we are in Committee of the whole House on the Proceeds of Crime (Miscellaneous) Act 2026.

Junior Minister, you have the floor.

Mr. Dennis Lister III: Mr. Chairman, can I have two minutes to speak to my technical?

The Chairman: Without question; go right ahead.

Mr. Dennis Lister III: Thank you.

The Chairman: Go right ahead.

The [Junior] Minister is just seeking clarification from his technical team. A total of some six questions were asked by the Honourable Shadow Minister.

[Pause]

The Chairman: Members, we are still in the Committee of the whole House with the Proceeds of Crime (Miscellaneous) Act 2026. The [Junior] Minister requested, and was granted, to go and speak to the technical team just to satisfy one of his enquiries. He has done so. He has satisfied the Honourable Shadow Minister for his particular enquiries. And I am going to ask the Junior Minister to proceed as he replies to all questions [asked] by the Honourable Shadow Minister.

Junior Minister.

Mr. Dennis Lister III: Thank you, Mr. Chairman. Regarding question number two, I will say the answer is yes to your question. So, for all firms regulated or not, the LPP is protected. And the same is provided in the Act under powers to require production of documents from a firm.

And I'm still just waiting for further responses to the [questions].

[Pause]

Mr. Dennis Lister III: And I will just say in the meantime Mr. Chairman—

The Chairman: Go right ahead, Junior Minister.

Mr. Dennis Lister III: —for question number one: What can determine reasonable grounds? It is on suspicion unless an object . . . on a suspicion unless an object is of factual basis. So, you know, if someone is just making a claim that a business is operating without any basis, it has to have some basis for that suspicion.

The Chairman: Mm-hmm.

Mr. Dennis Lister III: And within the powers, you asked how does it keep it limited to their specific activities. As it states in . . .

The Chairman: Mm-hmm

Mr. Dennis Lister III: But as it states in the Act, it will be activities that are . . . which will fall under anti-money laundering and anti-terrorist financing. So those would be the . . . or will actually be limited to . . . it is not a wide scope. It is limited to that and—

The Chairman: Mm-hmm.

Mr. Dennis Lister III: Please bear [with me] as I am waiting.

The Chairman: What would also be helpful, Junior Minister, is, as the Shadow Minister has done, he has segmented it and has provided the different clauses: *clause 3(2)*, or *clause 1(a)*. It would be helpful. And I know it would probably assist you if your technical team could provide you with that. It could assist you, as we

move forward, for both myself and the Shadow Minister, and also for the whole House, to follow what it is you are doing.

Thank you very much.

Mr. Dennis Lister III: And just for further clarification on question number one.

The Chairman: Yes, sure.

Mr. Dennis Lister III: The power may be used only for determining whether the firm has been carrying out the services of a regulated professional firm without being registered.

The Chairman: Mm-hmm.

Mr. Dennis Lister III: And only for what the Body reasonably requires for that purpose.

And there was a question posed: What more (and what I wrote might be a little paraphrase of your question) can be done before a breach?

Am I correct?

The Chairman: You can answer it.

Mr. Dennis Lister III: Maybe it was question number three you asked?

Mr. Jarion Richardson: That's right Mr. Chairman.

The Chairman: Thank you. Confirmed.

Mr. Dennis Lister III: Thank you.

And then also, just for clarification, I may have mixed it up on my list of questions, you asked about the site visits. And just for clarification, I think that is when I missed the question.

The Chairman: Mm-hmm.

Mr. Dennis Lister III: Can you pose that question again?

The Chairman: If you would oblige, Honourable Shadow Minister.

Mr. Jarion Richardson: Yes, actually there are only three questions left. And I can just restate them if the Junior Minister is okay with that.

The Chairman: Minister, it would be helpful. Go ahead, Shadow Minister.

Mr. Jarion Richardson: It is in relation to clauses 2(3). And this is directives, and I asked what must be established before a suspected firm is directed to comply with substantive AML requirements.

The Chairman: Mm-hmm.

Mr. Jarion Richardson: And that is because I am just trying to figure out where the suspicion ends and proving that they are actually undertaking those activities begins.

And then the other question that I have outstanding is ensuring that the appeal covers the firm that is suspected. So, what I do not want to see happen is for a firm to lose out on the ability to appeal because it is under suspicion.

And the last one was: Will every affected firm receive the same reasons, representation opportunity, and final decision notice? That was regarding the enforcement process.

Thank you, Mr. Chairman.

The Chairman: Thank you very much, Honourable Member.

Mr. Dennis Lister III: Thank you.

To the question posed, what has to be established before expected . . . or to comply? If we look at clause—

The Chairman: Yes

Mr. Dennis Lister III: —clause 2(1) gives the power to require a firm to provide information, or records, or to attend before an officer. So that will be where to verify or investigate whether they are operating outside as a non-regulated firm, or non-registered firm.

Mr. Jarion Richardson: Okay.

[Inaudible interjection]

Mr. Dennis Lister III: And the question regarding a warning notice. The same legal standards and processes apply to every firm, but the application for each firm is individual. So, firms in the same position are treated [similarly] while the response is calibrated to the facts of the case.

The Chairman: Mm-hmm.
Is that it?

Mr. Dennis Lister III: Just to ask the Member, is there any question I have not responded to yet?

The Chairman: Has he covered it all, Shadow Minister?

Mr. Jarion Richardson: Not quite yet, Mr. Chairman.

The Chairman: Carry on.

Mr. Jarion Richardson: Just the last one: Will every affected firm receive the same reasons, representation

opportunity, and final decision notice? This is relating to the enforcement regime.

The Chairman: Mm-hmm.

Mr. Jarion Richardson: So, will they have the same opportunities to refute and offer a counter-representation during an enforcement process? This relates to clause 2(5).

The Chairman: Thank you, Honourable Shadow.
Honourable Junior Minister.

Mr. Dennis Lister III: Mr. Chairman, can I ask for two seconds?

The Chairman: No, that is fine; carry on.

We are still in Committee of the entire House, on the Proceeds of Crime (Miscellaneous) Act 2026, and the [Junior] Minister is just seeking a reply from his technical team, assistance on a reply.

[Pause]

The Chairman: We remain in Committee of the entire House for the Proceeds of Crime (Miscellaneous) Act 2026. The [Junior] Minister has conferred.

And I am happy to recognise you.

Mr. Dennis Lister III: As I just wait for my technical team—

The Chairman: Yes

Mr. Dennis Lister III: —Mr. Chairman, I do just want to again give kudos to the team at the Ministry of Justice. As has been mentioned with the earlier Bills brought today, this is all part of the in advance—

The Chairman: Yes

Mr. Dennis Lister III: —of the CFATF assessment to ensure that we meet the requirements and standards to pass the assessment on Monday. So again, I thank the team for doing this to keep us compliant with international standards, because Bermuda does have a high standard for regulatory bodies to ensure that, as has been mentioned, where I believe it was also mentioned by a Member on the other side, we have a high standard. And so, we have to move up with the international requirements. So again, thank you to the team for working on this.

And to the question in regard to the treatment of all firms, we treat it the same.

The Chairman: Mm-hmm.

Mr. Dennis Lister III: Yes, the enforcement provisions to all affected firms will be extended. Okay. And I think

I have answered all the questions that were posed before me, Mr. Chairman.

The Chairman: Thank you very much, Honourable Junior Minister.

Are there any other Members who have any questions on clauses 1 through 5?

The Honourable Members do not have any further questions on clauses 1 through 5, [Junior] Minister. Feel free to move all clauses.

Mr. Dennis Lister III: Thank you, Mr. Chairman. I move the preamble, no—

The Chairman: Let's do clauses 1 through 5

Mr. Dennis Lister III: Clauses 1 through 5, yes, I skipped ahead.

The Chairman: It has been moved that clauses 1 through 5 be approved.

Is there any objection to that motion?

No, there is no objection.

It is agreed to.

[Motion carried: Clauses 1 through 5 passed.]

The Chairman: Honourable [Junior] Minister, go ahead.

Mr. Dennis Lister III: Thank you.
I move that the preamble be approved.

The Chairman: It has been moved that the preamble be approved.

Is there any objection to that motion?

There is none.

Go ahead. Agreed to.

Mr. Dennis Lister III: I moved that the Bill be reported to the House as printed or amended.

The Chairman: It has been moved that the Bill be reported to the House as printed.

Is there any objection to that motion?

There is none.

Agreed to. The Bill will be reported to the House as printed.

Thank you, thank you, Honourable Junior Minister.

[Gravel]

Mr. Dennis Lister III: Thank you to the Honourable Member for his questions. And thank you, Mr Chairman.

The Chairman: You are welcome.
Thank you

[Motion carried: The Proceeds of Crime (Miscellaneous) Act 2026 was considered by a Committee of the whole House and passed without amendment.]

House resumed at 5:20 pm

[Ms. Lovitta F. Foggo, Deputy Speaker, in the Chair]

REPORT OF COMMITTEE

PROCEEDS OF CRIME (MISCELLANEOUS) ACT 2026

The Deputy Speaker: Members, I understand that the Bill entitled the Proceeds of Crime (Miscellaneous) Act 2026 has been reported to the House as printed.

Are there any objections to that?

There being none, so approved.

We shall now move on to item number 7, which is the second reading of the Proceeds of Crime Amendment Act 2026.

Mr. Dennis Lister III: Thank you, Madam Chair, I mean Madam Deputy Speaker.

The Deputy Speaker: And Member, is this one of those where you have to suspend [Standing Orders]? Did you have to change this one? Or is this not one of those? I just want you to check first.

Mr. Dennis Lister III: No, this one I do not have to suspend . . . Oh, yes, I do.

[Laughter]

The Deputy Speaker: I thought so.

Mr. Dennis Lister III: I have mixed up.

SUSPENSION OF STANDING ORDER 29(1)

Mr. Dennis Lister III: Madam Deputy Speaker, I move that Standing Order 29(1) be suspended to enable the House to proceed with the second reading of the Bill entitled the Proceeds of Crime Amendment Act 2026.

The Deputy Speaker: Are there any objections to that?

There are none.

Continue.

[Motion carried: Standing Order 29(1) suspended.]

Mr. Dennis Lister III: I move that the Bill entitled the Proceeds of Crime Amendment Act 2026 be now read the second time.

The Deputy Speaker: Are there any objections to that?

There are none.

Continue, Minister.

BILL**SECOND READING****PROCEEDS OF CRIME AMENDMENT ACT 2026**

Mr. Dennis Lister III: Madam Deputy Speaker, it is my distinct honour and privilege to rise, on behalf of the Government, this afternoon in this Honourable House to present the Bill entitled the Proceeds of Crime Amendment Act 2026.

This Bill seeks to amend the Proceeds of Crime Act 1997 (which I will refer to as the “principal Act”), and to make a consequential amendment to the Criminal Code Act 1907, in order to create a robust asset recovery and asset management framework in Bermuda. The Bill establishes a dedicated unit for the administration of asset recovery and management, provides a mechanism for the early sale of depreciated assets, and provides a framework for compensating the victims of crime.

Madam Deputy Speaker, before I turn to the substance of the Bill, I should explain that the version now before the House is a revised version of the Bill. Following its introduction, the Government took the opportunity to review their drafting once more with the benefit of further legal and technical input. That review produced a number of refinements that improved the Bill’s clarity, internal consistency, and workability, without altering its policy or its purpose. The revised Bill delivers precisely the same framework. And I am satisfied that it is the better instrument for the further consideration of this Honourable House.

By way of background, the Government has found that establishing a separate unit for the better administration of asset recovery and management would enable Bermuda to meet its various international obligations, would improve efficiency, and would ensure that victims can be compensated more effectively. The Bill pursues those objectives in three principal ways:

- It establishes the asset recovery and management unit.
- It introduces preservation sale orders so that assets do not lose significant value before final court decisions.
- It creates a victim compensation regime for victims within and outside the jurisdiction.

Madam Deputy Speaker, the centrepiece of the Bill is the establishment of the Asset Recovery and Management Unit in the Ministry of Justice. The Unit is to provide for the effective administration of the various mechanisms and processes for the recovery, preservation, management, realisation, and disposal of property under the Act. It is to be staffed by officers with expertise in law, accounting, financial services, law enforcement and investigations, intelligence and data analysis, information technology, and such other areas as the Minister may prescribe. And it comprises a Director, a Deputy Director, and other officers.

The Bill sets out the Unit’s functions in detail, provides for the engagement of experts and advisors, and allows officers of the Unit to be appointed by the court as receiver, interim receiver, or trustee for civil recovery, without compensation, and provides for the taking over, custody, and management of property, coordination with other countries, annual reporting to the Legislature, protections for good-faith action, conflict-of-interest disclosure, and the making of regulations.

Madam Deputy Speaker, the Bill introduces preservation sale orders where a property is a depreciating property or where the cost of managing it is disproportionate to its value. The court may order its sale before the final determination of proceedings so that its value is preserved for whoever is ultimately entitled to it.

The Bill sets out who may apply, the conditions the court must be satisfied of, the required valuations by nominated experts over a permitted period, the contents of the order, the permitted methods of sale, and the safeguards that protect earners and interested parties. A sale may proceed only where the gross sale price is at least 80 per cent of the average value, or a price is agreed by the nominated experts, or, failing those, the most reasonable price available on the market. The court will not make an order that will be disproportionate or unjust. And the net proceeds are paid into the Confiscated Asset Fund and held on trust pending the outcome of the proceedings.

Madam Deputy Speaker, the Bill provides a framework for victim compensation. A person who has suffered economic loss or harm directly caused by the relevant criminal or unlawful conduct, and a close relative or dependent who has suffered identifiable harm arising from that harm, may apply to the court for a compensation order, whether the victim is within or outside of the jurisdiction. The court assesses the evidence of loss, determines a reasonable amount and directs that payment be made from the amount recovered before the remainder is paid into the fund.

The Bill provides for notice of proceedings, for applications made during, and with leave after, the making of a relevant order, and for regulations subject to the negative resolution procedure.

The Bill makes a series of further amendments in support of this framework. It clarifies the circumstances in which the court’s powers are exercisable, including where a criminal investigation has commenced against a person for drug trafficking or a relevant offence and that person has benefited from such an offence. It provides the arrangements for the retention and sharing of funds where an external order is registered, permitting the Minister to direct that a share be retained in the fund or, following coordinated law enforcement action, shared with a foreign country.

It strengthens the Confiscated Asset Fund by adding new sources of money paid into it, including income from managed property, grants or appropriations, and fines, [as well as] new categories of expenditure,

such as the expenses of the Unit, the costs of preserving and disposing of property, and the remuneration of experts and advisors. It extends existing provisions to cover the new Unit.

And finally, it makes a consequential amendment to the Criminal Code Act 1907 so that property subject to deprivation orders under this Act is turned over to and dealt with by the Unit.

The Bill contains transitional provisions under which property under seizure, forfeiture, or confiscation, and liable to be disposed, of is to be transferred to the administrative custody of the Unit on a date notified by the Minister. And it provides that the Act comes into operation on such date as the Minister may appoint by notice published in *The Gazette*, with different dates permitted for different provisions and purposes.

Madam Deputy Speaker, in closing, this Bill establishes a modern, coordinated framework for recovering, preserving, managing, and disposing of the proceeds of crime, and for ensuring that victims are properly compensated. It forms part of the Government's continuing commitment to a robust and effective response to financial crime, and to meeting Bermuda's international obligations in this area.

Thank you, Madam Deputy Speaker.

The Deputy Speaker: Thank you, Junior Minister.

Are there any other persons who wish to speak to the Bill?

I recognise the Member from Constituency 23. Member, you have the floor.

Mr. Jarion Richardson: Thank you, Madam Deputy Speaker. I rise this evening to certainly support the work of technical officers and others in bringing this matter before the House.

Madam Deputy Speaker, anti-money laundering is typically deemed as something relating to the provision of passport copies and other very rudimentary aspects. But it is little realised just how much scope there is to the complexity of investigating, deterring, detecting, preventing, and prosecuting transnational and other sophisticated financial crimes. A key part of that framework has always been, and will always be, the asset recovery from these criminal activities, most especially compensating victims who are innocents, having their assets taken away.

It is nonetheless an area where we have seen some vulnerability relating to the mutual evaluation reporting process, and one which we have attempted to compensate for probably since the second or third round of evaluation. And though we scored very well in the Fourth Round evaluation, it nonetheless left us with some work to do in this space.

The idea of creating a specialised and isolated Unit to attend to it is strong. It is definitely consistent reasoning; and it is a place where we could arguably not only put our experts but then cultivate expertise in this fast-growing space. Our ability to combat financial

crime globally is, in part, going to be reflected in our ability to recover assets. And so, any time that we have done a less than admirable job about it, then we are, in fact, not playing our role.

With that being said, I am, of course, not speaking to the people undertaking the efforts, because I have no doubt that we have some of the most committed civil servants, police officers, attorneys, et cetera, in this process. So, this is good, because this provides our team, our specialists, with the statutory capabilities to undertake a very serious international obligation, and to do so while protecting themselves, as is outlined in the legislation.

Nonetheless, the job of this Parliament is not to rubberstamp and high-five, but rather to scrutinise. And as such, moving into the Committee stage, I will do so. One of the things that we need to ensure is that this Unit not only exists, but it exists structured appropriately, funded well, and staffed with the expertise necessary to carry out the global functions, which ultimately are the protection of Bermuda and Bermudians.

So, to that end, Madam Deputy Speaker, I look forward to moving this Bill into Committee. I look forward to the Honourable Junior Minister explaining more about the organisation structure processes of this new Unit. And, more specifically, I look forward to the operation of this Unit, not just so that we can pass the mutual evaluation report, but we can play our role in stopping organised crime.

Thank you.

The Deputy Speaker: Thank you.

Are there any other persons who wish to speak to the Bill?

There being none, I call on the Junior Minister.

Mr. Dennis Lister III: Thank you, Madam Deputy Chair. I move that the Bill be committed.

The Deputy Speaker: It has been moved that the Bill entitled the Proceeds of Crime Amendment Act 2026 be committed.

Are there any objections?

There are none, so committed.

I call on the Member from constituency 32 to assume the Chair.

House in Committee at 5:34 pm

[Mr. Scott Simmons, Chairman]

COMMITTEE ON BILL

PROCEEDS OF CRIME AMENDMENT ACT 2026

The Chairman: Thank you, Madam Deputy Speaker.

Honourable Members, we are now in Committee of the whole House for further consideration of the Bill entitled [Proceeds of Crime Amendment Act 2026](#).

I call on the Junior Minister in charge.
Junior Minister, you have the floor.

Mr. Dennis Lister III: Thank you, Mr. Chairman.

Mr. Chairman, I think the best way to do this: I will move the clauses individually again.

The Chairman: So, you wish to go with clause 1?

Mr. Dennis Lister III: Yes.

The Chairman: Go ahead and move clause 1.

Mr. Dennis Lister III: Mr. Chairman, this Bill seeks to amend the Proceeds of Crime Act 1997 (the principal Act), to provide an improved regime for asset recovery and asset management in Bermuda, to provide a mechanism for victim compensation and to provide for the preservation of property.

The Government finds that establishing a separate Unit for the better administration of asset recovery and management would enable Bermuda to meet its various international obligations, improve efficiency and ensure that victims can be compensated more effectively. The Bill also makes a consequential amendment to the Criminal Code Act 1907.

Clause 1—

The Chairman: How do you wish to move the clause?

Mr. Dennis Lister III: Individually.

The Chairman: Go right ahead. Move clause 1.

Mr. Dennis Lister III: Clause 1 provides for the citation.

The Chairman: It has been so moved that clause 1. Am I correct? It has been moved that clause 1 be considered. That is what you do to each of them.

Mr. Dennis Lister III: Yes.

The Chairman: Great.

Is there any objection to that?

No objection, carry on, Minister. Clause 1.

Mr. Dennis Lister III: Clause 1 provides for the citation of the Bill.

I am going to do clauses 2, 3, and 4 together.

The Chairman: It has been moved that clauses 2 through 4 be considered.

Are there any objections to that motion?

There is no objection, carry on, Junior Minister.

Mr. Dennis Lister III: Clause 2 amends the interpretation provision in section 7 by repealing the existing definition of “respondent” and adding new definitions

including “asset recovery”, a revised “respondent”, and “Unit”.

The Chairman: Mm-hmm.

Mr. Dennis Lister III: Clause 3 amends section 27(3) of the principal Act to clarify that the powers are exercisable when the court is satisfied that a criminal investigation has commenced against a person with regard to a drug trafficking or relevant offence and application for a restraint order is made to the court. And that person has benefited from a drug trafficking or relevant offence.

Clause 4 inserts a new Part IIIB which establishes the Asset Recovery and Management Unit for the effective administration of the various mechanisms and processes for the recovery, preservation, management, realisation, and disposal of property under the Act.

The Chairman: Mm-hmm.

Mr. Dennis Lister III: The Unit comprises a Director, Deputy Director, and other officers. Provision is made for the engagement of experts and advisors. The functions of the Unit are set out: officers of the Unit may be appointed by the court as receiver, interim receiver, or trustee for civil recovery with no compensation payable to officers so appointed. The relationship between the Unit and an authority is established. Provision is made for the administrative taking over of properties by the unit. Protection for action taken in good faith, disclosure of conflicts of interest to the Minister, immunity and protection from liability against loss, coordination with other countries, the submission of an annual report on the work of the Unit, and power to make regulations.

The Chairman: Thank you very much, Honourable Junior Minister.

Does any Honourable Member wish to speak to clauses 1 through 4?

I recognise the Honourable Member, [Shadow] Minister Richardson, you have the floor.

Mr. Jarion Richardson: Thank you, Mr. Chairman.

I will start on clause 3, specifically section 27(3). Yes. My question is that this is a direct response to the mutual evaluation report, so it is a part of our remediation. And this involves restraining assets at the point of investigation instead of requiring a person to be charged before the courts. And my question to the Honourable [Junior] Minister is: What evidence must establish that confiscation or forfeiture may follow? And how prolonged pre-charge restraint be reviewed?

So, the question functionally is: How do we arrive at the point at which we know to restrain the asset? How do we ascertain, or how do we establish that confiscation or forfeiture should take place?

Again, because before we had the process where you would have to be before the courts. Now this is prior to being charged. So, if the Honourable Minister could speak to that.

The Chairman: Are there any other Members who wish to speak to clauses 1 through 4?

There are no other Members who wish to speak.

Honourable Junior Minister, clauses 1 through 4.

Mr. Dennis Lister III: Thank you, Mr. Chairman, and thank you, Member, for your question.

And just to clarify, your question is: What evidence of confiscation or restraining is required before?

Mr. Jarion Richardson: Yes, thank you. It is: What evidence must establish that confiscation or forfeiture may follow? So that is: What is the evidence we need prior to the pre-charge?

The Chairman: Thank you, Honourable [Shadow] Minister.

Junior minister.

Mr. Dennis Lister III: Mr. Chairman, I'm just . . . okay. The response to that is the standard is still that of evidence to satisfy the granting of a court order.

The Chairman: Mm-hmm.

Mr. Dennis Lister III: Just waiting. Per [clause 3] what will be [section] 27(3)(b), and I am just going to refer to the . . . So, to respond to that question, in [clause 3, amending section 27 of the principle] Act under [sub]section (3)(b) [it] states, "an application for a restraint order is made to the court". So that would be . . . or what would establish the evidence? So, a restraint order is being made to the court, and that is under section [27](3)(b).

And just to further that, the amendments do not change the evidential standards that the courts will consider.

The Chairman: Any other questions from the floor as it relates to clauses 1 through 4?

I recognise the Honourable Shadow Minister.

Honourable Shadow Minister, you have the floor.

Mr. Jarion Richardson: Yes. So, I think the question then essentially morphs, because I take the point that 27(3)(b) is referring to an application or restraint made to the court. But there are certain processes that have to be followed, such as pre-charge restraint must be reviewed, and things like that. So, I think the question is: Are we entirely reliant on . . . I think what I am trying to get at is: What is the threshold to go to the court? And

it sounds like functionally it is just whatever the court sets, I think is what we are saying.

The Chairman: Thank you very much, Honourable Shadow.

[Junior] Minister.

Mr. Dennis Lister III: Thank you, Mr. Chairman. I am just waiting for—

The Chairman: We remain in Committee of the whole House as we consider the Proceeds of Crime Amendment Act, 2026, clauses 1 through 4.

Mr. Dennis Lister III: I just, again, want to thank the Member for his questions—

The Chairman: Mm-hmm.

Mr. Dennis Lister III: —as they are pertinent to ensuring that legislation is . . . okay. Yes. So yes, criminal evidential criteria will still apply.

The Chairman: Mm-hmm.

Thank you very much, [Junior] Minister. If you wouldn't mind moving clauses 1 through 4, I'll be happy to—

Mr. Dennis Lister III: Yes, Mr. Chairman.

I would like to move clauses 1 through 4.

Mr. Jarion Richardson: Sorry. Sorry, Mr. Chairman.

The Chairman: I do apologise, [Junior] Minister. Just hold for just one moment.

Mr. Jarion Richardson: I do have further questions on—

The Chairman: On clauses 1 through 4?

Mr. Jarion Richardson: —on 1 through 4.

The Chairman: Carry on.

Mr. Jarion Richardson: [Clause] 4 covers all of Part IIIB, which is the Asset Recovery Management Unit.

The Chairman: Right.

Mr. Jarion Richardson: So, it is quite large. But it is also technically dense. So, I was trying to split up the questions. I apologise.

The Chairman: That's fine. But you are still on the clauses 1 through 4.

Mr. Jarion Richardson: Yes.

The Chairman: Carry on.

Mr. Jarion Richardson: Yes. I would draw the Minister's attention to section 36.1Z. And what we are looking at . . . we are still in clause 4, and we are setting up a multidisciplinary unit to support effective recovery. But I noticed that customs and tax authorities are not expressly listed in the authority list.

So, my two questions to the Honourable Junior Minister are: What is the anticipated headcount and budget? Oh, sorry. Have a headcount and budget been approved for this Unit? And further, how will customs and tax authorities participate in that Unit?

Thank you. So, two questions: headcount and budget; are they approved? And are we going to include our customs and tax authorities in it?

The Chairman: Thank you very much, Shadow Minister.

Are there any other questions under clause 4? Or does that exhaust them?

[Inaudible interjection]

The Chairman: That's it?

Mr. Jarion Richardson: I still have more on clause 4. Do you want me to keep going?

The Chairman: Under clause 4. I think you can oblige the Junior Minister by providing him with all the questions under clause 4

Mr. Jarion Richardson: Thank you, Mr. Chairman, for your guidance.

The Chairman: Go right ahead.

Mr. Jarion Richardson: Also under clause 4, delegation and ministerial direction. Mr. Chairman, anytime you see ministerial direction concerned in the criminal justice system, it necessitates a point of enquiry by the Parliament, because the one thing we do not want our criminal justice system to be caught up in is politics. And that is what happens when a Minister is empowered to participate in the criminal justice system. Our obligation is to ensure that they are doing so strictly as a Minister, not as a politician.

So, I have some questions on policy oversight in clause 4. The Minister obviously has policy oversight, and that's understandable. But I want to be clear on the record. Will case-specific decisions and duties owed to the court be expressly protected from ministerial direction? In other words, will this process be protected from ministerial direction for cases?

My next question, Mr. Chairman—

The Chairman: Go ahead.

Mr. Jarion Richardson: Okay.

—is relating to the court appointments under clause 4, because the Unit officers are default court appointees, but the court may select other suitably qualified persons. This relates to no compensation for those appointments. But we did not talk about conflicts of interest and specialist cases. So, my question is: How will the court identify conflicts of interest or specialist cases requiring an independent receiver?

My next question is still in clause 4 [Part IIIB], sections 36.2H through 36.2K, regarding liaison transfer and physical custody. How will the evidential chain of custody and existing judicial directions be protected during the transfer of these assets?

Moving on to my next question, Mr. Chairman, specifically in clause 4, [Part IIIB] 36.2L through 36.2N regarding conflicts, personal immunity, and loss. As it stands right now, the immunity is expressly provided to the Director and officers, but not conclusively to the Crown. And so, I have a question regarding who compensates an innocent owner for negligent loss or damage? And under which enforceable remedy? So, effectively there are protections provided for the persons operating in the Unit, but that does not protect the Crown, the Government, altogether. And so, my question is: Should loss or damage occur through negligence, how does a person seek compensation, and get remedy for that?

The Chairman: Mm-hmm.

Mr. Jarion Richardson: Still on clause 4 [Part IIIB], Mr. Chairman, specifically, 36.2P through 36.2Q, on reporting and implementation regulations. I do support the three-month reporting deadline and the next sitting tabling requirement. So, this is good. But it will require useful data. And the custody asset register and victim claim procedures will still need to be operated. So, my question is: Will reports show restrained, confiscated, realised and returned values separately? And will the implementing regulations be ready?

So, the two questions [are]: Will the reports as outlined in 36.2B through 36.2Q show restrained, confiscated, realised, and returned values separately? And further, when will the implementing regulations be ready?

That's all my questions on clause 4, Mr. Chairman.

The Chairman: Thank you very much, Honourable Shadow Minister.

Is there any other Member who wishes to pose questions on clauses 1 through 4?

There is no other.

We're in the Proceeds of Crime Amendment Act 2026, clauses 1 through 4. I recognise the Junior Minister.

Mr. Dennis Lister III: Thank you, Mr. Chairman.

So, to answer the question that was asked regarding the Minister's role. The Minister's role is restricted to policy and will not be involved in any matter related to cases. And also, just as a safeguard, there will be annual reporting to the House as well.

There was a question asked . . . I will come back to that question. So yes. And, further to the Minister's role, ministerial direction, we still observe independence, for example, of the DPP and criminal matters. So, they are independent.

With regard to the data, we will take that point under consideration, and we will only meet FATF effectiveness if the categories are broken out.

And, Mr. Chairman, allow me to speak to the technical.

The Chairman: Go right ahead. Okay. We are still on the Proceeds of Crime Amendment Act, 2026. And we are still considering clauses 1 through 4, questions posed by the Honourable Shadow Minister, Mr Richardson, to Junior Minister Dennis Lister.

[Pause]

Mr. Dennis Lister III: Thank you, Mr. Chairman.

In response to the question asked about whether a budget has been approved yet. No, not at this point.

The Chairman: Mm-hmm.

Mr. Dennis Lister III: And, under question four, in regard to how to deal with a conflict of interest.

The Chairman: Yes.

Mr. Dennis Lister III: The Unit may be appointed receiver by the court. And where there is conflict, the court can decide otherwise. The Unit also has the power to get external support persons to support it, as provided in the Bill.

The Chairman: Mm-hmm.

Mr. Dennis Lister III: And there was a question in regard to chain of custody, regarding the evidential chain. That should be covered in the regulations.

And I am just trying to find the question that I have not answered. I believe the question was regarding the different categories. So, the different categories will be separate. So, I believe that was the data in regard to showing the data restraints, confiscations. It will be separate categories for them.

The Chairman: Mm-hmm.

Mr. Dennis Lister III: Member, you can let me know if I have answered . . . I had seven questions written

down. I hope I was able to get you answers to all of your questions.

The Chairman: The Junior Minister has covered seven questions that you've provided for him, Honourable Member Richardson. Are there any further?

I recognise you.

Mr. Jarion Richardson: Thank you, Mr. Chairman. I think I'm obliged to, now. I'm getting a reputation for asking questions.

Yes, I had some questions. Oh, on the evidential chain of custody. I thought the Junior Minister mentioned that he was still getting that. And my question was: How will the evidential chain of custody be protected during transfer? As you are well aware, as a former police officer, Mr. Chairman—

The Chairman: Mm.

Mr. Jarion Richardson: —this is a particularly rigorous aspect—

The Chairman: It is.

Mr. Jarion Richardson: —of law and requires a great deal of delicacy and professionalism. So, I think it is under . . . it should be well understood how we are going to do that.

The Chairman: Mm-hmm.

Mr. Jarion Richardson: Thank you.

The Chairman: Absolutely.
Junior minister.

Mr. Dennis Lister III: I did just respond to that before—

The Chairman: I thought you had; but go ahead.

Mr. Dennis Lister III: —regarding evidential chain. Regarding the evidential chain that should be covered in regulations. So that would be covered in regulations. Yes.

The Chairman: Great.

Does any other Member wish to put questions to the Junior Minister in reference to clauses 1 through 4?

There's no other Member.

[Junior] Minister, if you wouldn't mind, move clauses 1 through 4.

Mr. Dennis Lister III: Thank you, Mr. Chairman.

I move that we [approve] clauses 1 through 4.

The Chairman: Clauses 1 through 4.

It has been moved that clauses 1 through 4 be approved. Is there any objection to that motion?

There is no objection.

It is agreed to.

[Motion carried: Clauses 1 through 4 passed.]

The Chairman: What other ones did you want us to consider at this time?

Mr. Dennis Lister III: Because there are 12, I am trying to move them—

The Chairman: Carry on.

Mr. Dennis Lister III: —in even amounts. So, I would do clauses 5 through 8 now.

The Chairman: It has been moved that clauses 5 through 8 be considered.

Is there any objection to that motion?

There is no objection. Go ahead, [Junior] Minister.

Mr. Dennis Lister III: Thank you, Mr. Chairman.

Clause 5 inserts a new Part VIA (or . . . , yes, V “I” A), which provides for preservation sale orders, where a property is a depreciating property or the cost of management is disproportionate to its value to ensure that assets do not lose significant value before final court decisions.

The Part provides the application process for a court preservation sale order; the conditions for granting an order; how those conditions are applied; the contents of an order; the functions of the various authorities; the preservation sale process; the calculation of the gross sale price; the consent order; the hearing of the application; the position where the second respondent absconds or dies; the lapse of an order; the allocation of reasonable course by the court; how the sale proceeds are to be applied, and the making of regulations.

Clause 6 inserts a new Part VIB, which provides a framework for determining compensation for victims, whether a victim within Bermuda or outside Bermuda, who has suffered loss as a result of the relevant criminal conduct, unlawful conduct, or conduct giving rise to forfeiture. It provides for when a compensation order can be made; how a person is to apply for compensation; the giving of notice; and a direction by the court that a compensation order be paid out of the recovered amount before the remainder is paid into the Confiscated Asset Fund; and it provides for regulations and a transitional provision.

Clause 7 repeals and replaces section 54A to improve the process for the retention of sharing funds where an external confiscation, recovery, or forfeiture order is registered in the court, permitting the Minister to direct that a prescribed share be retained in the fund

and, following coordinated law enforcement action, that a prescribed share be shared with a foreign country.

Clause 8 amends section 55A by providing for additional sources of funds to be paid into the Confiscated Asset Fund, including grants and appropriations. And additional expenses to be paid from it, including the expenses of the Unit, expenses for preserving and dispersing property under Part [III]B, the remuneration, allowances, advances, and expenses payable to experts, advisors, or consultants engaged under the Act. The maintenance and insurance costs of property subject to be maintained under the Act, and legal fees and expenses.

Those are the 4 clauses.

The Chairman: Very well, Honourable Minister. I am just double-checking, because I am just making sure that it's what I am reading here. It is [Part] IIIB, and I see under sections of clauses 5 . . . in clause 4, it is IIIB. I'm sorry, it's IIIB. Under clause 5, it is V[I]A, am I correct? And it's V[I]B, am I right?

Mr. Dennis Lister III: Yes.

The Chairman: Thank you very much, Honourable [Junior] Minister.

Would any other Member wish to speak to clauses 5 through 8?

I recognise the Honourable Shadow Minister. You have the floor.

Mr. Jarion Richardson: Yes, thank you, Mr. Chairman.

I have a question for the Honourable Junior Minister regarding clause 5, sections 52F (1)(a) through (e), because it is a bit difficult to read this. So, this is where I am seeking some guidance. The market value minimum and the later price hierarchy seem to differ, wherein the latter allows for 80 per cent of the average value, expert agreement, or reasonable market price. So, I am not sure which one of these takes precedence. Is it market minimum value? Is it later price hierarchy that is governed by expert agreement? How exactly does one determine, within this provision, the value of the asset? Effectively, which floor governs, and then when must the authority seek further court approval before accepting the lower offer?

Also in clause 5, specifically on sections 52G through 52I, relating to the conduct of sales and records. We definitely support the transparency and holding seven-year sale records. But the delegating of sales to private entities requires, to our mind, in our view, independent valuation and conflict controls.

So, my question to the Minister is: What prevents conflicts or preferential treatment in private treaty and delegated sales?

That is my question for clause 5, Mr. Chairman.

The Chairman: Thank you very much, Honourable Shadow Minister.

Do any other Members have any questions on clauses 5 through 8?

There is no other Member.

Junior Minister.

Mr. Dennis Lister III: Thank you, Mr. Chairman, and I will just ask for leave to speak to the technical team so I can get responses.

The Chairman: Go right ahead. No, go right ahead.

Proceeds of Crime Amendment Act 2026. We are doing clauses 5 through 8.

[Pause]

The Chairman: The House remains in waiting while the Minister seeks answers from his technical team.

Under the Proceeds of Crime Amendment Act 2026, for the edification of the House, we are considering clauses 5 through 8.

I recognise the Junior Minister.

Mr. Dennis Lister III: Thank you, Mr. Chairman.

The question was asked: What prevents a conflict in a private sale? Engagement of providers via a competitive process consistent with government procedure to secure the maximum value for the asset. So that would prevent the conflict.

And in regard to which option takes precedence to determine the value, this is a choice of valuation options, so whichever is the best applicable to the type of property being preserved.

The Chairman: Mm-hmm.

Mr. Dennis Lister III: Okay. And those are the two questions I had and responses to them.

The Chairman: Honourable Shadow Minister, any further questions for clauses 5 through 8?

[No audible response]

The Chairman: Does any other Member have any questions for [clauses] 5 through 8?

[Junior] Minister, you may move [clauses] 5 through 8, the clauses.

Mr. Dennis Lister III: Thank you, Mr. Chairman.

I now move clauses 5 through 8.

The Chairman: It has been moved that clauses 5 through 8 be approved.

Is there any objection to that motion?

It is agreed to.

[Motion carried: Clauses 5 through 8 passed.]

The Chairman: Continue through which? The remaining clauses, [Junior] Minister?

Mr. Dennis Lister III: Remaining clauses 9 through 12.

The Chairman: It has been moved that clauses 9 through 12 be considered.

Is there any objection to that motion?

It is agreed to.

Junior Minister.

Mr. Dennis Lister III: Clause 9, amends section 65 to extend the provision to cover the newly established unit.

Clause 10 provides for a consequential amendment to the Criminal Code Act 1907 to ensure that property subject to deprivation orders under [the Criminal Code Act 1970] will be turned over to the unit and dealt with by administrative arrangements to be made by the Unit, with the proceeds deposited into the Confiscated Asset Fund.

Clause 11 is transitional and provides that properties seized, detained, forfeited, recovered or otherwise liable to be disposed [of] under this Act, shall on the date as notified by the Minister, be transferred to the administrative custody of the Unit. And that where a receiver has already been appointed by the court under another law, that receiver is to coordinate with the unit for the disposal of the property with the proceeds credited to the fund.

Clause 12 provides for the coming into force of the Act.

The Act comes into operation on such day as the Minister may appoint by notice published in the *Gazette*, and different dates may be appointed for different provisions and purposes.

The Chairman: I do not have that. [Junior] Minister, I am going to apologise. I do not, what I am looking at is the Act, the—

[Inaudible interjection]

The Chairman: Is it the memorandum? The explanatory memorandum. I am just saying that I do not have that particular part of it, but carry on.

Does any other Member of the House wishes to speak to clauses 9 through 12?

I recognise the Honourable Shadow Minister.

Mr. Scott Pearman: Sorry, Mr. Chairman, this was one of the Bills where a revised Bill was tabled earlier today.

The Chairman: Yes.

Mr. Scott Pearman: I just draw that to your attention—

The Chairman: Okay, thank you ever so much.

Mr. Scott Pearman: —in case that's the reason for the discrepancy.

The Chairman: Okay, thank you very much.

The one I am looking at is, I can see it is slightly different than that.

I recognise the Shadow Minister.

Mr. Jarion Richardson: Yes, thank you, Mr. Chairman.

The Chairman: Uh-huh.

Mr. Jarion Richardson: I would, yes, if I could have leave to just check that revised Bill being tabled, Mr. Chairman, because I am looking at a clause 10 that has consequential amendment for the Criminal Code 1970. Which would be, you know, news to everybody if there was such a thing.

The Chairman: Mm-hmm.

Mr. Jarion Richardson: So, I was hoping that we could just clarify that.

Mr. Dennis Lister III: Just to clarify, 1907, not nineteen—

[Inaudible interjection]

Mr. Dennis Lister III: Yes. Oh, yours says 1970.

The Chairman: Mine says 1970 as well. I am going to apologise; mine does say the same thing. And I did just notice that [there were] some inconsistencies. I do have the revised one.

[Junior] Minister, are you in possession of the revised one?

Mr. Dennis Lister III: I am taking a look right now.

The Chairman: On the top table in the House?

[Inaudible interjection]

The Chairman: Mm-hm. I am happy to—

Mr. Dennis Lister III: Yes, under the explanatory [memorandum], mine does say, "Criminal Act 1970."

The Chairman: Correct. So, you are going to make some amendments to that. That is fine. In other words, you are going to make some corrections.

Mr. Dennis Lister III: Yes.

The Chairman: That is fine.

Mr. Dennis Lister III: Okay.

The Chairman: I recognise the Honourable Shadow Minister, Mr. Richardson.

Mr. Jarion Richardson: Yes, thank you, Mr. Chairman.

Do we have to actually table those amendments now? I am just worried that if we close this Committee with that in there. Because I am just aware that the timeline for this piece of legislation is Monday.

The Chairman: Right.

Mr. Jarion Richardson: So, I am not sure when he would have a chance to come back and make the amendment.

[Crosstalk]

The Chairman: No, I am happy, if there are any amendments to it, I am happy to accept them.

Mr. Dennis Lister III: A full amendment.

The Chairman: If the [Junior] Minister is prepared to do them after consultation with his technical team. But I am happy to accept that it is 1907 and the amendments can be made, because our copies do say the exact same thing.

If there are any other identified amendments to it, I'll be happy to accept them at the appropriate time. But for now, 1907 is good—

Mr. Dennis Lister III: Okay.

The Chairman: —and I will allow you to make the necessary amendment with that in. And with any others that are identified.

Because what I will say, Junior Minister, is that what you are reading, unfortunately, is dissimilar to what we have up here. So, I am happy to accept that you may not have the exact copy that we have. If we need to make one available to you, then that is fine. But there may very well be other amendments in there, because you have read some things that have not reflected the Bill that we have in front of us, which is the revised copy. So, I am sure you will speak to your technical team.

Mr. Dennis Lister III: Yes.

The Chairman: If there are other things, you may need to read the explanatory memorandum over, if necessary, and then we can go from there. Is that all right?

Mr. Dennis Lister III: Yes.

The Chairman: Thank you. You can let me know, and you can take advice, and we can go ahead with it. I am happy with it.

Mr. Dennis Lister III: I am just going to speak to the technical team.

The Chairman: And that would be clauses 5 through . . . I apologise. That is clauses . . . what is it?

[Inaudible interjections]

The Chairman: [Clauses] 5 through 12. Where is my thing? Oh, here it is. Clauses 8 . . . 9 through 12. We are currently in the House on clauses 9 through 12.

The [Junior] Minister is speaking with his technical team, and we are just getting clarification on it. And we are using the revised version.

I recognise the Shadow Minister.

Mr. Jarion Richardson: Mr. Chairman, just also to add, the Honourable [Junior] Minister, I see him talking to the technical team. On page 23, clause 11, transitional, the version I have has a square bracket in front of the Anti-Terrorism (Financial and Other Measures) Act. And I have a question about the nature of . . . the more relevant nature in Committee. So, I just wanted to point out that typo, so that if he is talking to the technical officer right now, they could work on it.

The Chairman: Wait, repeat the typo.

Mr. Jarion Richardson: There is a square bracket in front of “the Anti-Terrorism (Financial and Other Measures) Act.” In the second paragraph, second . . . sorry, that is clause 11.

The Chairman: Uh-huh.

Mr. Jarion Richardson: Second line, about middle of the line.

The Chairman: Right, I see it.

Mr. Jarion Richardson: Yes.

The Chairman: Thank you very much, Honourable Shadow Minister, I see it.

[Crosstalk]

The Chairman: Okay, that is fine.

That is fine, I recognise the Honourable Member. Go right ahead.

Mr. Scott Pearman: Thank you, Mr. Chairman, just as long as we are pointing out potential errors that will be corrected.

The Chairman: Mr. Premier, *[sic]* go right ahead.

Mr. Scott Pearman: Clause 4, at page 7, also has 1970 in relation to the Criminal Code.

The Chairman: What page?

Mr. Scott Pearman: Top of page 7.

The Chairman: Top of page 7.

Mr. Scott Pearman: Yes. It has the same error you identified earlier, Mr. Chairman.

The Chairman: Mm-hmm. Thank you.

That will be the top of page 7, “1970”, I see it. [Junior] Minister, are you collecting all of these? You are getting them? These are—

Mr. Dennis Lister III: Oh, yes, yes.

The Chairman: You are . . . the technical team has them. That is fine, those amendments will be made, you can mention them towards the end.

Mr. Dennis Lister III: Yes.

The Chairman: We are [clauses] 9 through 12. I recognise the [Junior] Minister.

Mr. Dennis Lister III: I had finished my part. I was waiting for questions, if the Member has questions.

The Chairman: Go right ahead.

Mr. Jarion Richardson: Yes, thank you, Mr. Chairman.

The Chairman: Mm-hmm. Mm-hmm.

Mr. Jarion Richardson: So, I thank the [Junior] Minister that we are attending to those issues.

And so, one of my final questions was in relation to, I want to say, clause 11 (I know it is not clause 11, though). It is on page 23—

The Chairman: Mm-hmm.

Mr. Jarion Richardson: —transitional provisions.

The Chairman: Mm-hmm.

Mr. Jarion Richardson: The only reason is, it says that all property . . . if I may read, Mr. Chairman?

The Chairman: And it is clause 11, am I correct?

Mr. Dennis Lister III: It is.

The Chairman: It is.

Mr. Jarion Richardson: Okay, thank you.

The Chairman: It is clause 11.

Mr. Jarion Richardson: [Clause] 11(1), “All properties that are seized, detained, forfeited, recovered, or otherwise liable to be disposed of under this Act.”

The Chairman: Mm-hmm.

Mr. Jarion Richardson: Then it says, “the Anti-Terrorism (Financial and Other Measures) Act” (which we call ATFA) “and the Misuse of Drugs Act [1972] shall be transferred for the administrative custody to the Unit, on and from the date as [may be] notified by the Minister,” et cetera and so forth.

That is two very specific Acts, and one of them is the Terrorism Act. So, I am not sure. Normally when there is property seized, detained, forfeited, recovered, and otherwise liable to be disposed of, it falls under the Proceeds of Crime Act. So, I am curious.

Do we mean to say Proceeds of Crime and ATFA and Misuse of Drugs, or is it intentional we are just talking about ATFA and Misuse of Drugs?

Thank you.

The Chairman: Thank you very much, Honourable Member.

I recognise the Honourable Junior Minister.

Mr. Dennis Lister III: Thank you, Mr. Chairman.

While I wait to speak with the technical team to get that answer, I also did catch in that same clause 11 on the second line, where it says: “this Act” (comma). It does have the bracket also.

The Chairman: Correct, that is one. And then after the Anti-Terrorism—

Mr. Dennis Lister III: Yes.

The Chairman: —that can be removed as well between that and financial right to the—

Mr. Dennis Lister III: Correct.

The Chairman: Correct.

Mr. Dennis Lister III: I am just going to have to leave to speak to the technical officer.

The Chairman: No, that is fine, and I think he collected on it. And also, we can emphasise on page 7.

Mr. Dennis Lister III: Seven.

The Chairman: Mm-hmm. The top of page 7.

We remain in the Proceeds of Crime Amendment Act 2026, and the Minister is just making some necessary adjustments *[sic]* to the Bill so that we can move forward. I apologise, *amendments* to the Bill so that we can move forward.

Does any other Member have any questions to the [Junior] Minister with reference to clauses 9 through 12?

I recognise Mr. Richardson.

Mr. Richardson, you have the floor.

Mr. Jarion Richardson: Thank you, Mr. Chairman.

I only have one final question, and it relates to the commencement of the Bill under clause 12.

The Chairman: Mm-hmm. Yes.

Mr. Jarion Richardson: Wherein it says: “[This] Act shall come into operation on such day as the Minister may appoint by notice published in the Gazette,”—

The Chairman: Mm-hmm.

Mr. Jarion Richardson: —“and different dates may be appointed for different provisions and different purposes.”

Mindful that we are trying to get this Bill over the line for our Monday deadline, are there any other dates established for bringing these provisions into law under clause 12 that the Junior Minister is currently aware of?

Thank you.

The Chairman: Thank you very much. Thank you, Honourable Shadow Minister.

[Pause]

Mr. Dennis Lister III: Thank you, Member, for your question.

Mr. Chairman, in response to his question regarding the two different Acts, the ATFA Act and the Misuse of Drugs Act. The response is the amendments are made under the POCA, so the Proceeds of Crime Act.

The Chairman: Mm-hmm.

Mr. Dennis Lister III: So “under this Act” covers the POCA Act as well. So, it is three Acts that are being impacted by this. The POCA Act (Proceeds of Crime), ATFA, and the Misuse of Drugs Act.

Mr. Jarion Richardson: Okay.

The Chairman: Thank you very much, Junior Minister. I recognise—

Mr. Dennis Lister III: In regard to—

The Chairman: I am sorry. Go ahead, Junior Minister.

Mr. Dennis Lister III: Okay.

And in regard to your last question, you were asking are there any other dates or the difference?

Okay, I will just wait to receive a response from the technical team.

Mr. Jarion Richardson: Mr. Chairman.

The Chairman: I recognise you, Shadow Minister, go right ahead.

Mr. Jarion Richardson: I was just making sure that the Honourable Junior Minister has made the point that there are three Acts that are going to go in there. But we currently have the two, ATFA and Misuse of Drugs Act.

The Chairman: So you are saying under clause 11 that there is an additional Act that goes into that?

Mr. Jarion Richardson: That was my question.

The Chairman: Right.

Mr. Jarion Richardson: I was not sure if you were saying that.

Mr. Dennis Lister III: I know that, but Member, this is the Proceeds of Crime Act that we are dealing with, Member.

Mr. Jarion Richardson: Oh, I see.

Mr. Dennis Lister III: Yes.

The Chairman: Okay, that is fine.

Mr. Dennis Lister III: So this is the principal Act and the other two . . . yes.

So again, let me just speak to my team to get a response.

The Chairman: Okay, and also on page 22, under the consequential amendment of the Criminal Code Act 1970, I notice the . . . is that correct?

Mr. Dennis Lister III: Say that one more time, please.

The Chairman: Under clause 10.

Mr. Dennis Lister III: And your question for that, Mr. Chairman, was . . . and your question is should that be 1970 or not?

The Chairman: Yes, thank you very much, Junior Minister. I just observed as we were going through the Bill—

Mr. Dennis Lister III: Okay.

The Chairman: —with the Clerk, it looks as though there is just those technicalities that do exist. On page 22, under clause 10, “Consequential Amendment of the Criminal Code Act 1970.” And also, below that can also be adjusted.

I did not see any others, and I am happy to yield to the Minister . . . or to the Shadow Minister as it relates to any others.

Any other questions, Shadow Minister?

[No audible response]

The Chairman: There are none.

And the [Junior] Minister will continue just to have a brief word with his technical team under the Proceeds of Crime Amendment Act 2026.

Okay.

[Pause]

The Chairman: [Junior] Minister, my attention is at your leisure.

Mr. Dennis Lister III: Yes, and the last question that was asked in regard to the difference of the dates: While the Act will come into force on Monday, the different provisions of the Act will be ushered in in phases when they are needed.

So, that was my . . . the two questions posed, and I hope I was suitably able to answer your questions.

Thank you.

The Chairman: I believe that they have satisfied that.

So, [Junior] Minister, I am just going to mention to you that there are the amendments on page 7. Amendments on . . . or should just adjustments be made to the Bill itself? Short clerical ones. Do you remember the other ones, [Junior] Minister? There was one on page 23.

Mr. Dennis Lister III: Yes.

The Chairman: There were two of them. And then also on page 22, there was . . . under clause 10. I did not see any others. I do not recall any others being brought to my attention. I stand that you are ready to move.

Mr. Dennis Lister III: I am just doing one—

The Chairman: That is fine.

Mr. Dennis Lister III: I am just doing one final review—

The Chairman: Sure.

Mr. Dennis Lister III: —to make sure we have captured—

The Chairman: Okay. Thank you.

Mr. Dennis Lister III: —all of those discrepancies.

[Pause]

Mr. Dennis Lister III: Yes, Mr. Chairman. I will confirm that page 7, page 22 and page 23, we will have . . . am I putting those amendments on the floor, or how are we proceeding with them?

The Chairman: I am at your leisure, Minister.

Mr. Dennis Lister III: Okay.

The Chairman: I am happy for you to bring them to . . . I would rather not see the page numbers. I would rather have what clauses they are, or under which sections they are. I would rather have those.

Mr. Dennis Lister III: I will start page 7—

The Chairman: Uh-huh.

Mr. Dennis Lister III: —which for your leisure is clause 36.2K.

The Chairman: Uh-huh.

An Hon. Member: Clause 4.

Mr. Dennis Lister III: Clause . . . no, it is not . . . oh, yes, clause 4.

The Chairman: Yes.

Mr. Dennis Lister III: But then 32A.(2)(d) [sic].

The Chairman: Yes.

Mr. Dennis Lister III: That would be amended to say the 'deprivation under section 701A of the Criminal Code Act 1907.'

The Chairman: Mm-hm.
Is it agreed to?

Mr. Dennis Lister III: Yes.
And on page 22 under clause 10, 'The Criminal Code Act 1907 is amended by section 701A'.

The Chairman: Yes.

Mr. Dennis Lister III: And on page 23, you had noted two, but it was only one amendment.

The Chairman: Oh, I apologise.

Mr. Dennis Lister III: And I think the one that you pointed out was that the MP raised that there were three Acts. So, the one that is here is under clause 11.

The Chairman: Mm-hmm.

Mr. Dennis Lister III: The second line: "to be disposed of under this Act," that bracket in front of "the Anti-Terrorism (Financial and Other Measures)" would have to be removed

The Chairman: Mm-hmm.

Mr. Dennis Lister III: So I put that those amendments be made on the floor. Am I correct?

The Chairman: I am satisfied.
Is there any . . . the Minister has moved that those amendments be approved.
Is there anyone . . . is there a disagreement?
Yes.

Mr. Scott Pearman: There is no disagreement. It is just there is a further amendment to the table of contents on the first page.

The Chairman: On the first page of the table of contents. What was the amendment?

Mr. Dennis Lister III: I see it.

The Chairman: Where?

Mr. Dennis Lister III: Number 10, the—

The Chairman: Correct.

Mr. Dennis Lister III: Table of contents.

The Chairman: Ah! That's what you told me before.

Mr. Dennis Lister III: Again, that on page 1, table of contents, number 10, it should say: 'Consequential Amendment of the Criminal Code Act 1907'.

The Chairman: Great.

Mr. Dennis Lister III: So those are four amendments that I am proposing to be made on the floor.

Mr. Scott Pearman: There is one more.

The Chairman: There is one more.

Mr. Scott Pearman: You have it, Mr. Chairman, on page 22. There is in fact, the heading has a—

The Chairman: Oh, yes, that is the one. That was the one.

You did that already, did not you, Minister?

Mr. Dennis Lister III: Yes.

The Chairman: That is fine.

Would any other Member of the House prefer to read this over and have a look and inform the Chairman of any other amendments that need to be made?

[Laughter]

The Chairman: I think I am satisfied. I do believe we are free to go.

Honourable [Junior] Minister—

Mr. Dennis Lister III: Thank you.

The Chairman: You can move the clauses. Yes.

Mr. Dennis Lister III: Thank you, Mr. Chairman.

The Chairman: Clauses 1 through 12.

Mr. Dennis Lister III: I would like to move all clauses.

The Chairman: Yes.

Mr. Dennis Lister III: Clauses 1 through 12.

The Chairman: It has been moved that the clauses be approved with the necessary—

Mr. Dennis Lister III: With the floor amendments.

The Chairman: It has been moved that the proposed amendments to all of the clauses, as mentioned, be approved.

Is there any objection to that motion?

There is no objection.

[Motion carried: Clauses 1 through 12 passed with agreed clerical adjustments.]

Mr. Dennis Lister III: Okay. Mr. Speaker, *[sic]* I move that the . . . I mean, Mr. Chairman, I move that the preamble be approved.

The Chairman: It has been moved that the preamble be approved.

Is there any objection to that motion?

No objection.

Agreed to.

Mr. Dennis Lister III: Mr. Chairman, I move that the Bill be reported to the House as printed or amended.

The Chairman: Thank you very much, Junior Minister.

It has been moved that the Bill be reported to the House as printed . . . I mean, I am sorry, as amended.

Is there any objection to that motion?

Agreed to.

And the Bill will be reported to the House as amended.

[Motion carried: The Proceeds of Crime Amendment Act 2026 was considered by a Committee of the whole House and passed with agreed clerical adjustments.]

[Gavel]

House resumed at 6:23 pm

[Mrs. Lovitta F. Foggo, Deputy Speaker, in the Chair]

REPORT OF COMMITTEE

PROCEEDS OF CRIME AMENDMENT ACT 2026

The Deputy Speaker: So the Bill entitled Proceeds of Crime Amendment Act 2026 has been reported to the House as amended.

Are there any objections to that?

There are none.

That brings us to the eighth Order of the Day, the second reading of the Police (International Co-Operation) Amendment Act 2026.

And I remind the Minister taking the floor to please first move that. I believe this is one of the items that you are introducing, that where the first reading was done, so please move . . .

Hon. Rev. Dr. Emilygail A. Dill: Thank you, Madam Deputy Speaker.

[Pause]

Hon. Rev. Dr. Emilygail A. Dill: Madam Deputy Speaker?

The Deputy Speaker: Continue, Member.

Hon. Rev. Dr. Emilygail A. Dill: Madam Deputy Speaker, I move that Standing Order—

[Crosstalk]

The Deputy Speaker: Yes, he'll be back. He'll be back. Minister.

SUSPENSION OF STANDING ORDER 29(1)

Hon. Rev. Dr. Emilygail A. Dill: Madam Deputy Speaker, I move that Standing Order 29(1) be suspended in order to allow me to proceed with the second

reading of the Bill entitled the Police (International Co-Operation) Amendment Act 2026.

The Deputy Speaker: Are there any objections?

There are none.

Continue.

[Motion carried: Standing Order 29(1) suspended]

Hon. Rev. Dr. Emilygail A. Dill: Thank you.

Madam Deputy Speaker, I move that the Bill entitled the Police (International Co-Operation) Amendment Act 2026 be now read the second time.

The Deputy Speaker: Are there any objections to that?

There are none.

Continue, Minister.

BILL

SECOND READING

POLICE (INTERNATIONAL CO-OPERATION) AMENDMENT ACT 2026

Hon. Rev. Dr. Emilygail A. Dill: Madam Deputy Speaker, I rise today to present for the consideration of this Honourable House, the Police (International Co-Operation) Amendment Act 2026, a Bill that seeks to strengthen Bermuda's legislative framework for cooperation between the Bermuda Police Service and overseas law enforcement authorities.

Madam Deputy Speaker, crime does not stop at national borders. Modern policing increasingly requires law enforcement agencies to work with their counterparts in other jurisdictions to share information and intelligence, support investigations, and respond to criminal activity that may extend beyond their own borders.

The Bermuda Police Service already engages in international law enforcement cooperation as part of its policing responsibilities. However, the Police Act 1974 does not currently provide a comprehensive statutory framework expressly governing this activity. This Bill addresses that gap by placing international police cooperation on a clear legislative footing.

Madam Deputy Speaker, in doing so, Bermuda will meet the requirements of the Caribbean Financial Action Task Force [CFATF] as we prepare for the Fifth Round of the mutual evaluation.

Madam Deputy Speaker, the Bill provides the Commissioner of Police with clear authority to cooperate with overseas law enforcement authorities for the prevention, detection, investigation, and prosecution of crime. It provides for the exchange of investigative information and intelligence, cooperation through both formal and informal arrangements, assistance between law enforcement authorities, and participation in joint

investigations where appropriate. Importantly, the Bill also establishes safeguards around that cooperation.

Information sharing must be for lawful purpose and subject to appropriate protections relating to confidentiality, security, use, and further disclosure. The existing protections under the Personal Information Protection Act 2016 and other applicable laws will continue to apply.

Madam Deputy Speaker, these amendments also support Bermuda's compliance with international standards for law enforcement cooperation by ensuring that the necessary powers and safeguards are clearly provided for in law.

At its core, this Bill is about ensuring that the Bermuda Police Service has a clear and modern legal framework within which to continue working effectively with its international partners while maintaining appropriate protections for the information shared through that cooperation.

Madam Deputy Speaker, these amendments strengthen Bermuda's ability to respond to criminal activity that extends beyond our shores and provide greater clarity and accountability around an important aspect of modern policing. I therefore commend the Police (International Co-Operation) Amendment Act 2026 to this Honourable House for Honourable Members to debate.

Thank you, Madam Deputy Speaker.

The Deputy Speaker: Thank you, Minister.

Are there any other Members who wish to speak to the Bill entitled the Police (International Co-Operation) Amendment Act 2026?

I recognise the Member from constituency 23. Member, you have the floor.

Mr. Jarion Richardson: Thank you, Madam Deputy Speaker.

I rise this evening to acknowledge the hard work which has taken place in the drafting of this legislation, and which will proceed to provide the statutory basis for international cooperation with our Police Service.

But it should not be thought that this Bill has initiated or led international cooperation. Indeed, the Bermuda Police Service has for some time cooperated internationally with other law enforcement bodies, including criminal investigations and whatnot. So, what I think this Bill does so well is not only get us over our compliance with the requirements of the FATF, but, more so, gives a statutory basis and, indeed, protection for our law enforcement to engage with our international partners, Madam [Deputy Speaker].

Indeed, criminal organisations and crime do not respect the sovereignty of borders like other organs and instruments and organisations, and so it is vital that our Police Service be able to cross borders, both proactively engaging in other jurisdictions, as well as receiving assistance in our own, such as the nature of

crime. And so, with that, I am very, very happy to see that we are going to provide a statutory basis that will ensure that our hard-working detectives are protected and empowered to continue their fight, both on the Island and globally.

With that being said, Madam Deputy Speaker, I do have some questions that will arise in Committee. And further, I would ask the Honourable Minister to provide some answers to these opening questions relevant to the principles of the Bill.

And the questions are: Which practical weaknesses will this framework remedy? And which agreements will be ready to operate?

A further question is: How will police identify opportunities for proactive sharing and report the resulting investigative value?

A further question is: Which route supports or supplies the full range of authorised investigative assistance to foreign counterparties?

And last: How will the Commissioner ensure that overseas use remains lawful, necessary, and controlled?

Thank you, Madam Deputy Speaker.

I also take this time to acknowledge the technical officers and experts from the Ministry of National Security and the Police Service, one of whom was my former commanding officer, and the others with whom I have worked in my career.

Thank you.

The Deputy Speaker: Thank you.

Are there any other persons who wish to speak to the Bill entitled the Police (International Co-Operation) Amendment Act 2026?

There being none, I call on the relevant Minister. Minister.

Hon. Rev. Dr. Emilygail A. Dill: Can you please repeat your questions?

[Inaudible interjections]

The Deputy Speaker: No, no, no, no. A person, a Member, can only stand once. He can probably offer you those questions during Committee. A person can only stand in the House once.

Hon. Rev. Dr. Emilygail A. Dill: It was very quick.

The Deputy Speaker: We are not in Committee.

Hon. Rev. Dr. Emilygail A. Dill: Okay.

The Deputy Speaker: So, Minister.

Hon. Rev. Dr. Emilygail A. Dill: Okay, thank you.

The Deputy Speaker: Just so that you know, what you can do is move to take us to Committee so that we can deal with the respective clauses. Yes.

Mr. Jarion Richardson: Madam, point of order. Madam Deputy Speaker.

The Deputy Speaker: What is your point of order? Because I know you know that you cannot put a point of order on me, right?

Mr. Jarion Richardson: Point of, well, I can ask for a clarification, I believe.

The Deputy Speaker: Point of clarification, sure, go ahead.

[Laughter]

POINT OF CLARIFICATION

Mr. Jarion Richardson: And my point of clarification would be: would it be provided . . . are you ruling that I cannot stand at all, or that I cannot provide clarification?

The Deputy Speaker: No, I am not ruling that you cannot stand at all. I am ruling that you have already taken your seat. And when we are in session and a Bill is introduced and I ask Members if they wish to speak, once they take their seat, they cannot stand back up to speak to the Bill.

You can do that many times in Committee. So that is why I suggested to you around the clauses, that you are then able to repeat your questions that you put, and the Minister can answer those relevant questions then. You are only allowed to stand once, during the second reading before it is committed. Okay? And you have already stood and you have already taken your seat.

So, Minister, you can stand now and respond to any concerns that he may have had. Or you may reserve those responses for when he puts those questions to you in Committee. Because I am sure that he can put those same questions to you when we are dealing with the relevant clauses.

Minister, can you move that we send the Bill to Committee?

Hon. Rev. Dr. Emilygail A. Dill: Yes, I move that the Bill be committed.

The Deputy Speaker: Thank you, Minister.

Are there any objections?

There are none.

So, I call on the Member from constituency 32 to come and assume the Chair [of Committee].

House in Committee at 6:35 pm

[Mr. Scott Simmons, Chairman]

COMMITTEE ON BILL

POLICE (INTERNATIONAL CO-OPERATION AMENDMENT ACT 2026

The Chairman: Thank you.

We are now in Committee of the whole House for further consideration of the Bill entitled [Police \(International Co-Operation\) Amendment Act 2026](#). I call on the Minister in charge to proceed.

Minister.

[Crosstalk]

The Chairman: I recognise the Minister with responsibility for the Cabinet Office.

Hon. Rev. Dr. Emilygail A. Dill: All right, thank you.

The Chairman: Go right ahead, Minister.

Hon. Rev. Dr. Emilygail A. Dill: Okay, thank you, Mr. [Chairman].

The Chairman: Yes, you move a clause?

Hon. Rev. Dr. Emilygail A. Dill: Yes, I move that clauses 1 through 4 be approved.

The Chairman: It has been moved that clauses 1 through 4 be considered.

Is there any objection to that motion?

No objection.

It is agreed to. Go right ahead, Minister.

Hon. Rev. Dr. Emilygail A. Dill: Okay, the introduction. This Bill seeks to amend the Police Act 1974 ("the principal Act") to provide for cooperation between the Bermuda Police Service and overseas law enforcement authorities in relation to the prevention, detection, investigation or prosecution of criminal offences and connected matters.

Clause 1 provides the title of the Bill.

Clause 2 amends the principal Act by inserting Part IIA (sections 9A to 9K) entitled International Co-operation.

Section 9A provides definitions for "international agreement for cooperation," "international arrangement for cooperation," "investigative information," "joint investigative team," and "overseas law enforcement authority."

Section 9B makes provision for the Commissioner to enter into a written international agreement for co-operation with overseas law enforcement authorities and lists the conditions that must be satisfied before the Commissioner may enter into such agreements.

Section 9C makes provision for the Commissioner to enter into an informal international arrangement for cooperation only if it is necessary in the public interest that the Commissioner cooperate with overseas law enforcement authorities and it is not reasonably practicable to enter into a written international agreement for cooperation with that authority or authorities.

Section 9D makes provision for the Commissioner to establish or join a joint investigative team with one or more overseas law enforcement authorities in specified circumstances.

Section 9E makes provision for the Commissioner to disclose, receive, exchange, and request investigative information from an overseas law enforcement authority and the circumstances that will permit such disclosures, receipts, exchanges, or requests.

Section 9F makes provision for the Commissioner to impose conditions on the disclosure, receipts, and exchange of investigative information.

Section 9G makes provision for the Commissioner to obtain domestically available information on behalf of an overseas law enforcement authority after receiving a request.

Section 9H requires the Commissioner to make and retain records of the investigative information disclosed, received, exchanged, or requested under section 9E and provides that a record must be securely disposed of when the record is no longer needed for any of the specified purposes.

Section 9I imposes a restriction on the further disclosure of investigative information to third parties. Information disclosed by the Commissioner cannot be further disclosed to third parties unless the overseas law enforcement authority is required by law to disclose such information. Or the commissioner has provided his consent to the disclosure.

Section 9J preserves protection set forth in the Personal Information Protection Act 2016 and other applicable laws with respect to personal information related to individuals.

Section 9K provides for savings of existing agreements and arrangements for international cooperation between the Commissioner and any other party relating to international law enforcement cooperation. International law enforcement cooperation occurring on or after the commencement of the Bill under an existing agreement or arrangement will be subject to the new Part IIA, (International Co-operation).

Clause 3 makes transitional provision for agreements and arrangements that were in effect immediately before the commencement of Part IIA. It provides that any disclosure, receipt, exchange, request, or use of investigative information occurring after commencement under such an agreement or arrangement is subject to the requirements and safeguards of Part IIA.

Clause 4 provides for commencement.

The Chairman: Thank you very much, Minister.

Would any other Member wish to speak to clauses 1 through 4?

I recognise the Honourable Shadow Minister. Shadow Minister, you have the floor.

Mr. Jarion Richardson: Yes, thank you, Mr. Chairman. I rise to my feet to ask questions in relation to the moved clauses. I just want to . . . I was just dealing with a matter.

We are on clauses, the Honourable Minister moved clauses 2 through, or 1 through 4?

The Chairman: She did.

Mr. Jarion Richardson: Okay. And Mr. Chairman, would it be best if I put my questions in order?

The Chairman: No, I am satisfied, as long as you are prepared to do so and also quoting the clauses that you are referring to then. You have been thorough in the past, I am sure this will be consistent.

Mr. Jarion Richardson: Thank you, Mr. Chairman.

In relation to clause 2, referring to section 9A, definitions in relationship to treaties. I note that the overseas authority definition includes civil criminal asset recovery, and written agreements are distinguished from informal agreements and from treaties. My question is: How will officers distinguish this framework from formal mutual legal assistance and identify the correct gateway?

My second question is in relation to clause 2, section 9B, written agreements, where the Commissioner consults with the Attorney General and checks identity, lawful purpose, confidentiality, and onward disclosure requirements. What standard safeguards and approval process will permit agreements to be concluded promptly?

Now, with that said, Mr. Chairman, I am mindful that I recall the Attorney General, or the Minister of National Security speaking to the Attorney General, and a consultation with the Governor, I do not believe that is the section. I am pretty sure we were supposed to have a revised version. I see that here, but I will be on the lookout for the role of the Attorney General and the Governor in this. (Apologies for the distraction.)

The Chairman: And that is under [section] 9B?

Mr. Jarion Richardson: That . . . I just recall that conversation.

The Chairman: Okay.

Mr. Jarion Richardson: But I cannot see where it is, so I will keep looking for it.

Clause 2, Mr. Chairman, in relation to section 9C, informal agreements.

The Chairman: Mm-hmm.

Mr. Jarion Richardson: I am mindful that public interest may be workable, but I am concerned that it should not create an unnecessary preliminary obstacle to urgent cooperation. How can an urgent request be handled when no agreement exists and a written agreement is not reasonably practicable? So how can we move with urgency? Or as my former CO used to say, *move with a sense of urgency* in this matter.

Clause 2, section 9D, joint investigations, Mr. Chairman. Do these conditions allow a joint team where the predicate offence is overseas but criminal assets, or laundering is taking place, or identified in Bermuda?

The Chairman: Mm-hmm.

Mr. Jarion Richardson: Moving on, staying on clause 2, section 9D in relation to the foreign officer's role and accountability. This relates to the authority of that foreign officer. A joint team agreement does not on this text alone confer general Bermuda arrest or search powers on foreign officers. So, what may foreign team members do in Bermuda, under whose command, and under which legal authority?

I am aware that there is the reserve constable or ancillary constable, I cannot quite remember that turn of phrase, Mr. Chairman. But if that is what is going to be used, it will be good to know.

And clause 2, section 9E, subsections (3) through (4) on strategic and spontaneous information. What process will identify intelligence appropriate for spontaneous disclosure and document why it is necessary?

In clause 2, again, staying on section 9[E], this time [subsections] (5) through (6), against harm safeguards. How will overseas misuse risks be assessed and urgent requests be supported by a sufficient factual and legal basis? The Bill does protect investigation sources, privilege, et cetera, and excludes assistance likely to facilitate unlawful action. My question is: [What] safeguards [are] around these uses of powers?

Further, Mr. Chairman, in clause 2, section 9[E](7), on previously public information. There is an exception concerning material already public from other sources. And public facts combined with non-public police analysis can create very sensitive intelligence. So, does the exception leave added investigative analysis and applicable personal data safeguards fully protected? In other words, the lines between public available information and the development of intelligence are not always so clear. So, what is the clarity around the protecting data in those circumstances?

Regarding clause 2, section 9F, conditions on information exchange. In which conditions will it be mandatory to exchange information? And what happens if a foreign recipient of said information breaches the exchange conditions?

Staying on clause 2, section 9G, obtaining information from a foreign authority. Once the required authorisation is obtained, which provision permits the investigative technique to be used for that foreign request?

And by the way, Mr. Chairman, in the spirit of cooperation, I will text these to the Minister.

The Chairman: All questions?

Mr. Jarion Richardson: All questions.

The Chairman: Obligated.

Mr. Jarion Richardson: So that way we get them on the record.

As it relates to records and retention of information, still on clause 2 but in section 9H. What prioritisation or response and feedback standards will have to be monitored, and how will it be necessary . . . and how will necessary audit records be preserved? Obviously, Mr. Chairman, we are talking about a great deal of sensitivity. Police services typically are jurisdictionally based and cross border investigations and such should be handled with some degree of care. And so, the question is: How will this be audited effectively?

Clause 2, section 9I, onward disclosure by overseas recipients. Foreign law may require onward disclosure without the Commissioner's consent. A matter that we dealt with under a previous debate in this House this evening, Mr. Chairman. So, my question is: How will legally compelled disclosure be anticipated, notified, and limited consistently with source authority control? So effectively, how will we anticipate that they will have other legal provisions that will require them to effectively breach our standards?

Under clause 2, section 9J, protection and new uses of received information. I note that under the Personal Information Protection Act and source conditions, that source conditions are preserved, but another use is permitted where Bermuda law requires it. So, if we could explain the interaction between the safeguards so as to enable this information to be used.

Again, this goes back to those boundaries that are not always clear, especially in the development of a criminal investigation. When we go from very public information, tips, into credible intelligence, we do not have the regulation of Investigatory Powers Act or Serious Crime Act in Bermuda. So, in fact, how we convert into criminal intelligence basically. If the Minister could speak to the boundaries between safeguarding information and using it for the purposes of policing.

Existing arrangements continue, that is dealt with under clause 2, section 9K. Can the Minister confirm that the savings do not excuse an independent breach of an existing law or safeguard? So basically, what are the provisions that govern the existing arrangements? Do they simply grandfather into the new regime?

Further on to clause 3, review of existing arrangements. I note that there is a 12-month review period, and that might need some clarification from the Minister. How will non-compliant arrangements be identified before information is shared with them? Again, speaking to safeguards, that is a very important question, Mr. Chairman. How will non-compliant arrangements be identified before information is shared with them?

And finally, the most obvious question that we always have, Mr. Chairman, is when will this Act go into force? When will it commence? And which agreements, trained staff, asset recovery networks will be ready once it goes live?

Thank you, Mr. Chairman.

The Chairman: Thank you very much, Honourable Shadow Minister. I will make the observation that they were rather quite comprehensive, your questions. And in these cases, it would have been helpful . . . I recognise, that the call is yours, but I can certainly state today, it would have been good if you would have given it to them in advance, so that we could have had a wholesome reply to these questions. They're going to make every attempt to do so, but it is very comprehensive.

But it is your call, in these cases, if you wish to share with the Minister ahead of time. Or any other of our colleagues can share with the Minister ahead of time. [It] would have been very helpful in the interest, especially on legislation like this. It is pretty complex.

[Inaudible interjections]

The Chairman: I do not want to get into the reeds of the rest.

[Inaudible interjections]

The Chairman: I do not want to get into the reeds of the rest. But I am saying that it would have been helpful all around if things are given in good time, are sent in good time. Thank you very much.

Does any other Member wish to speak to clauses 1 through 4 of the Police (International Co-Operation) Amendment Act 2026?

Any other Members?

There is no other Member who wishes to.

I am prepared to hold for the Minister. It is pretty comprehensive.

Minister, if you wish to start, you can go right ahead on the ones you do have. And I do recognise, periodically, you should get through them at best.

Thank you, Minister. Go right . . . you have the floor.

Hon. Rev. Dr. Emilygail A. Dill: Thank you, Mr. Acting Speaker *[sic]*. With regard—

[Inaudible interjections]

Hon. Hon. Rev. Dr. Emilygail A. Dill: Mr. Chairman. With regard to question number one, which was what practical weakness—

The Chairman: Yes.

Hon. Rev. Dr. Emilygail A. Dill: —will this Bill remedy? I could briefly say that this Bill now provides a legal framework to enable the Bermuda Police Service to lawfully exchange information. Currently, there is no such legal framework, so this Bill closes that gap. It also establishes safeguards governing international cooperation and the handling of investigative information.

The Chairman: Thank you, Minister. Go right ahead, if there is any more. But I am prepared to hold while you are getting the necessary information.

Hon. Rev. Dr. Emilygail A. Dill: Thank you, sir.

The Chairman: Mm-hmm.

[Pause]

The Chairman: Just for our Members and for those in the listening audience, the Shadow Minister of the Cabinet Office has provided rather comprehensive questions. As a result, the technical team, along with the Minister, is looking for . . . or, not looking for, certainly, assessing it and going through the answers for the Police (International Co-operation) Amendment Bill 2026.

And she will rise at the necessary time once they have settled on the appropriate answer for the Shadow Minister. And she has done so.

Minister.

Hon. Rev. Dr. Emilygail A. Dill: Okay, thank you, Mr. Chairman.

The next question that I will endeavour to answer is: How can an urgent request be handled where an agreement does not exist? So, once we identify from a law enforcement agency that the request for information is for a valid law enforcement purpose, we will make a spontaneous disclosure.

The Chairman: Mm-hmm. Thank you very much, Minister.

Shadow Minister, how are we doing thus far?

Mr. Jarion Richardson: I am doing very well. And I am thanking the Honourable Minister. I am typing very furiously to see if I can get those questions over to the technical team.

The Chairman: Okay, we appreciate you. Thank you ever so much.

[Pause]

The Chairman: And just for the listening audience and also in our House, it is not uncommon for our different Ministers to seek technical assistance.

And it happens from time to time. And the questions on this particular case are comprehensive. And so, as a result, we want a wholesome answer.

And so, I am going to recognise the Honourable Minister. Minister.

Hon. Rev. Dr. Emilygail A. Dill: Thank you, Mr. Chairman.

The next question, I believe, was what do foreign officers do in Bermuda and under whose command are they? The answer is that the Commissioner will swear them in as special constables so that they will have the powers of a police officer and will be under the command of the Commissioner and under our code of ethics and Bermuda law.

Is that fine? Okay.

The Chairman: Thank you, Minister. And we will hold while you are receiving the other answers. Very well, Minister.

[Pause]

The Chairman: Members, we remain in Committee of the whole House for the Police (International Co-operation) Amendment Act 2026.

After comprehensive questions, I know there is the interest of time, but I am reluctant to move forward without the Minister answering the questions from the Opposition. I am prepared . . . I do believe the entire House is prepared to wait and listen. I would hate to move forward without having the proper answers.

Go ahead, Minister.

Hon. Rev. Dr. Emilygail A. Dill: Thank you, Mr. Chairman.

The question was asked: How would the Commissioner maintain the lawful use of the information once it is shared with an overseas law enforcement agency? So as part of the disclosure of the information, there is a built-in declaration that the information is to be used only for law enforcement purposes and not to be shared with any third parties without the express permission of the Commissioner.

The Chairman: Thank you very much, Minister.

[Inaudible interjections]

The Chairman: Right.

[Pause]

The Chairman: The technical team are continuing to work on it, and also with the Minister. And so, we will get answers in a brief minute. And for the matter of the record, we want to get as many answers in as possible included in the Bill before there is an agreement or non-agreement on the actual passage of this particular amendment to the Bill . . . the Police (International Co-operation) Amendment Act 2026.

Mr. Jarion Richardson: Mr. Chairman.

The Chairman: I recognise the Honourable Member, Mr. Richardson.

Mr. Jarion Richardson: Thank you, and just as a point of clarification, earlier I had referenced a conversation that I had in the consultation process. And I thank the Government for the consultation process regarding the Bill. And I just recognise that that provision had been removed from the Bill, pursuant to the consultation they had with various authorities, and so that matter is attended to.

The Chairman: Which provision was that?

Mr. Jarion Richardson: For the record, this was the matter regarding Attorney General and the Governor and those sorts of things.

The Chairman: Okay, that is fine. You did make that statement, so you are withdrawing it. Am I correct?

Mr. Jarion Richardson: I am withdrawing it. I want to make sure the Hansard reflects—

The Chairman: He moves to withdraw, that is fine.
Thank you.

[Pause]

The Chairman: Just for the record, Honourable Shadow [Minister], how many questions were there? It was . . . how many? About twelve?

Mr. Jarion Richardson: I want to say about twelve or fifteen, Mr. Chairman.

The Chairman: Oh, twelve or fifteen questions. Thank you. Thank you very much.

Mr. Jarion Richardson: And I acknowledge the Government has answered, I want to say three or four of them.

The Chairman: That is fine.

We are making some progress, and I am keeping my eye on the time, but I do think it important that we get these on the record.

[Pause]

The Chairman: I recognise the Honourable Minister.

Hon. Rev. Dr. Emilygail A. Dill: Thank you, Mr. Chairman.

The question was asked: Do these conditions allow a joint team where the predicate offence is overseas, but criminal assets or laundering are identified in Bermuda? And the answer to that is: Yes, they do.

The Chairman: Thank you very much, Minister.

Shadow Minister, any reply? No? You are satisfied? Thank you.

Mr. Jarion Richardson: Very much so. Thank you, Mr. Chairman.

The Chairman: Great. Thank you.

[Pause]

The Chairman: Members, we do remain in the Committee of the whole House as it relates to us looking at the Bill: Police (International Co-operative) Amendment Act 2026.

The Honourable Minister is just looking for clarification on the questions given to her by the Honourable Shadow Minister. And it is recommended that she is doing so. There are a few more questions yet to be answered, so we are just waiting for, between the Minister and her team, getting the answers for the record here in the House and in Committee. So, we are just going to wait for the Minister, and she should rise very shortly.

[Pause]

The Chairman: I recognise the Minister.
Minister.

Hon. Rev. Dr. Emilygail A. Dill: Okay, thank you. Thank you, Mr. Chairman.

The question was asked: What process will identify intelligence approved for spontaneous disclosure, and document why it is necessary? Okay, so the intelligence received by the Bermuda Police Service is risk-assessed, and once the analysis is complete a public interest test is administered. Then, if the Commissioner of Police is satisfied, the information is shared.

The Chairman: Thank you, Minister.

Hon. Rev. Dr. Emilygail A. Dill: You are welcome.

[Pause]

The Chairman: Members, we remain in Committee.

There will be a transfer. The Honourable Member Renee Ming will take over the Chair of Committee.

[Mrs. Renee Ming, Chairman]

[Pause]

Hon. Rev. Dr. Emilygail A. Dill: Madam Chairman.

The Chairman: Good evening, Madam Minister. Are you ready to provide responses to some of the questions?

Hon. Rev. Dr. Emilygail A. Dill: Yes, I do have another response for you.

The Chairman: Sure.

Hon. Hon. Rev. Dr. Emilygail A. Dill: There was a question raised with regard to [section] 9F, and the question was: What conditions will be mandatory, and what happens if a foreign recipient breaches them? And the answer is: Where the condition is breached, the Commissioner of Police will assess the severity, and do an impact assessment, and may opt to discontinue with the arrangement.

The Chairman: Okay, thank you very much.

Hon. Rev. Dr. Emilygail A. Dill: Thank you, Madam Chairman.

[Pause]

The Chairman: To our listening audience, we are currently in Committee of the whole [House] for the Police (International Co-operation) Amendment Act 2026. We are just waiting for responses from the Minister.

[Pause]

The Chairman: I recognise the Minister responsible for the Cabinet [Office].

Hon. Rev. Dr. Emilygail A. Dill: Thank you, Madam Chairman.

Just while we are waiting, I just want to take the opportunity to thank the team for the outstanding job that they have done, as they have worked very hard and very nimbly to try to get this in place. And I just wanted to thank them for the work that they have done as we endeavour to put a framework in place that legitimises and legalises the current structure that we have.

The Chairman: Thank you very much.

[Pause]

The Chairman: I recognise the Minister.

Hon. Rev. Dr. Emilygail A. Dill: Thank you once again, Madam Chairman.

There was a question raised with regard to [section] 9H, and the question was: What prioritisation, response, and feedback standards will be monitored, and how will necessary audit records be preserved? The information will be prioritised based on principles of preservation of life, property, and public interest. Once information is shared, feedback is provided by the relevant law enforcement agency on the usefulness of the information. It is then recorded in Bermuda Police Service Records Management System for audit purposes.

The Chairman: Thank you very much.

[Pause]

The Chairman: I recognise the Minister.

Hon. Rev. Dr. Emilygail A. Dill: Thank you, Madam Chairman.

With regard to [section] 9K, it was asked: Can the Minister confirm that the savings do not excuse an independent breach of an existing law or safeguard? And the answer is: Any arrangements already in existence will continue as per the arrangements prevailing and will not be affected by this Act.

The Chairman: Thank you, Minister.

Hon. Rev. Dr. Emilygail A. Dill: Thank you.

[Pause]

The Chairman: For our listening audience, we are currently in Committee of the whole [House]. We are awaiting responses to the Police (International Co-operation) Amendment Act 2026. And the Minister is just receiving her responses at this time.

[Pause]

The Chairman: Minister.

Hon. Rev. Dr. Emilygail A. Dill: Thank you, Madam Chairman.

With regard to clause 3, it was asked: How will non-compliant arrangements be identified before further information is shared? The Bermuda Police Service will conduct a risk assessment and privacy impact assessment prior to entering arrangements and disclosing any information.

The Chairman: Thank you very much.

Hon. Rev. Dr. Emilygail A. Dill: Thank you.

The Chairman: Minister, just curious, how many responses remain in [sections 9]D & [9]E?

Hon. Rev. Dr. Emilygail A. Dill: [You] said it was how many? Twelve?

[Crosstalk]

Hon. Hon. Rev. Dr. Emilygail A. Dill: We have done eleven so far.

The Chairman: Okay.

Hon. Rev. Dr. Emilygail A. Dill: There is one more left.

The Chairman: So, we are just waiting for one more response.

Hon. Rev. Dr. Emilygail A. Dill: Yes, one more response, and thank you for your patience.

The Chairman: No problem, we would like for you to make sure we answer all the questions.

[Pause]

The Chairman: I recognise the Minister.

Hon. Rev. Dr. Emilygail A. Dill: Thank you so much, Madam Chairman. Glad to give this last bit of information.

The question was asked regarding clause 4: When will it commence and which agreements, trained staff, and asset recovery networks will be ready? It will commence after assent. The Bermuda Police Service staff are already trained to manage both incoming and outgoing requests for information.

The Bermuda Police Service will also use asset recovery networks such as Asset Recovery Inter-Agency Network [for] the Caribbean and the International Anti-Corruption Coordination Centre.

Thank you, Madam Chairman.

The Chairman: Thank you, Minister.

Thank you to the technical staff as well.

Are there any other questions before we move on?

Thank you to the Member from constituency 23 for keeping us all awake. If there are questions . . .

Minister, you can move your clauses.

Hon. Rev. Dr. Emilygail A. Dill: Okay.

I move that clauses 1 through 4 be approved.

The Chairman: It has been moved that clauses 1 through 4 be approved.

Is there any objection to that motion?

No.

[Motion carried: Clauses 1 through 4 passed.]

The Chairman: Minister.

Hon. Rev. Dr. Emilygail A. Dill: I move that the preamble be approved.

The Chairman: It has been moved that the preamble be approved.

Is there any objection to that motion?

No.

Hon. Rev. Dr. Emilygail A. Dill: I move that the Bill be reported to the House as printed or amended.

The Chairman: It has been moved that the Bill be reported to the House as printed or . . . you did not do any amendment.

Hon. Rev. Dr. Emilygail A. Dill: Oh.

The Chairman: Is there any objection to that motion?

No objection; agreed to.

The Bill will be reported to the House as printed.

[Motion carried: The Police (International Co-operation) Amendment Act 2026 was considered by a Committee of the whole House and passed without amendment.]

Hon. Rev. Dr. Emilygail A. Dill: Thank you.

The Chairman: Thank you.

House resumed at 7:27 pm

[Ms. Lovitta F. Foggo, Deputy Speaker, in the Chair]

REPORT OF COMMITTEE

POLICE (INTERNATIONAL CO-OPERATION) AMENDMENT ACT 2026

The Deputy Speaker: The Bill entitled the Police (International Co-operation) Amendment Act 2026 has been reported to the House as printed with no objections. That is correct. Thank you.

That brings us to our final Order of the Day, which is the second reading of the Financial Intelligence Agency Amendment Act 2026.

And I call on the Junior Minister of Justice. Junior Minister.

Mr. Dennis Lister III: Good evening, Madam Deputy Speaker. It is nice to see you back in the Chair.

I move that the Bill entitled the Financial Intelligence Agency Amendment Act 2026 be now read the second time.

The Deputy Speaker: And just for clarification, this is not a Bill that was changed, was it?

Mr. Dennis Lister III: No.

The Deputy Speaker: Okay.

It has been moved that the Bill entitled the Financial Intelligence Agency Amendment Act 2026 be read for a second time.

Are there any objections to this motion?

There are none.

Continue, Minister.

BILL

SECOND READING

FINANCIAL INTELLIGENCE AGENCY AMENDMENT ACT 2026

Mr. Dennis Lister III: Madam Deputy Speaker, it is my distinct honour and privilege on behalf of the Government to rise this evening in this Honourable House to present the Bill entitled the Financial Intelligence Agency Amendment Act 2026. This Bill seeks to amend the Financial Intelligence Agency Act 2007, which I will refer to as the principal Act, to strengthen the powers, functions, and operational independence of the Financial Intelligence Agency, which I will refer to as the FIA.

Its purpose is to enhance the FIA's capacity to detect, prevent, and combat money laundering, terrorist financing, proliferation financing, and other financial crime, to improve its access to and the protection and dissemination of financial intelligence, to provide for additional sources of funding, and to create offences and safeguards relating to the exercise of its functions and powers.

The Bill begins by modernising the definitions in the principal Act. It introduces for the first time a broad definition of financial crime that encompasses money laundering, terrorist financing, and proliferation financing offences, giving rise to proceeds of criminal conduct, sanctions-related financial activity, and any other offence or class of offences that may be prescribed.

It also refreshes the definitions of criminal conduct, money laundering offence, and relevant institution, and inserts new definitions of ancillary offence, proliferation financing offence, and prescribed. These definitions underpin the expanded functions and powers that follow.

Madam Deputy Speaker, the Bill expressly protects the operational independence and autonomy of the FIA. It provides that in exercising oversight, neither the Minister nor the Board may direct the FIA in respect of any particular investigation, analysis, assessment, or dissemination of financial intelligence. Whether particular information is obtained, analysed, or disseminated, or any operational decision of the FIA, a direction may

not be given where compliance with it will compromise the FIA's operational independence or autonomy.

For the avoidance of doubt, the Minister and Board may exercise policy oversight but may not use that oversight to direct or interfere with the FIA's operational decisions. The Bill strengthens the FIA's financial footing and its accountability. It expands the statutory sources of the FIA's funds to include sums paid out of the Confiscated Assets Fund established under the Proceeds of Crime Act 1997, sums appropriated by the legislature, and other sums received in connection with its functions inclusive of training. It gives the Director flexibility to reallocate funds within the approved expenditure budget, subject to notifying the Board of any material reallocation. It also requires the FIA to prepare an annual report and audited statement of accounts after each financial year, both of which the Minister must lay before both Houses of the legislature.

Madam Deputy Speaker, the Bill modernises and expands the FIA's core functions and information powers. Its information gathering and analytical functions are expressed to include operational and strategic analysis, and to extend to financial crime, suspected proceeds of criminal conduct, and potential money laundering, terrorist financing, and proliferation financing offences.

The FIA's power to freeze funds held by or through a relevant institution is strengthened, where it has reasonable grounds to suspect a connection with a suspicious transaction, suspicious activity, suspected proceeds of criminal conduct, or financial crime. It may direct that funds not be made available to a specified person and may withdraw that notice in writing. The period for which a notice operates is increased from 72 hours to 14 days, and the definition of funds is expanded to include electronic money and virtual assets.

Madam Deputy Speaker, the Bill replaces the FIA's powers to obtain information with a broader power to serve an information notice on any person requiring information, records, documents, data, or explanations including beneficial ownership, ownership or control, source of funds, account and transaction information. That power reaches information located in or outside Bermuda within the person's possession, custody, or control, and notices may be served on entities. Information subject to legal professional privilege is not required to be disclosed.

The Bill also provides the FIA with timely, direct, secure electronic read-only access to information held in registries and databases maintained by public authorities on a real-time basis where technologically available, with public authorities required to provide the necessary connectivity, technical support, and access credentials. Corresponding duties require the FIA to use information only for statutory purposes and to maintain appropriate security policies. To protect the integrity of these functions, the Bill creates a suite of offences: failing (without reasonable excuse) to comply with an information notice, knowingly or recklessly

providing false or misleading information, tipping off, and obstructing the FIA.

It also provides protection from civil, criminal, and disciplinary liability for a person who discloses information to the FIA in good faith. The Bill widens the persons to whom the FIA may disseminate information and clarifies that any person may disclose information to the FIA to assist in discharging its functions.

Madam Deputy Speaker, the Bill provides a transitional arrangement for the FIA's new direct access to registries and databases. That entitlement takes effect on commencement, while the technical and administrative arrangements to facilitate it must be implemented within six months for critical public authority registries and within 12 months for all public authority registries and databases.

In closing, this Bill strengthens the powers, funding, independence, and accountability of the Financial Intelligence Agency and equips it with modern information gathering tools and clear offences and safeguards. It forms part of the Government's continuing commitment to a robust and effective framework for detecting, preventing, and combating financial crime.

Thank you, Madam Deputy Speaker.

The Deputy Speaker: Thank you, Junior Minister.

Are there any other persons who wish to speak to the Financial Intelligence Agency Amendment Act 2026?

I recognise the Member from constituency 23. Member, you have the floor.

Mr. Jarion Richardson: Thank you, Madam Deputy Speaker.

I rise this evening to speak to the amendment Act regarding the Financial Intelligence Agency. And in this one it is perhaps, of the suite of legislation we have addressed this evening, what I would argue is the most problematic.

Now, I don't necessarily . . . I will unpack this. The Financial Action Task Force has to be complied with, and we are working deliberately as a jurisdiction to do so. Having done so successfully now, there is still further work to do. Like I said, the goalposts move globally. So here we are.

Now, the Financial Intelligence Agency, as set up in 2007, was primarily a repository of intelligence relating to money laundering and terrorist financing, obviously primarily money laundering, as we have such a low risk of terrorist financing.

And that meant it had a fairly small staff, but it was extremely focused. And as a member of the Egmont Group, the global group of financial intelligence units, it was able to share intelligence, and it was an effective unit. It is still an effective unit. And so let nothing I say be taken as not complimentary toward their work. I find them to be incredibly cooperative. They help when they don't have to help. They guide you in a process. So, they are doing good work in Bermuda.

My problem is that a number of these amendments . . . to speak frankly, I don't think a money laundering reporting officer is seen.

The reason is, in our framework, Madam Deputy Speaker, money laundering reporting officers [MLROs] are the ones who are placed within any given regulated institution or entity, whether it be a law firm or a bank, and it is their obligation to receive, assess, evaluate, and then to externalise reports of money laundering and terrorist financing, in amongst other crimes. And the reason why I am saying in amongst other crimes is because the definition will become apparent soon.

Now, what that means is that MLROs are typically the ones who are holding almost all of the weight of a money laundering programme, aside from the compliance officer. And that means that they are the ones who have to communicate extremely awkward points with the Financial Intelligence Agency. And they are the ones who also have to communicate (or not communicate) extremely complicated points to clients.

A great example is that if someone reports, this goes . . . a report of money laundering or suspicion of money laundering goes to the Financial Intelligence Agency. I want to say section 47 of Proceeds of Crime [Act 1997], and similar under ATFA, or Anti-Terrorism (Financial and Other Measures) [Act 2004], prohibits the disclosure of that information to the person, the subject of that report.

Now, we call that the tipping-off provision. You cannot do anything to prejudice an investigation which would . . . we can't do anything that would prejudice a potential investigation. Now, that means the MLRO cannot tell the client or the suspect what happened, but that client typically wants some service that you can't provide to them because their account is effectively frozen.

That's an oversimplification. But what that means . . . my point, Madam Deputy Speaker, is to say that MLROs are key to the programme, key to anti-money laundering in Bermuda. In fact, I would argue they are probably *the* key to the whole structure.

And when I look at this Act, I see a number of provisions that get us closer to complying with the Financial Action Task Force, and for that I am thankful and I am supportive. There are certain provisions that we clearly need to adopt, but there are other provisions which give me pause. And those give me pause because we are changing definitions and key components that are not . . . that have not been equally changed in other pieces of legislation within our framework, which means we are going to wind up with a variance or what we call a gap. And that means that MLROs and compliance officers are going to have to figure out how to navigate that gap. I spoke on an earlier Bill to a potential gap like this. And so, I am concerned that, for example in changing a definition in one Act but not in another Act, what is reportable becomes more difficult to ascertain. So, I understand we are under a time crunch.

I 100 per cent support our efforts to get the ball over the line to hit the time crunch.

I understand this Act contains a number of provisions that get us international compliance. But there are other provisions which don't, in my view. And to that end, I will bring them up in Committee, but I would hope and I would advocate to the Financial Intelligence Agency to reproduce all of its guidance that is currently in market on its website. Again, they are a helpful group of people . . . because there are going to be questions by the people or the consumers of the FIA's guidance and instruction, that being the money laundering reporting officer.

So, with that said, I do thank the technical people. I understand it is a very hard thing to do this kind of drafting. I understand that they are under a time crunch. And I know that we in Bermuda have to be united in addressing these issues. So, I commend the team. I commend the Minister for bringing it. I know that we will get this over the line. And I think that we will now have to, or rather the FIA will now have to adjust several components to ensure that the money laundering reporting officers of Bermuda are not left unsupported.

Thank you, Madam Chairman *[sic]*.

The Deputy Speaker: It's fine.

Mr. Jarion Richardson: Thank you.

The Deputy Speaker: Thank you, Member.

Are there any other persons who wish to speak to the Bill entitled the Financial Intelligence Agency Amendment Act 2026?

There being none, I call on the Junior Minister.
Junior Minister.

Mr. Dennis Lister III: Thank you, Madam Deputy Speaker.

I would like to move that the Bill be now be committed.

The Deputy Speaker: It has been moved that the Bill entitled the [Financial Intelligence Agency Amendment Act \[2026\]](#) be committed.

I call on the Member from constituency 1 to assume the Chair. Of course, there were no objections to this Bill being committed.

[Laughter]

House in Committee at 7:44 pm

[Mrs. Renee Ming, Chairman]

COMMITTEE ON BILL

FINANCIAL INTELLIGENCE AGENCY AMENDMENT ACT 2026

The Chairman: Junior Minister.

Mr. Dennis Lister III: Thank you, Madam Chairman.

The Chairman: You are going to be moving your clauses. Are you moving all of them at one time or . . .

Mr. Dennis Lister III: No, I am going to do them in . . . it's 18 [clauses], so I am going to do five, five, five, and then three.

The Chairman: Okay.

Mr. Dennis Lister III: Yes.

The Chairman: Thank you.

Mr. Dennis Lister III: This Bill seeks to amend the Financial Intelligence Agency Act 2007 ("the principal Act") to strengthen the legislative framework governing the Financial Intelligence Agency ("FIA") and enhance its capacity to detect, prevent and combat money laundering, terrorist financing, proliferation financing and other financial crime, and for connected matters.

Clause 1 provides the title of the Bill.

Clause 2 amends section 2 of the principal Act to modernise a number of definitions and introduces new definitions relevant to the FIA's expanded functions. The definition of "financial crime" in particular is broad, encompassing money laundering, terrorist financing and proliferation financing offences, conduct giving rise to proceeds of criminal conduct, sanctions-related financial activity and such other offences or classes of offences as may be prescribed.

Clause 3 amends section 4A of the principal Act to expressly protect the operational independence and autonomy of the FIA. Neither the Minister nor the Board may give directions concerning a particular investigation, analysis, assessment or dissemination of financial intelligence, whether particular information is obtained, analysed or disseminated, or any other operational decision of the FIA. A direction may not be given where compliance with it would compromise the operational independence or autonomy of the FIA.

Clause 4 removes subsection (1A) of section 7 of the principal Act.

Clause 5 repeals and replaces section 8 of the principal Act to expand the statutory sources from which the FIA may receive funds and resources. The amendment is intended to provide greater flexibility in financing the FIA and to facilitate the allocation of resources necessary for the effective discharge of its functions.

The Chairman: Thank you, Junior Minister.

Clauses 1 through 5 have been moved. Does anyone wish to speak to those clauses?

I recognise the Member from constituency 23.

Mr. Jarion Richardson: Yes, thank you, Madam Chairman.

So, as an example of what I was talking about in the second, in the principal debate, the amendment of criminal conduct, or the redefinition of criminal conduct.

Now, what it does is it takes it from how it is defined in the Proceeds of Crime Act and how it is defined in ATFA, or Anti-Terrorism (Financial and Other Measures) Act. And those are constructed in a certain way, namely relevant offence and drug offence. Relevant offence meaning a serious offence or indictable offence. So, the reason why it is kind of a complicated construction is because money laundering is actually dealing with the consequences of serious crimes, and so it is dealing with the proceeds of criminal conduct, but it is talking about a very specific kind of criminal conduct.

This definition widens it. I mean, it is massive; so much so that even under financial crime . . . first of all, criminal conduct is . . . has a new definition. Is massive. But further, financial crime also doesn't refer to section 3 of the Proceeds of Crime [Act] defining money laundering, which actually just refers to some other sections, but nor does it define the definition of ATFA, or anti-terrorist financing, or terrorist financing.

So, my problem is that if we are going to redefine offences in different statutes within the entire framework, we are going to wind up with different people acting different ways. A great example would be, so if you are going to report, let's say, suspicion of money laundering. The FIA does have a little guidance, and it does help you with that. But really what you are looking for is . . . you have to use your own professional judgment relating to the Proceeds of Crime Act.

Equally, you are going to get some guidance from the Bermuda Monetary Authority from their guidance that is issued under the Supervision and Enforcement Act. So, what I am saying is there are so many sources now of definitions that there is almost no way that you are going to get this right without an extreme amount of training and competence.

So, that would be my observation. I am not sure that we are making it stronger.

I would be interested to hear, not in this debate, but certainly generally, I have a lot of time for the technical folks. So, maybe there is something that they are doing here that I am not aware of. What it looks like is we are expanding the definitions to cover as much as possible, including proliferation financing. We know we have to improve our programme on countering the financing of proliferation. But again, I do see some stretching of definitions, and I am concerned that if we stretch it too far, it is going to create gaps in the system.

I see also sanctions-related financial activity. I mean, that could literally mean anything. Right now, in Bermuda we are seeing an uptick in sanctions reporting and detection and working on a number of those matters, and I am just not sure that that gives sufficient

clarity to the money laundering reporting officers and reporting officers in Bermuda right now. But again, we have got to get this across the line. Perfect is the enemy of the good. Let's go with the good and get us across the line.

The Chairman: Junior Minister, do you have any . . . a reply to . . .

Mr. Dennis Lister III: Thank you, Madam Chairman.

I have got one question. Was it just one question you posed out of that?

[No audible reply]

Mr. Dennis Lister III: Okay, just a comment.

[Inaudible interjection]

Mr. Dennis Lister III: Okay. All right.

I will now move on to clauses 6 through 10.

Clause 6 amends section 10 of the principal Act to give the FIA greater flexibility in managing its approved expenditure budget. The Director [of the FIA] will be able to reallocate funds between expenditure items within the approved budget where the Director considers such reallocation necessary for the efficient and effective performance of the FIA's functions subject to notifying the Board of any material reallocation.

Clause 7 repeals and replaces section 12 of the principal Act concerning the publication of annual reports. This provision strengthens the accountability and transparency framework applicable to the FIA while preserving the confidentiality necessary for its operational functions.

Clause 8 repeals and replaces section 13 of the principal Act concerning the publication of accounts.

Clause 9 amends section 14 of the principal Act to expand and modernise the statutory functions of the FIA. The FIA's information-gathering and analytical functions will expressly include operational and strategic analysis and will extend to information concerning financial crime, suspected proceeds of criminal conduct and potential money laundering, terrorist financing and proliferation financing offences.

Clause 10 strengthens section 15 of the principal Act concerning funds held by or through a relevant institution. Where the FIA has reasonable grounds to suspect that funds are connected with a suspicious transaction, suspicious activity, suspected proceeds of criminal conduct or financial crime, it may serve notice on a relevant institution directing that the funds not be made available to a specified person and may subsequently withdraw that notice in writing. The period specified in section 15 is increased from 72 hours to 14 days, providing additional time to conduct the necessary analysis. The definition of "funds" is expanded to include monies, securities, investments, electronic

money, virtual assets and any other economic resources.

The Chairman: Junior Minister, thank you for moving clauses 6 through 10.

Does anyone wish to speak to clauses 6 through 10?

No?

Junior Minister, you can proceed.

Mr. Dennis Lister III: I will do [clauses] 11 through 15 now.

Clause 11 repeals and replaces section 16 of the principal Act to expand the FIA's power to obtain information. The power extends to information located inside or outside Bermuda, where that information is within the possession, custody or control of the person served with the notice. Information notices may also be served on entities where the FIA reasonably believes that the entity possesses or has access to relevant information. Information subject to legal/professional privilege is not required to be [disclosed].

I am just going to take a water break.

[Pause]

Mr. Dennis Lister III: Clause 12 inserts new sections 16B and 16C into the principal Act to provide for direct electronic access by the FIA to information held in registries and databases maintained by public authorities. The FIA will be entitled to timely secure electronic read-only access to information reasonably required for the performance of its functions and on a real-time basis where technologically available, and public authorities are required to provide the necessary connectivity, technical support and access credentials. Section 16C imposes a duty to use information only for statutory purposes with an offence for contravention.

Clause 13 inserts new sections 16D to 16G into the principal Act to provide new offences relating to the exercise of the FIA's information-gathering and investigative functions: failure to comply with an information notice, false or misleading information, tipping off and obstruction of the FIA.

Clause 14 amends section 17(3) of the principal Act by increasing the existing penalty.

Clause 15 amends section 18 of the principal Act to expand the FIA's ability to disseminate information by expressly permitting disclosure to any person, body, agency, department, authority or organisation in Bermuda or elsewhere whose functions are relevant to the exercise of the FIA's functions under the principal Act.

The Chairman: Thank you, Junior Minister.

Does anyone wish to speak to clauses 11 through 15?

I recognise the Member from constituency 23, MP Richardson.

Mr. Jarion Richardson: Yes, thank you, Madam Chairman.

This is another area where the FIA is going to have to work double time to make sure that the industry adapts. I am mindful that this change in clause 11 replacing section 16 of the FIA Act might be consistent with norms. However, that section 16 has existed in Bermuda since 2007, since the passing of the Act, and obviously every MLRO in the market knows it like the back of their hands. In fact, shorthand amongst MLROs is: *I got a section 16*. I mean, you don't even call it anything else but by its statutory number.

So, when you see a change to it, you are not just changing the statutory definition, but you are changing the way it operates within a wider compliance programme, who's going to be touching it, responding to it, because anytime you see a change like that, you are talking about a change in timings and other matters, which the Honourable Junior Minister spoke to.

So, I think that the FIA will have their work cut out for them on that one, especially relating to timings. Typically, timings and other issues are interwoven with the other legislation, such as the Proceeds of Crime Act. So, I think that these amendments will have to be . . . someone is going to have to sit down and sort of put it all back together because I think what these amendments have effectively done is sort of untie one or two things, and it is going to take the industry, MLROs especially, the better part of a couple months to sort of tie it back together.

And just a note, these things were not so crucial in 2007, or . . . probably not the best way to say it. We had a less active and sophisticated AML programme in Bermuda in 2007. Over the years, it has increased to global industry-leading standards. So that means that every time you touch one of these internal things, you are messing up the other pieces. So, I just want to add that the FIA will have to sit down with industry and make sure to brief them on these changes but especially replacing their guidance notes.

There are some great things in this Act, especially in these clauses, such as funding, et cetera, but I just want to note that there will be work to be done after the passing of this Act.

Thank you, Madam Chairman.

The Chairman: Thank you, Member.

Does any other Member wish to speak?

I recognise the Member from constituency 22, MP Scott Pearman.

Mr. Scott Pearman: Thank you, Madam Chairman, and good evening. I don't think I spoke with you in the Chair this evening.

Just one very, very quick point, and that is at page 8 of the Bill in respect of clause 13, which is the clause inserting new sections 16D, [16]E, [16]F, and [16]G.

And my question, and I am seeking the Junior Minister's agreement in relation to this question just for the record, is that in relation to 16F, which is putting in the tipping off provision, it provides for the tipping off offence. Where we see that tipping off offence in other areas of Bermuda law, in other statutory documents, it is invariably followed by a clarification and defence, which reads, if I may, with your leave, I am taking this from the 2005 TIA Act [International Cooperation (Tax Information Exchange Agreements) Act 2005]. "In proceedings against a person for an offence under subsections (1) or (2), it is a defence to prove that he did not know or suspect that disclosure was likely to be prejudicial as provided."

I am confident that the fact that that phraseology isn't included in this change is merely an oversight and, more importantly, that it does not oust the common law or any other defences available to the accused. And I just invite the learned Junior Minister to agree with me in that regard. And that is my only question.

Thank you.

The Chairman: Does any other Member wish to speak?

No at this time.

Junior Minister, you became learned tonight.

[Laughter]

The Chairman: Looking forward to those responses.

Mr. Dennis Lister III: Yes. Thank you, MP Scott Pearman.

In regard to your question, if I can agree, I will say yes. Common law defences do apply. Okay. I—

The Chairman: There were questions as well from Mr. Richardson.

Mr. Dennis Lister III: Oh, okay.

Mr. Jarion Richardson: Thank you, Madam Chairman. Just on—

The Chairman: No, I was asking, before you arise, Junior Minister, were you going to be answering the questions that he asked when he first stood up?

Mr. Dennis Lister III: I actually didn't get a question. He—

The Chairman: You were just giving the comment as it relates to section 16?

Mr. Dennis Lister III: Yes, he didn't pose any questions. Yes.

The Chairman: Yes. Okay, fine. Okay.

Any other . . . Member from [constituency] 23.

Mr. Jarion Richardson: I do apologise, but this is affecting my . . . I am going to have to go to work on Monday and fix a lot of this, you know, within the various compliance programmes.

I note, and I want to put on the record, that the tipping off provision, as enshrined in this place, to my colleague and learned friend, MP Pearman's point, tipping off lives in a lot of different places, and by putting it in here, we will change a few of the other obligations, such as how we train staff on money laundering, because the tipping off provision will have to be added in.

So, any variance that you have in your programme will have to be accommodated for. So, again, a heads up to the FIA and MLROs that we can anticipate the Bermuda Monetary Authority saying, *hey, you've got to adapt to this new variation of a preexisting condition and all the other statutes*. Thanks.

The Chairman: Thank you, Member.
Junior Minister.

Mr. Dennis Lister III: Thank you, Madam Chairman.

I do just want to add further to the question raised from MP Scott Pearman in regard to section 16.

The Chairman: Proceed.

Mr. Dennis Lister III: Section 16 has not changed at all. All it did was call it an information order and added penalties to it. Okay.

I will now continue with clauses 16 through 18.

The Chairman: Proceed.

Mr. Dennis Lister III: Clause 16 amends section 20 of the principal Act to clarify that a person may disclose information to the FIA for the purpose of assisting it in the discharge of its functions relating to suspected proceeds of criminal conduct, financial crime, suspicious transactions or suspicious activity.

Clause 17 inserts a new section 20A into the principal Act to provide protection for persons who make disclosures to the FIA in good faith. The protection applies where the person making the disclosure reasonably believes that the information disclosed is relevant to the FIA's functions.

Clause 18 provides transitional arrangements for the implementation of the FIA's direct access to public authority registries and databases under new section 16B. The entitlement takes effect on commencement, but the technical and administrative arrangements to facilitate it must be implemented within six months for critical public authority registries and within 12 months for all public authority registries and databases. A "critical public authority registry" is a registry that the Director determines is necessary for the most effective performance of the FIA's functions.

The Chairman: Thank you, Junior Minister.

Does anyone wish to speak to clauses 16 through 18?

I recognise the Member from constituency 23.

Mr. Jarion Richardson: Thank you, Madam Chairman. My last for the evening, no doubt.

I have, just to raise a concern regarding clause 16, which amends section 20 of the FIA Act. By putting in section 20, or 21 it looks like, it adds suspicious transactions or suspicious activity. These are . . . suspicion is determined by the Criminal Act. It is located in other places, and it is not typically defined in, or never has been defined in the FIA Act.

So again, we are seeing growing places where obligations are arising. And the reason I want to be clear is because suspicion, when formed, creates a subset of obligations and legal liabilities. Now it is good that in clause 17, the Government has put in the protection for disclosure to the FIA because they have created this reporting obligation, and the reporting obligation, as in the other statutes, provides protections. So, it is good to see the broader protection in here.

But I do say that, again, we are starting to confuse terms. And what that means is that sooner or later someone's going to [make a] mistake in the programme.

Thank you, Madam Chairman.

The Chairman: Thank you, Member.

Does any other Member wish to speak to clauses 16 through 18? No.

Junior Minister.

Mr. Dennis Lister III: Thank you, MP Richardson.

My response to that is that tipping off has always existed. It is a tipping off for section 16. The FIA Act was always read with the POCA [Proceeds of Crime Act] tipping off section. So, they are aligned. Okay.

Without any further questions, Madam Chairman—

The Chairman: Let me just confirm.

Mr. Dennis Lister III: Okay.

The Chairman: Does any other Member wish to speak?

No. Thank you.

Junior Minister, you can proceed.

Mr. Dennis Lister III: Thank you.

Madam Chairman, I move that all clauses . . . I ask that all clauses be moved, 1 through 18.

The Chairman: It has been moved that clauses 1 through 18 be approved.

Is there any objection to that motion?

No objection.

[Motion carried: Clauses 1 through 18 passed.]

Mr. Dennis Lister III: Thank you, Madam Chairman
I ask . . . I move that the preamble be approved.

The Chairman: It has been moved that the preamble be approved.

Is there any objection to that motion?

No objection. Agreed to.

Mr. Dennis Lister III: And I move that the Bill be reported to the House as printed.

The Chairman: It has been moved that the Bill be reported to the House as printed.

Is there any objection to that motion?

No objection. Agreed to.

The Bill will be reported to the House as printed.

[Motion carried: The Financial Intelligence Agency Amendment Act 2026 was considered by a Committee of the whole House and passed without amendment.]

[Pause]

House resumed at 8:07 pm

[Ms. Lovitta F. Foggo, Deputy Speaker, in the Chair]

REPORT OF COMMITTEE

FINANCIAL INTELLIGENCE AGENCY AMENDMENT ACT 2026

The Deputy Speaker: Members, as I understand it, that will . . . that closes all official business today. And so, we must move on to third readings of the Bills.

SUSPENSION OF STANDING ORDER 21

Hon. Diallo V. S. Rabain: Madam [Deputy] Speaker, I move that Standing Order 21 be suspended to enable me to move the Bill entitled Trustee Amendment Act 2026 be now read a third time by its title only.

The Deputy Speaker: Are there any objections?

There are none.

Continue.

[Motion carried: Standing Order 21 suspended.]

BILL

THIRD READING

TRUSTEE AMENDMENT ACT 2026

Hon. Diallo V. S. Rabain: I move that the Bill now be read a third time by its title only and passed.

The Deputy Speaker: Are there any objections?

There are none.

So moved. The Bill is now passed.

[Motion carried: The Trustee Amendment Act 2026 was given a third reading and passed.]

SUSPENSION OF STANDING ORDER 21

Hon. Diallo V. S. Rabain: Madam [Deputy] Speaker, I move that Standing Order 21 be suspended to enable me to move the Bill entitled Charities Amendment (No. 2) Act 2026 be now read a third time by its title only.

The Deputy Speaker: Are there any objections?

There are none.

[Motion carried: Standing Order 21 suspended.]

The Deputy Speaker: Continue, Minister.

BILL**THIRD READING****CHARITIES AMENDMENT (NO. 2) ACT 2026**

Hon. Diallo V. S. Rabain: I move that the Bill be now read a third time by its title only and passed.

The Deputy Speaker: Are there any objections to that?

There are none.

So moved. The Bill is now passed.

[Motion carried: The Charities Amendment (No. 2) Act 2026 was given a third reading and passed.]

The Deputy Speaker: Continue, Minister, if you—

[Laughter]

The Deputy Speaker: Read them all.

SUSPENSION OF STANDING ORDER 21

Hon. Diallo V. S. Rabain: Madam [Deputy] Speaker, I move that Standing Order 21 be suspended to enable me to move the Bill entitled Beneficial Ownership Amendment Act 2026 now be read by the third time by its title only.

The Deputy Speaker: Are there any objections to that?

There are none.

Continue.

[Motion carried: Standing Order 21 suspended.]

BILL**THIRD READING****BENEFICIAL OWNERSHIP AMENDMENT ACT 2026**

Hon. Diallo V. S. Rabain: I move that the Bill be now read for a third time by its title only and passed.

The Deputy Speaker: Are there any objections?

The Bill is now passed.

[Motion carried: The Beneficial Ownership Amendment Act 2026 was given a third reading and passed.]

The Deputy Speaker: Continue, Minister.

SUSPENSION OF STANDING ORDER 21

Hon. Diallo V. S. Rabain: Madam [Deputy] Speaker, I move that Standing Order 21 be suspended to enable me to move the Bill entitled Registrations (Births and Deaths) Amendment Act 2026 be now read the third time by its title only.

The Deputy Speaker: Are there any objections to that?

There are none.

Continue.

[Motion carried: Standing Order 21 suspended.]

BILL**THIRD READING****REGISTRATION (BIRTHS AND DEATHS) AMENDMENT ACT 2026**

Hon. Diallo V. S. Rabain: I move that the Bill now be read a third time by its title only and passed.

The Deputy Speaker: Are there any objections to that?

There are none.

The Bill is now passed.

Continue.

[Motion carried: The Registration (Births and Deaths) Amendment Act 2026 was given a third reading and passed.]

SUSPENSION OF STANDING ORDER 21

Hon. Diallo V. S. Rabain: Madam [Deputy] Speaker, I move that Standing Order 21 be suspended to enable

me to move the Bill entitled Payroll Tax Rates Amendment Act 2026 be now read the third time by its title only.

The Deputy Speaker: Member, did you read the Registration (Births and Deaths) Amendment Act?

Hon. Diallo V. S. Rabain: Yes, I did that.

The Deputy Speaker: Okay, yes, you did.

Hon. Diallo V. S. Rabain: I just did that one.

The Deputy Speaker: The comedy of errors continues.

[Laughter]

The Deputy Speaker: Are there any objections to the Bill entitled Proceeds of Crime (Miscellaneous) Act [2026] *[sic]*?

Mr. Scott Pearman: No—

The Deputy Speaker: No, there are none. Continue Minister—

Mr. Scott Pearman: It was Payroll tax.

The Deputy Speaker: Payroll tax. Sorry.
No. There are none.

The Deputy Speaker: Continue, Minister.

Mr. Scott Pearman: Objections.

The Deputy Speaker: Payroll Tax Rates Amendment Act 2026.

Mr. Scott Pearman: Yes, we object.

Dr. Douglas DeCouto: Yes, objection.

The Deputy Speaker: Okay, I do not see a division, but it is noted that we do have objections.
Okay. Continue, Minister.

[Motion carried: Standing Order 21 suspended.]

BILL

THIRD READING

PAYROLL TAX RATES AMENDMENT ACT 2026

Hon. Diallo V. S. Rabain: I move that the Bill be now read a third time by its title only and passed.

The Deputy Speaker: Are there any objections to that?

Mr. Scott Pearman: No.

[Laughter]

Mr. Scott Pearman: No, it shall not move and pass.

[Laughter]

The Deputy Speaker: The Bill is now passed. Okay.

[Motion carried: The Payroll Tax Rates Amendment Act 2026 was given a third reading and passed.]

The Deputy Speaker: Junior Minister, your turn.

SUSPENSION OF STANDING ORDER 21

Mr. Dennis Lister III: Madam Deputy Speaker, I move that Standing Order 21 be suspended to enable me to move the Bill entitled Proceeds of Crime (Miscellaneous) Act 2026 be now read the third time by its title only.

The Deputy Speaker: Are there any objections?
There are none.
Continue.

[Motion carried: Standing Order 21 suspended.]

BILL

THIRD READING

PROCEEDS OF CRIME (MISCELLANEOUS) ACT 2026

Mr. Dennis Lister III: I move that the Bill be now read a third time by its title only and passed.

The Deputy Speaker: Are there any objections to that?
There are none.
The Bill is now passed.

[Motion carried: The Proceeds of Crime (Miscellaneous) Act 2026 was given a third reading and passed.]

SUSPENSION OF STANDING ORDER 21

Mr. Dennis Lister III: I move that Standing Order 21 be suspended to enable me to move the Bill entitled Proceeds of Crime Amendment Act 2026 be now read the third time by its title only.

The Deputy Speaker: Any objections?
There are none.
Continue.

[Motion carried: Standing Order 21 suspended.]

BILL**THIRD READING****PROCEEDS OF CRIME AMENDMENT ACT 2026**

Mr. Dennis Lister III: I move that the Bill be now read a third time by its title only and passed.

The Deputy Speaker: Are there any objections?

The Bill is now passed. There are no objections.

[Motion carried: The Proceeds of Crime Amendment Act 2026 was given a third reading and passed.]

SUSPENSION OF STANDING ORDER 21

Mr. Dennis Lister III: Madam Deputy Speaker, I move that Standing Order 21 be suspended to enable me to move the Bill entitled Financial Intelligence Agency Amendment Act 2026 be now read the third time by its title only.

The Deputy Speaker: Are there any objections to that? There are none.

[Motion carried: Standing Order 21 suspended.]

BILL**THIRD READING****FINANCIAL INTELLIGENCE AGENCY
AMENDMENT ACT 2026**

Mr. Dennis Lister III: I move that the Bill be now read a third time by its title only and passed.

The Deputy Speaker: Are there any objections?

There are none. The Bill is now passed.

[Motion carried: The Financial Intelligence Agency Amendment Act 2026 was given a third reading and passed.]

The Deputy Speaker: Minister.

SUSPENSION OF STANDING ORDER 21

Hon. Rev. Dr. Emilygail A. Dill: Thank you, Madam Deputy Speaker.

Madam Deputy Speaker, I move that Standing Order 21 be suspended to enable me to move the Bill entitled Police (International Co-Operation) Amendment Act 2026.

The Deputy Speaker: Are there any objections to that?

There are none.

BILL**THIRD READING****POLICE (INTERNATIONAL CO-OPERATION)
AMENDMENT ACT 2026**

Hon. Rev. Dr. Emilygail A. Dill: I move that the Bill be now read a third time by its title only and passed.

The Deputy Speaker: Are there any objections? There are none.

The Bill is now passed.

Hon. Rev. Dr. Emilygail A. Dill: Thank you.

[Motion carried: The Police (International Co-Operation) Amendment Act 2026 was given a third reading and passed.]

**ANNOUNCEMENT BY THE SPEAKER OR
MEMBER PRESIDING****AUDITOR GENERAL'S SECOND REPORT
MINISTERIAL TRAVEL, MEAL AND
HOSPITALITY EXPENSES**

[Withdrawn]

The Deputy Speaker: Members, before I allow the House to be closed out, I have to bring to your attention that correspondence was received regarding the Auditor General's Ministerial Statement that was tabled in the House by me today.

I can say that due to a procedural issue and given the relevant legislation that speaks to that procedural issue, that the Auditor General's Statement will be withdrawn. This does not affect the contents of it whatsoever. It will be withdrawn and it will be re-tabled as soon as we can ensure the proper procedures have been followed. I want to invite at this time the Chair of the Audit Committee to liaise with the Office of the Speaker to ensure that we are able to make certain that come next sitting the report will be re-tabled and he will be instructed (the Chair) with what he has to do to ensure that.

And on that note, I am going to recognise one of our Ministers. I recognise the Minister of Education. Minister.

ADJOURNMENT

Hon. Diallo V. S. Rabain: Madam [Deputy] Speaker, I do move that the House adjourn until September 25 at 10:00 am.

The Deputy Speaker: It has been moved that the House adjourn to September 25 at 10:00 am.

Does anyone wish to speak to that motion?

There being no one, the House is now closed until September the 25th at 10:00 am.

We have had a long day, Members. Enjoy your weekend.

[Gavel]

[At 8:15 pm, the House stood adjourned until 10:00 am, Friday, 25 September 2026.]