



BERMUDA

BERMUDA HOUSING TRUST ACT 1965

1965 : 173

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[preamble and words of enactment omitted]

Interpretation

1 In this Act—

“Minister” means the Minister responsible for housing;

“Trust” means the Bermuda Housing Trust established under section 2;

“trustee” means a trustee appointed to the Trust and includes the Chairman and Deputy Chairman.

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

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Bermuda Housing Trust established

2 (1) For the purpose of this Act there shall be established a body of trustees to be called the Bermuda Housing Trust, who shall have the powers and functions conferred or imposed upon them under this or any other Act.

(2) The Trust shall consist of not more than eleven or less than seven trustees, each of whom shall be appointed by the Minister and shall hold office during the Minister's pleasure.

(3) The Trust shall be a body corporate under the name of "The Bermuda Housing Trust" with the exclusive right to use that name in Bermuda, and with perpetual succession under that name, and with power to sue and liability to be sued in its corporate capacity by that name in all courts, and with power to have and use a common seal and to renew or vary the same at pleasure.

(4) There shall be a Chairman and a Deputy Chairman of the Trust each of whom shall be appointed by the Minister from among the trustees and each of whom shall hold office (as such) during the Minister's pleasure.

(5) If at any meeting of the trustees the Chairman is absent, the Deputy Chairman shall preside over that meeting, and if both the Chairman and Deputy Chairman are absent, the trustees present shall elect one of their number to act as chairman at that meeting.

(6) A moiety or majority of the trustees in Bermuda at the date of a meeting shall constitute a quorum thereat.

(7) Every question or matter to be determined by the trustees at any meeting shall be decided by a majority of the votes of the trustees present and voting on the question or matter:

Provided that, in the event of an equality of votes, the Chairman of the meeting may, if he thinks fit, give a second or casting vote.

(8) Subject to the foregoing provisions of this section the trustees shall have power to regulate their own procedure.

(9) *[Repealed by 2019 : 56 s. 4]*

[Section 2 subsections (2) and (4) amended, and subsection (9) repealed by 2019 : 56 s. 4 effective 20 July 2020]

Functions

3 The function of the Trust shall be to initiate and administer one or more schemes for the relief of poverty, suffering and misfortune among elderly persons in Bermuda by the provision of accommodation for such persons on favourable terms.

General powers of Trust

4 The Trust may—

- (a) acquire land within Bermuda by way of lease, purchase, exchange, gift or devise;

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- (b) receive gifts and bequests of all kinds of personal property and realise any such gift or bequest;
- (c) build houses, flats or cottages on land so acquired;
- (d) furnish and maintain property belonging to the Trust;
- (e) lease property belonging to the Trust in pursuance of its functions under section 3 on such terms as it thinks fit;
- (f) in the management of its affairs—
 - (i) invest surplus funds (including profit from rentals) in such securities as the trustees think fit;
 - (ii) sell, exchange, lease or mortgage any property of the Trust; and
 - (iii) borrow money on mortgage or otherwise in furtherance of its functions;
- (g) raise money for the Trust by means of fetes, bazaars, appeals, balls, concerts and similar fund raising schemes;
- (h) do all things necessary or incidental to the foregoing in furtherance of its functions or conducive thereto, including entering into contracts and executing all other kinds of instruments.

Restriction on holding land

5 (1) The Trust, whether as owner of a freehold estate in possession or as lessee or tenant, shall not hold at any one time more than fifteen acres of land:

Provided that—

- (a) unless the Trust is a mortgagee in possession, the foregoing limitation shall not apply in respect of the holding of land by way of mortgage in cases where the Trust has invested funds on a mortgage of land; and
- (b) where any land is acquired by the Trust by way of gift or devise and the area of land so acquired together with the area of any land then already being held by the Trust exceeds fifteen acres, then the Trust may hold the land so acquired subject to the following condition, that is to say, the Trust shall not later than three years after the acquisition divest itself of so much land as is equivalent in area to the excess over fifteen acres which resulted from such acquisition.

(2) The Trust shall not purchase or take by way of lease or letting agreement any land except such land as is bona fide required in furtherance of its functions.

Trust may disclaim onerous gifts

6 The Trust may disclaim any gift, devise or bequest which, in the opinion of the trustees, is of an onerous character.

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Accounts

7 The Trust shall keep proper accounts relating to the finances of the Trust and its activities which accounts shall be audited to the satisfaction of the Minister.

Trust may operate through charitable organisations

8 In furtherance of its functions the Trust may, in its discretion, operate through one or more charitable organisations to the extent that the trustees shall see fit.

Assistance from Government Departments

9 With the approval of the appropriate Minister, the facilities of the Departments of Land Surveys and Registration, Public Lands and Works and Engineering, shall be available to the Trust, free of charge, for the preparation of plans, supervision of building and the preparation of estate roads.

[Section 9 deleted and substituted by BR 5/2011 para.5 effective 25 February 2011]

Tax and stamp duty exemption

10 (1) The real and personal property of the Trust shall be exempt from tax of any kind.

(2) All instruments to which the Trust is a party, relating to matters in furtherance of its functions, shall be exempt from stamp duty.

Initial donation from Consolidated Fund

11 *[omitted]*

[Assent Date: 3 August 1965]

[Amended by:

1971 : 22

1971 : 83

BR 5 / 2011

2019 : 56]