



Government of Bermuda

*A Compendium of Papers Outlining Positions
the Government Would Take Should the
People of Bermuda Vote in Favour of Independence*

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FOREWORD

The Government's Green Paper on Independence identified a number of matters about which decisions would need to be made if the people of Bermuda were to vote in favour of independence at a referendum. These matters would be placed on the agenda of a Constitutional Conference prior to independence, where they would be discussed and resolved by the Government, the Opposition and the British Government.

Each of the parties involved in such a conference would be entitled to propose its own methods of dealing with the issues involved. Part of the function of such a Conference is to resolve any difference of opinion which may exist among the parties. The Government, while it can declare its intent to deal with a particular issue in a particular way, cannot itself decide the method of resolution, which must be arrived at through negotiation.

The Position Papers contained in this document are an outline of the Government's intentions with regard to these issues. They explain, where appropriate, why the Government feels it would be correct to move in a particular direction.

These Position Papers have three purposes:

- First, they represent the positions the Government would take in the event the people of Bermuda vote for independence.
- Second, the Government hopes that they will be an aid to voters in coming to a reasoned judgement on the question of independence, and therefore assist them in casting their votes in the coming referendum.
- Third, the Government hopes to encourage and assist the debate about independence, so that it is best able to represent the true views of the majority of the voters if it is required to make detailed submissions to a Constitutional Conference.

Should the people of Bermuda not vote for independence the current constitutional arrangements would continue in effect.

The Government expressed its general position on the method of governing a post independent Bermuda in the Green Paper, when it stated:

Should the people of Bermuda vote for independence, the Constitution would continue to be the supreme law of Bermuda, based on ideals of democracy, freedom and the rule of law, all of which are already well established. The day-to-day implementation of the provisions of the Constitution are already set in the Statutes and Statutory Instruments¹ and this would continue to be the case. Obviously, these would be subject to legislative amendment in the normal way, as the social and economic needs of the country suggest from time to time.

If a conflict between the Constitution and any other law were to arise, then the Constitution would prevail.

Every person in the islands of Bermuda is entitled to the fundamental rights and freedoms of the individual under the law, regardless of race, place or origin, political opinion, colour, creed or sex, subject only to the need to respect the rights and freedoms of others, the security of the State and public order and morality. These fundamental rights and freedoms are already provided for in the Constitution of Bermuda and would continue in effect.

The Government does not believe that an independent Bermuda should have a system of Government dramatically different from that provided for by the present Constitution.

¹Laws and Regulations

It is worth repeating two fundamental principles on independence that were established in the Green Paper.

First, the Government intends that an independent Bermuda should remain within the Commonwealth.

Second, The Government believes that stability is the key to Bermuda's continued success. Stability should not be taken to indicate a commitment to Government by one particular political party, but rather to the existence of constitutional and democratic processes whereby the people of Bermuda can elect the Government of their choice and be confident that it will respect the Constitution and the principles of democracy, justice and respect for human rights that it contains.

Entrenched Provisions

On independence, former Dependent Territories assume full responsibility for the provisions of their own constitutions. Unless there were safeguards to protect the principles that are fundamental to that Constitution, change would be possible if the Legislature simply voted in favour of it. In order to safeguard these principles, the Government will, if the people of Bermuda vote for independence, propose that some matters be entrenched in the Constitution, so that they cannot easily be changed without the express consent of the people.

Entrenchment means a much tougher test of legislative and community support than would be the case for matters normally dealt with by Parliament. The two types of entrenchment are as follows:

- a) Amendments to "ordinarily entrenched provisions" would require an affirmative vote of no fewer than two-thirds of all members of each House. The amendment would then be submitted to the electors qualified to vote for the election of members of the House of Assembly, to vote on in such a manner as Parliament might prescribe, either by way of a referendum or general election.
- b) "Specially entrenched provisions" would be more difficult to change. These provisions would require an affirmative vote of three-quarters of all members of each House. The amendment would then be submitted to the electors qualified to vote for the election of members of the House of Assembly by way of a referendum. Approval by a majority of those who vote on the matter would also be required.

The Government intends that the following matters should be entrenched, ordinarily entrenched provisions would include:

- a) Procedures for the appointment of the Governor-General and his or her powers.
- b) Qualifications for Members of the House of Assembly and the Senate, and their tenure of office.
- c) Matters relating to public officers.
- d) Matters relating to the Public Service Commission, the Judicial and Legal Service Commission and the Police Service Commission.
- e) Protection of pension rights of public officers.
- f) Powers of the Commissions in relation to the grant of pensions.

Specially entrenched provisions would include:

- a) The legal force of the Constitution.
- b) Citizenship.

- c) The fundamental rights and freedoms of individuals and their enforcement.
- d) The establishment of Parliament.
- e) Sessions of Parliament.
- f) Prorogation and dissolution of Parliament.
- g) General elections.
- h) The executive authority of Bermuda.
- i) Procedures for amendments to the Constitution.
- j) Establishment of the Supreme Court, Appeal Court and Magistrates Court.
- k) Appointment, tenure, discipline and removal of Judges of the Supreme and Appeals Courts and Magistrates.
- l) The right of appeal to the Judicial Committee of the Privy Council.
- m) Boundaries Commission.
- n) Procedure for Review of Constituency Boundaries.

CITIZENSHIP

Introduction

This paper summarizes the important and complicated subject of citizenship and sets out the Government's intentions should the people of Bermuda vote in favour of independence for Bermuda in the forthcoming referendum.

Two opposing principles which underpin Bermuda citizenship are as follows. The first principle is to ensure that citizenship of this tiny island is not so easy to acquire as to unduly disadvantage Bermudians.

The second opposing principle is to ensure that all people are treated fairly. If citizenship law were too restrictive, it would run roughshod over the legitimate aspirations of people who have lived here and have an expectation of becoming Bermudians or of being able to transmit their Bermudian citizenship to their children.

The Government intends that a policy should be adopted which allows Bermuda to keep grants of citizenship to a minimum, yet which allows the flexibility to deal justly and fairly with those who have legitimate claims – a balanced approach which protects the interests of Bermudians.

Bermudian Status and Bermudian Citizenship

The Government intends that every person who, immediately before Independence Day, possesses Bermudian status would automatically acquire Bermudian citizenship.

Apart from changes that would make it easier for everyone to know without a doubt whether they possessed Bermudian citizenship, a Bermudian citizenship law could be crafted by taking the current law on Bermudian status and substituting the word 'citizenship' for the word "status".

Over many years, the Bermudian status law has been fashioned into a coherent set of rules that meets the requirements of fairness and justice. For this reason, should the people of Bermuda vote in favour of independence, the Government intends to take the basic rules for the acquisition of Bermudian status as the basis for Bermuda's citizenship law.

Transmission of Citizenship

One of the major features of citizenship is the ability to transmit it to one's children.

It has to be recognized that the citizens of any country do not want to be overwhelmed by people from overseas who have no close ties to the country claiming citizenship and demanding jobs and housing. To prevent overcrowding, there must be a mechanism in Bermuda, as in many countries, to prevent the automatic transmission of citizenship indefinitely to generation after generation born outside of Bermuda.

Common Law Domicile

Currently, the Bermudian status laws limit the transmission of Bermudian status to children born abroad by requiring that, at the time of the child's birth, the Bermudian parent must be domiciled in Bermuda under British common law.

Essentially, "domicile" means the place where a person's home is. However, there are no hard and fast rules governing British common law domicile. The administration of the concept is based on decisions made in individual cases, over the years, by law courts throughout the Commonwealth.

Using common law domicile to test whether a Bermudian's child is Bermudian has the effect of limiting the transmission of Bermudian status to one or perhaps two generations born overseas. Its operation is indirect, however.

Although the notion of “domicile” provides for flexibility in dealing with unusual cases, it is very difficult for the ordinary person to know whether he or she is Bermudian if the workings of British common law are not understood by that person.

In order to make it very clear who would, and would not, *automatically* become a Bermudian citizen by birth after independence, the Government intends to replace the notion of domicile with a more direct test. The test would be based on where the Bermudian’s child and the Bermudian parent were born:

Q1. Was the child born in Bermuda?

A1. Yes – then the child is Bermudian

A2. No – then:

Q2. Did the child’s parents acquire Bermudian citizenship automatically at independence, or after independence as a former Bermudian status-holder or long-term resident, or by birth in Bermuda, or by naturalization? Or was the child’s Bermudian parent working overseas for the Bermuda Government at the time of the child’s birth?

A3. Yes – then the child is Bermudian

A4. No – then the child is not Bermudian

One-Generation Born Abroad

The Government intends to set the limit of transmission of citizenship on the principle of one generation born abroad. This is the principle adopted by the United Kingdom Government in its current citizenship laws.

It is necessary to make clear who can pass on his or her citizenship automatically to a child born anywhere in the world and who cannot. Depending on whether a Bermudian is born abroad or whether he or she is born in Bermuda, so the person’s Bermudian citizenship will be qualified as being by *descent*² or *otherwise than by descent* respectively.

Citizenship by Descent and Otherwise than by Descent

The British Nationality Act 1981, which currently governs the transmission of British Dependant Territories citizenship, uses the terms *by descent* and *otherwise than by descent* to qualify a person’s citizenship.

As the British Nationality Act 1981 applies to Bermuda, a citizen by birth in Bermuda can transmit his or her citizenship automatically to children born abroad anywhere in the world. Such children are citizens *by descent*.

A parent who is citizen *by descent* can only pass on his or her citizenship to a child:

- Who was born or adopted in Bermuda; or
- Who was born abroad at a time when the parent was in Bermuda Government service overseas in the country of the child’s birth, having been recruited for that service in Bermuda.

The child is automatically, from birth, a citizen otherwise than by descent if he or she is:

- Born in Bermuda of a parent who is a Bermudian citizen; or
- Born abroad to a Bermudian citizen in Bermuda Government service in the country of the child’s birth, having been recruited for that service in Bermuda;

²*By descent* is a technical term that arises from the description of a citizenship that a person acquires through his or her parents - as a descendant - rather than in the person’s own right by birth, or naturalisation, in the country of citizenship.

Application of these principles to an independent Bermuda would limit *automatic* Bermudian citizenship to the child who was:

- Born or adopted in Bermuda (Bermudian citizen *otherwise than by descent*) to a parent who was Bermudian at the time of the child's birth, or
- Born abroad (Bermudian citizen *otherwise than by descent*) to a Bermudian citizen in Bermuda Government service in the country of the child's birth having been recruited for that service in Bermuda, or
- Born aboard (Bermuda citizen *by descent*) to a parent who was a Bermudian citizen *otherwise than by descent* at the time of the child's birth.

The characterisation of a person's citizenship as being *otherwise than by descent* or *by descent* only refers to that person's ability, or not, to transmit citizenship *automatically* to children born outside Bermuda. Apart from this one difference, all citizens of Bermuda would have equal rights under the law.

Bermudian Citizens

Putting all these concepts and principles together, should the people of Bermuda vote in favour of independence at the forthcoming referendum, the Bermuda citizenship law would define exactly who would become citizens automatically, who could become citizens by right and who could become citizens by discretionary grant.

Those Who Would Become Bermudian Citizens Automatically at Independence

Should the people of Bermuda vote in favour of independence at the forthcoming referendum, it is the Government's intention that everyone who possessed Bermudian status immediately before Independence Day would acquire Bermudian citizenship *otherwise than by descent*. This is so that all Bermudians – whether by birth, or by right, or by grant – will start off at independence with exactly the same rights. Only from the Day of Independence onwards will the concept of citizenship *by descent* be active.

Upon Independence Day, the following groups of people would *automatically* become citizens of Bermuda *otherwise than by descent*.

- a) Every person, who, on that day, possessed Bermudian status whether by birth, by right or by grant. This excludes those people who were only deemed to possess Bermudian status by reason of being the wife, or widow, or child under the age of 22 years, of a Bermudian.
- b) Every person who, immediately before independence, was a British Dependent Territories Citizen having become such a citizen by virtue of having been naturalized or registered in Bermuda under the British Nationality Act 1981 and in respect of whom the Bermuda Government has given an undertaking to grant Bermudian status.

This is the case where the person qualified for the grant of Bermudian status and the first step had been completed but the Bermudian status certificate had not been issued by Independence Day. This person could be left stateless as soon as Bermuda ceased to be British Dependent Territory, hence the need for this provision.

Other Commonwealth citizens would not have their citizenship affected by Bermuda becoming independent. Any such Commonwealth citizen, or any alien not yet naturalized as a British Dependent Territories Citizen, who had an active Bermudian status application on Independence Day would have his or her application for Bermudian status treated as an application for Bermudian Citizenship.

Long Term Residents who would be Eligible to Apply for Bermudian Citizenship

In common with other British Dependent Territories that have become independent, were the people of Bermuda to vote in favour of independence, Bermuda would be expected to make provision for non-Bermudian long-term residents in the citizenship law.

The Government's position in this regard is that any person who had been ordinarily resident in Bermuda for at least 20 years immediately before Independence Day would be eligible to apply for citizenship of Bermuda. Such a person would be granted Bermudian citizenship, on application, provided that he or she had been of good conduct and character for at least the ten years immediately preceding his or her application for Bermudian citizenship.

Any person who qualified as a long term resident on Independence Day would be allowed a period of a year's grace, up to the first anniversary of Independence Day, in which to apply to be registered as a Bermudian citizen. After that period had elapsed, the right to apply to be registered as a Bermudian would end. The right of these long term residents would therefore be limited in time and would only apply to those who had already be ordinarily resident in Bermuda for at least 20 years on Independence Day.

These long-term residents, once registered, would become Bermudian citizens *otherwise than by descent*.

Those who would Automatically Become Bermudian Citizens at Birth After Independence

The following persons born after Independence would become Bermudian citizens automatically:

- 1) Bermudian citizens *otherwise than by descent*:
 - a) Any person born in wedlock in Bermuda, at least one of whose parents was a Bermudian citizen at the time of the person's birth.
 - b) Any person born out of wedlock in Bermuda whose mother was a Bermudian citizen at the time of the person's birth.
 - c) Any person adopted in Bermuda, at least one of whose adoptive parents was a Bermudian citizen at the time of the person's adoption.
 - d) Any person born in wedlock outside of Bermuda to a Bermudian citizen in Bermuda Government service in the country of the child's birth, having been recruited for that service in Bermuda; or
 - e) Any person born out of wedlock outside Bermuda to a Bermudian citizen in Bermuda Government service in the country of the child's birth, having been recruited for that service in Bermuda.
- 2) Bermudian citizens *by descent*:
 - a) Any person born in wedlock outside Bermuda, at least one of whose parents was a Bermudian citizen *otherwise than by descent* at the time of the person's birth.
 - b) Any person born out of wedlock outside Bermuda whose mother is a Bermudian citizen *otherwise than by descent* at the time of the person's birth.

Those People who Could Acquire Bermudian Citizenship After Independence

Should the people of Bermuda vote in favour of independence for Bermuda in the forthcoming referendum, the Government intends that there should be a Bermuda Nationality Act under which people who were

not citizens of Bermuda would be able to qualify and apply for Bermudian citizenship either through registration (by right under the law) or through naturalization (at the discretion of the Government).

People who Would Have the Right to Register as Bermudian Citizens Otherwise than by Descent

Any person who was in the process of acquiring Bermudian status before Independence Day would have his or her accrued rights to Bermudian status preserved so that those rights would count towards Bermudian citizenship. Once all conditions set down in the citizenship law had been met, the person would have the right to apply for citizenship and be registered as a Bermudian citizen *otherwise than by descent*. Everyone who possessed Bermudian status immediately before Independence Day would acquire Bermudian status immediately before Independence Day would acquire Bermudian citizenship *otherwise than by descent*. Those who had accrued any rights under the current Bermudian status law would also, if granted Bermudian citizenship, be entitled to have it *otherwise than by descent*.

The following groups of people are accruing rights towards the grant of Bermudian status under the current law. Under the Bermuda Nationality Act, the rules for them would be the same as they are under the Bermuda Immigration and Protection Act 1956. These groups are:

- 1) The wife, widow or child of a Bermudian who, immediately before independence was deemed to possess Bermudian status, would be eligible to apply for Bermudian citizenship provided:
 - a) In the case of a wife, upon application if she is still married to her Bermudian husband at the time;
 - b) In the case of a widow, upon application;
 - c) In the case of a child, upon application if he or she is under the age of 22 years; and
 - d) Would have been deemed to possess Bermudian status for at least five years had Bermuda not become independent; and
 - e) Had been ordinarily resident in Bermuda for at least five years on the day of application
- 2) The spouse of a Bermudian citizen where the applicant is of good character and conduct and has been:
 - a) Married to the Bermudian for at least ten years; and
 - b) Ordinarily resident in Bermuda for the two years immediately before the application for registration; and
 - c) Ordinarily resident in Bermuda for a total of at least seven years in aggregate while married to the Bermudian; and
 - d) Living with his or her Bermudian spouse as husband and wife for the two years mentioned at (b) above.
- 3) The widow or widower of a Bermudian where the applicant is of good character and conduct and:
 - a) Celebrated the marriage to the Bermudian at least ten years before the application for registration as a Bermudian citizen; and
 - b) Has been ordinarily resident in Bermuda for the two years immediately before the application for registration; and

- d) Has been ordinarily resident in Bermuda for a total of at least seven years in aggregate while married to, or widowed from, the Bermudian spouse; and
 - e) Had been living with his or her Bermudian spouse as husband and wife for at least the last six months before the death of the Bermudian spouse.
- 4) People with a qualifying Bermudian connection namely:
- a) The child who, before his or her 16th birthday (22nd birthday if it occurred after 1 July 1956), either:
 - Was born in wedlock, and
 - was at any time the natural born child, stepchild or adopted child of a person who was, or became Bermudian, or
 - Was born out of wedlock and
 - whose natural mother at any time was, or became a Bermudian, or
 - Being legitimated through the marriage of his or her natural parents, the child's natural father was, or became, Bermudian, or
 - Was adopted by a Bermudian.
 - b) Any person who, at any time, either:
 - Had been deemed to be domiciled in Bermuda under the Immigration Act 1937 by reason of ordinary residence in Bermuda, or
 - Had possessed Bermudian status by grant.
- 5) Certain long-term residents who qualify, or are qualifying, for Bermudian status under the present Bermudian status laws, namely anyone who:
- was born in Bermuda or first arrived in Bermuda before his or her sixth birthday, and
 - Is at least 18 years of age, and
 - Was ordinarily resident in Bermuda on 31 July 1989 and on 13 July 1994, and
 - Makes his or her application for Bermudian citizenship before 1 August 2008³.
- 6) People who have the right to Bermudian citizenship in certain other cases:
A person would be eligible to apply to be registered as a Bermudian citizen if he or she was ordinarily resident in Bermuda on 31 July 1989 and either:
- Immediately before Independence Day, was a British Dependent Territories citizen through naturalization in Bermuda, and had been approved for the grant of Bermudian status but had failed to apply for the grant, or
 - Being a woman who was, immediately before Independence Day, a British Dependent Territories citizen through registration as the wife of a Bermudian, with the result that she became deemed to possess Bermudian Status but lost that status upon divorce.

³The youngest possible applicant will become 19 years of age on 1 August 2008 and will have had one year's grace in which to apply for Bermudian citizenship after qualifying under these rules.

Provided in all cases from (4) to (6) inclusive that the person:

- Has been ordinarily resident in Bermuda continuously for at least 10 years immediately before making the application for registration as a Bermudian citizen, and
- During the 10 year residence period, has not been convicted of an offence which in the Government's opinion shows moral turpitude in the applicant's part, and
- Is not otherwise disqualified on the basis of his or her character and conduct.

Child Born Abroad of a Bermudian Citizen by Descent

A child born abroad to a Bermudian citizen *by descent* would not be automatically be Bermudian. Provision would be made so that such a person would have the right to be registered as a Bermudian citizen *by descent* if, at the time of the child's birth, his or her mother or father (the parent in question) was a Bermudian citizen *by descent*, provided that either:

- 1) The child is registered as a Bermudian citizen *by descent* with a year of his or her birth; and
The mother or father of the parent in question (the child's grandparent) was a Bermudian citizen *otherwise than by descent* at the time of the child's birth, or would have become such a citizen upon independence had he or she not died; and
The parent in question had been ordinarily resident in Bermuda for a period of at least five years at some time before the birth of the child; or
- 2) Before the child reaches the age of 18 years;
The child and his or her Bermudian parent or parents become ordinarily resident in Bermuda for at least five years before applying for the grant of Bermudian citizenship on behalf of the child; and
Application is made for the grant of Bermudian citizenship to the child.

These provisions prevent people with no connection to Bermuda from acquiring Bermudian citizenship automatically while, at the same time, they ensure that families with close connections to Bermuda are not disadvantaged where citizenship is concerned.

Discretionary Grant of Bermudian Citizenship

All nationality laws have a provision for granting citizenship to people at the discretion of the Government. This form of acquiring citizenship is termed 'naturalization'.

Should the people of Bermuda vote at the forthcoming referendum, in favour of Bermuda becoming independent, and then the Government intends to make provisions, in the Bermuda nationality Act, for naturalization, of a person as a Bermudian citizen.

In order to become a naturalized Bermudian citizen, the person might be required to swear allegiance to Bermuda. Upon naturalization, he or she will become a Bermudian citizen *otherwise than by descent* with full citizen rights, because Government has chosen that person to be a citizen.

Loss of Citizenship

A person who acquires Bermudian citizenship by discretionary grant might subsequently lose his or her citizenship if it were discovered that he or she had misrepresented the facts in order to get it, or if he or she

were convicted of an act of treason or sedition.

Any Bermudian over the age of 18 years should be entitled to renounce his or her citizenship, although to ensure that this process did not create a stateless person, anyone who failed to become a citizen of another country within six months of renouncing his or her Bermudian citizenship would be considered still to be a Bermudian and never to have lost that citizenship.

Dual Nationality

A person acquiring Bermudian citizenship would not be required to renounce any other citizenship or nationality which he or she might enjoy at the time that person becomes a Bermudian citizen. However, should the people of Bermuda vote for independence, upon Bermuda becoming independent from the United Kingdom, Bermuda would cease to be a British Dependent Territory. Therefore, those people who became Bermudian citizens on independence and were British Dependent Territories citizens by reason only of their common connection with Bermuda would automatically cease to be British Dependent Territories citizens.

Under current Bermuda law, the basic requirement for a person to be Bermudian is that he or she be a Commonwealth citizen. This requirement has existed in Bermuda's law since 1937. The effect of this law is that many Bermudians are citizens of other Commonwealth countries, e.g., British citizens, Canadian citizens and citizens of practically all of the Caribbean Commonwealth countries, as well as of Australia, New Zealand and the Commonwealth countries of Africa and Asia.

Furthermore, many Bermudians were born in the United States of America or of one American parent. These persons are currently not only Commonwealth citizens because of their Bermudian parentage, but also American citizens by birth or registration. Recent practice suggests that Americans who have been granted Bermudian status have not been required to give up their American citizenship.

Certificates of Residence

Should the people of Bermuda vote in favour of Independence, the Government intends that, as is now the case, people who live in Bermuda permanently or who have vacation homes in Bermuda, but who do not work here, should be able to apply for certificates of residence, primarily to facilitate their entry into the country.

A person who acquires and holds a residential property under a licence from the Minister of Labour and Home Affairs would be eligible for a Certificate of Residence, provided that he or she is of good character, of substantial financial means and is retired.

APPOINTMENT OF PUBLIC OFFICERS

The key elements of successful parliamentary democracies are the rule of law, freedom from political interference of the public service and the independence of the Judiciary and the Police. The independence of these bodies is vital to this freedom.

Under the terms of the current Constitution an independent Public Service Commission handles appointments to the public service and to the senior ranks of the Police. In addition, it handles discipline of both public service officers and senior ranks of the Police. The Public Service Commission does not, however, deal with matters relating to the judiciary. This arrangement arises as a result of the current Constitutional position of the Governor.

Should the people of Bermuda vote for independence, however, another arrangement would need to be made. The Government believes that the constitution of an independent Bermuda should contain provision for the appointment of three separate bodies – a Public Service Commission, a Judicial and Legal Service Commission and a Police Service Commission. These bodies should not be subject to the direction or control of anyone other than the Governor-General. Their decisions in these areas should be final, and their work should be conducted in confidence.

Because the existence and proper functioning of these bodies is so important to a parliamentary democracy, the Government intends that some aspects of their design should be ordinarily entrenched⁴ in the Constitution. The Government believes these aspects are as follows:

- a) The composition of each Commission and the security of tenure and remuneration of its members.
- b) Their power to appoint and exercise control over public officers.
- c) The ability of the Public Service Commission to delegate some of its powers.
- d) The power of the Commissions to regulate their own procedures, including the composition of quorums and the rules of voting.
- e) The protection of the Commissions from legal proceedings in the exercise of their functions.

1. The Public Service Commission

The Government does not believe an independent Bermuda's Public Service Commission need be very different from that which exists now.

One provision which would have to change, of course, is that relating to the appointment of members of the Commission. Currently, these appointments are made by the Governor, after consultation with the Premier, who must first have consulted with the Leader of the Opposition.

Post-independence, the Government intends the Chairman and four members of the Commission, who must not be public servants, should be appointed by the Governor-General on the recommendation of the Prime Minister, who must first consult the Leader of the Opposition.

Under the provisions of the current Constitution, a member of the Public Service Commission must relinquish his or her office if elected to the House of Assembly. The Government does not believe that this goes far enough. It proposes that an independent Constitution would bar service in the Commission to a person for ten years after his or her nomination for election, even if he or she were not elected, and would extend the ban to service in the Senate. A member of the Public Service Commission could not therefore, be:

⁴See Foreword for a definition of entrenchment.

- A person nominated for election to the House of Assembly during the preceding ten years
- A person who had been a member of the House of Assembly during the preceding ten years.
- A person who had been a Senator during the preceding ten years.

The Government's proposed provisions for removal from office are much the same as now, except that these powers would be vested in the Governor-General. The Governor-General, acting in his or her own discretion, would have the power to remove members of the Commission from office for misbehaviour and for inability. A member of the Public Service Commission could not, however, be removed from office for any reason other than disqualification, misbehaviour, inability or at the expiration of his or her term of appointment.

Reference has been made in this document to appointments made 'on advice of' or 'on the recommendation of' and 'after consultation with' certain officials.

It should be pointed out here that an official who is required to take advice or a recommendation in making an appointment is bound to abide by the advice or recommendation he or she receives.

An official who is required to consult in making an appointment is not bound by that consultation.

Additional Powers

Should the people of Bermuda vote in favour of independence, the Government intends that the powers of the Public Service Commission should be broadened to include responsibility for the Government Auditor, now in the hands of the Governor acting either in his or her own discretion or on the advice of the Public Service Commission.

The Government proposes that the Auditor-General, a title he or she would assume after independence, should be appointed and disciplined by the Governor-General on the recommendation of the Public Service Commission.

Because of his or her involvement with the financial performance of the Government and the need to protect his or her office from political interference, the Government believes care should be taken to ensure that power to initiate the process to remove an Auditor-General is not used lightly. The Government proposes that power to remove the Auditor-General for inability or misbehaviour should be vested in the Governor-General, acting on his or her own initiative. He or she is then obliged to appoint a Tribunal to investigate and make recommendations on the question of whether to remove the Auditor-General from office.

The Government intends that the provisions relating to the appointment of the Auditor-General should be ordinarily entrenched, so as to prevent their being altered without good cause. The following are matters for entrenchment:

- a) The establishment of the Auditor-General's Office.
- b) The manner of his or her appointment.
- c) The security of his or her remuneration.
- d) The function of the Auditor-General's office and his or her relationship with Parliament.
- e) The tenure of his or her office.
- f) The appointment of a Tribunal if he or she is to be removed from office.

The Government intends that an independent Constitution should make no substantial change in the appointment of a Secretary to the Cabinet or other senior public servants.

2. The Judicial and Legal Service Commission

In order to safeguard the independence of the Judiciary and the Government's legal officers, staffing matters are now dealt with by the Governor, acting in his or her discretion.

In an independent Constitution, the Government intends to establish a Judicial and Legal Service Commission to perform for those officers a function similar to that of the Public Service Commission.

Government intends the members of this Commission should include:

- a) The Chief Justice, who would be its *ex officio* chairman.
- b) The President of the Court of Appeal or a Justice of Appeal designated by the Governor-General on the advice of the Chief Justice.
- c) The Chairman of the Public Service Commission.
- d) Two people appointed by the Governor-General on the advice of the Prime Minister, after the Prime Minister had consulted with the Leader of the Opposition.
- e) One person appointed by the Governor-General after consultation with the Bermuda Bar Council.

As with the Public Service Commission, the Government proposes that an independence Constitution bar service in the Judicial and Legal Service Commission to a person for ten years after his or her nomination for election, even if he or she were not elected, and would extend the ban to service in the Senate. A member of the Commission could not, therefore, be:

- A person nominated for election to the House of Assembly during the preceding ten years.
- A person who had been a Member of the House of Assembly during the preceding ten years.
- A person who had been a Senator during the preceding ten years.

The Government's proposed provisions for removal from office would vest such powers in the Governor-General. The Governor-General, acting in his or her own discretion, would have power to remove members of the Commission from office for misbehaviour and for inability. A member of the Judicial and Legal Service Commission could not, however, be removed from office for any reason other than disqualification, misbehaviours, inability or at the expiration of his or her term of appointment.

Legal Officers

Power to make appointments to public offices for which people are required to possess legal qualifications, and to remove and exercise disciplinary control over the holders of such offices, would be vested in the Governor-General acting on the advice of the Judicial and Legal Service Commission.

Appointment to the posts of Attorney General, Solicitor General, Chief Parliamentary Counsel, Registrar of the Supreme Court and the Director of Public Prosecutions would be made by the Governor-General on the recommendation of the Judicial and Legal Service Commission, once it had consulted with the Prime Minister.

Bermuda's Constitution now provides for the possibility of the office of Attorney General being held by a member of Parliament, in which case a Director of Public Prosecutions should be appointed to fulfill the Attorney General's function as a public prosecutor. The Government intends this provision would continue and the Director of Public Prosecutions would be appointed and removed in the same way as an Attorney General, on the same terms and conditions as a Judge.

The Judiciary

The Judiciary of Bermuda is independent of both the legislative and the executive branches of Government. Members of the Judiciary play an important role in Bermuda's system of Government by determining common law and interpreting statutes and the Constitution.

Under current Constitutional provisions, the Chief Justice is appointed by the Governor, acting after consultation with the Premier, who must first consult the Leader of the Opposition. The Governor may appoint any person qualified for appointment, even though the Premier may not agree with the appointment.

The Government intends that under an independent Constitution, the Governor-General would appoint the Chief Justice on the recommendation of the Judicial and Legal Service Commission, after it had consulted the Prime Minister and the Leader of the Opposition.

Where the President of the Court of Appeal is concerned, the current Constitution gives the Governor power to make the appointment acting entirely in his or her own discretion. The Government intends that if the people of Bermuda vote in favour of independence at the upcoming referendum, the appointment of the President of the Court of Appeal should be made by the Governor-General on the recommendation of the Judicial and Legal Service Commission after consultation with the Prime Minister and the Leader of Opposition.

Justices of the Court of Appeal and Puisne Judges, the Government intends, should be appointed by the Governor-General acting on the advice of the Judicial and Legal Service Commission.

Removal of High Court Judges and Justices of the Court of Appeal

The Governor-General is entitled to act in his or her own discretion in deciding whether a Judge of the Supreme Court or Court of Appeal should be investigated with a view to being removed from office because of inability or misbehaviour. Members of an investigating Tribunal must be appointed from among those who hold or have held "high judicial office".

The Government proposes that power to initiate the process to remove the Chief Justice or the President of the Court of Appeal for inability or misbehaviour should be vested in the Governor-General. The Governor-General is then obliged to appoint a Tribunal which shall be required to investigate and make recommendations on the question of whether to remove the Chief Justice or President of the Court of Appeal from office. The investigatory Tribunal's members must have held office as Judges of a Court of unlimited jurisdiction in the Commonwealth.

In the case of the removal of Judges of the Court of Appeal and of the Supreme Court, a Tribunal should be appointed by the Governor-General, acting either on his own initiative after consultation with the Chief Justice or the President of the Court of Appeal or on the recommendation of the Chief Justice or the President of the Court of Appeal with regard to their respective areas. In appointing members of the Tribunal in these cases, the Governor-General acts on the advice of the President of the Court of Appeal or Chief Justice, as the case may be.

Judicial Committee of the Privy Council (Privy Council)

Government is of the firm opinion that the ability to make such appeals to the Privy Council should become a specially entrenched⁵ provision of a post-independence Constitution because of the importance which both Bermudians and members of the international business sector attach to the desirability of retaining access to the Privy Council.

⁵See Foreword for a definition of entrenchment.

3. The Police Service Commission

This third Commission deals with appointments of Police Officers. It should have functions, powers and privileges similar to those of the Public Service Commission⁶.

In respect of the Commissioner and Deputy Commissioner of Police, power to make appointments is currently held by the Governor, acting after consultation with the Public Service Commission. After independence, these officers should be appointed by the Governor-General, acting on the advice of the Police Service Commission, after it, in turn, has consulted the Prime Minister.

Government intends that the following members of the Commission, would be appointed by the Governor-General after consultation with the Prime Minister.

- a) A former senior public servant who would be its Chairman.
- b) A former senior member of the Defence Force.
- c) One of the members of the Public Service Commission.

Two additional members of the Commission, both members of the public, would, be appointed by the Governor-General on the recommendation of the Prime Minister, after he had consulted with the Leader of the Opposition.

As with the Public Service Commission, the Government proposes that an independence Constitution would bar service in the Police Service Commission to a person for ten years after his or her nomination for election, even if he or she were not elected, and would extend the ban to service in the Senate. A member of the Commission could not, therefore, be:

- A person nominated for election to the House of Assembly during the preceding ten years.
- A person who had been a Member of the House of Assembly during the preceding ten years.
- A person who had been a Senator during the preceding ten years.

The Government's proposed provisions for removal from office would vest such powers in the Governor-General. The Governor-General, acting in his or her own discretion, would have power to remove members of the Commission from office for misbehaviour or for inability. A member of the Police Service Commission could not, however, be removed from office for any reason other than disqualification, inability, misbehaviour, or at the expiration of his or her term of appointment.

⁶The powers traditionally vested in the Public Service Commission for the appointment of Police Officers would now be vested in the Police Service Commission

GOVERNMENT AND ADMINISTRATION

The Monarchy

In the event the voters of Bermuda vote in favour of independence, the Government intends Bermuda should remain a Monarchy and the reigning Monarch would be invited to become Head of State, as is the case in a number of Commonwealth States⁷. In each state, the reigning Monarch is represented by the Governor-General, who is appointed on the advice of the Prime Minister of the country. The Governor-General's function is completely independent of the British Government.

The Governor-General

The Governor-General would be appointed on the advice of the Prime Minister, after he or she had consulted with the Leader of the Opposition. In the execution of his or her duties, the Governor-General would act on the advice of Cabinet or of a Minister acting under the general authority of the Cabinet, except where he or she is required to act on his or her own discretion or on the advice of some other authority. His or her term of office would be three years in the first instance, renewable for one further terms of two years. These provisions are typical of the Westminster form of Government. Similarly, the Monarch acts on the advice of Ministers of the British Cabinet.

The Governor-General would play an important part under an independence Constitution and all of his or her functions would be prescribed in an independence Constitution. Among such functions, he or she would summon, prorogue and dissolve Parliament, give Royal Assent to Bills passed by Parliament and appoint and convene a Boundaries Commission. He or she would formally appoint many office-holders, including Government Ministers, judges, diplomats and Officers of the Bermuda Regiment. He or she would also play a large ceremonial role, as does the Governor now.

The Governor-General, by convention, invites the leader of the political party which commands a majority in the House of Assembly to form a Government. Similarly, the Governor-General also appoints the Leader of the Opposition from the party whose numerical strength is greater than that of any other opposition party.

Acting Governor-General

During any period when the office of Governor-General is vacant, or the holder of the office of Governor-General is for any reason unable to perform the functions of his or her office, those functions shall be performed by such a person as the reigning Monarch may appoint, on the advice of the Prime Minister, after he or she had consulted the Leader of the Opposition.

Any person appointed shall hold office during the Monarch's pleasure and shall in any case cease to perform the functions of the office of Governor-General if the holder of office of Governor-General is about to assume or resume those functions.

The holder of the office of Governor-General shall not be regarded as absent from Bermuda or unable to perform the functions of his or her office at anytime when there is a subsisting appointment of Deputy under an article of the Constitution.

The Acting Governor-General shall exercise all of the powers of the Governor-General.

⁷The other Commonwealth countries of which the Queen is Head of State are Antigua and Barbuda, Australia, the Bahamas, Barbados, Belize, Canada, Grenada, Jamaica, New Zealand, Papua New Guinea, St Kitts and Nevis, St Lucia, St Vincent and the Grenadines, the Solomon Islands and Tuvalu.

Deputy Governor-General

When the Governor-General:

- a) Has occasion to be absent from the seat of Government but not from Bermuda; or
- b) Has occasion to be absent from Bermuda for a period that he or she considers will be of short duration;

He or she may appoint, subject to the approval of the Prime Minister, any person in Bermuda to be his or her Deputy during such absence or illness and in that capacity, to perform on his or her behalf the functions of the office of Governor-General.

The Deputy Governor-General shall exercise such powers as are delegated to him or her by the Governor-General.

Removal from Office of the Governor-General

The Governor-General may be removed from office where:

- a) He or she wilfully violates any provision of the Constitution or behaves in such a manner as to bring his or her office into disrepute.
- b) He or she behaves in a manner that endangers the security of Bermuda.
- c) He or she is unable to perform the functions of his or her office because of mental or physical incapacity.
- d) He or she is appointed to any offices or engages in any occupation which is clearly a conflict of interest.
- e) The procedure for the removal of the Acting Governor-General would be the same as for the Governor-General.

The Procedure for Removal from Office of the Governor-General

The Prime Minister, after consultation with the Opposition Leader, shall appoint an investigatory tribunal whose members must hold or have held office as judges of courts of unlimited jurisdiction in the Commonwealth. The Prime Minister would be obliged to accept the recommendation of the tribunal and advise the Monarch accordingly.

The Legislature

The Government proposes no change in the constitution of the legislature. The two Houses of Parliament would remain the same in terms of qualifications laid down for appointment to the Senate or elected to the House of Assembly, in terms of the numbers of people appointed to the Senate or election to the House and in terms of the rules and functions of both Houses. The President and Vice-President of the Senate, the Speaker and Deputy Speaker of the House of Assembly would be selected in the same way as they are now.

The Senate, as it does now, would comprise five members appointed by the Governor-General on the advice of the Prime Minister, three on the advice of the Leader of the Opposition and three appointed by the Governor-General, acting in his or her own discretion, after consultation with the Prime Minister and the Opposition Leader. Those so nominated and appointed could be removed by the same method.

Executive Powers

The executive authority of Bermuda would be vested in the Monarch as the Head of State, but the authority would be exercised on behalf of the Monarch by the Governor-General, acting on the advice of the Cabinet, or of a Minister acting on the general authority of the Cabinet.

There would be little change in the composition of the Executive. The Prime Minister would be appointed by the Governor-General as the person best able to command the confidence of a majority of the House of Assembly. Similarly, the Leader of the Opposition would be appointed on the basis of being the member of the House of Assembly who, in the opinion of the Governor-General, was the member of the House of Assembly acceptable as Opposition Leader to a majority of the opposition members of the House.

The Cabinet

The Government intends there should be no changes in the method of selection of Ministers of the Cabinet, or of the Cabinet's composition and function in an independent Bermuda. All Cabinet Ministers must be members of the legislature, selected by the Prime Minister. The Cabinet is chosen mainly from members of the House of Assembly, but must include one, and may include not more than two members of the Senate. The Cabinet may include no fewer than six, nor more than 13 Ministers other than the Prime Minister.

The primary function of the Cabinet is to determine Government policy and to exercise a general supervision of Government Departments in the implementation of those policies. Ministers have a collective responsibility for the policies and actions of the Government, as well as an individual responsibility to Parliament for the activities of their particular Ministries.

The Franchise

Only Bermudian citizens of over the age of 18 years would be entitled to register to vote after independence.

Constituencies

The Government supports the retention of traditional parish boundaries. However, those changes which might take place within the parish boundaries will be a matter for negotiation at a Constitutional Conference.

Boundaries Commission

The Government intends to continue the role of Boundaries Commissions, which would be appointed to review constituency boundaries from time to time as the Governor-General, acting after consultation with the Prime Minister and the Opposition Leader, feels appropriate. The current Constitution requires that a Commission be appointed not less than three nor more than seven years after the date on which its predecessor submitted its report. The Government proposes no change in these provisions.

The Chairman of the Boundaries Commission would be appointed by the Governor-General, acting in his or her discretion. One member would be appointed by the Governor-General, acting in his or her discretion, from among people who hold or have held high judicial office. Two of the members of the Commission would be appointed by the Governor-General, acting in accordance with the advice of the

Prime Minister, from among the Government members of the two Houses. Two members would be appointed by the Governor-General, acting in accordance with the advice of the Opposition Leader, from among Opposition members of the two Houses.

EXTERNAL AFFAIRS

Bermuda's Constitution provides for the Governor to be responsible for the following matters:

- a) External affairs.
- b) Defence, including the armed forces.
- c) Internal security.
- d) The Police.

The Governor's responsibility is to the United Kingdom Government, which now possesses an ultimate power of control in respect of these matters, although in practice, there is consultation with, and some delegation to, the Bermuda Government.

The Constitution also provides for the establishment of a Governor's Council, under the Governor's chairmanship, with the Premier and two or three other Ministers as members, to consider issues connected with the four matters listed above.

Responsibility for various matters in relation to the Police has been delegated since 1977. There has also been delegation by the United Kingdom Government to the Bermuda Government on an ad hoc basis, for the negotiation of the Tax Treaty with the United States for example, for negotiations with foreign governments over visa arrangements in these four areas and exercises considerable influence – in some, just short of final control.

In the event of independence, Bermuda would assume full responsibility for all these matters.

External Affairs

The full responsibility of a sovereign nation would devolve upon Bermuda in the event the voters of the country decide in favour of independence.

The foreign policy of Bermuda would be the maintenance of the present cordial relations with friendly nations, particularly those democracies which respect and promote individual freedom and human rights, and in cooperation with them, the promotion of the welfare of mankind.

The Commonwealth and the United Nations

The Government, in the event Bermudians wish to become independent, intends to apply for full membership of both the Commonwealth and the United Nations.

Ministry of External Affairs

In the event of independence, it would be the Government's intention to create a small Ministry of External Affairs, which would be subsumed in the Prime Minister's, or in some other Minister's Office.

It would not be Government's intention to open overseas missions for at least three years, relying instead on conducting business with foreign missions in Bermuda and ministerial visits as necessary. During the course of these three years, a careful assessment would be made to establish whether overseas missions, particularly to New York and London, would be beneficial to Bermuda. Without overseas missions, the creation of this Ministry would be expected to cost approximately \$1.33 million. As detailed in the Green Paper, these costs would be broken down as follows:

a) Ministry in Bermuda	\$473,557
b) UN Membership fee	102,000
c) Subscription to UN Peacekeeping Budget	350,000
d) Subscription to UN Specialized Agencies	325,000
e) Subscription to Commonwealth Secretariat	80,000
Total	\$1,330,557

Government confirms the observations made in both the White Paper of 1979 and the recent Green Paper that the Government should move with caution before opening overseas missions.

The Government recognizes Bermuda's limited money and manpower resources and the need to use them wisely. Unlike most other territories, including relatively small ones, there are no Bermudian communities abroad of significant size requiring consular support and no exports of goods or foreign markets which need to be protected or developed.

Passports

Because Bermudians travel frequently, it is worth repeating some of the information contained in the Green Paper on Independence which referred to passports and consular assistance.

Bermuda's passport is now that of citizens of the British Dependent Territories. Very quickly after issue of this new document in the 1980s, Bermudians began to experience difficulty travelling abroad. These problems were severe enough to warrant the Government entering into negotiations to secure visa-free access to a number of countries. Fourteen countries in addition to the United Kingdom now recognize the Bermuda-issued British Dependent Territories Citizen passports and do not require visas.

Some concern has been expressed about post-independence Bermudians who find themselves in difficulty while travelling abroad. They are now entitled to seek assistance at the nearest British mission or consulate which contacts the Bermuda Immigration Department and renders appropriate assistance. Although many Bermudians travel, few have had this sort of difficulty in the past.

The United Kingdom continues to represent the interests of their newly independent territories, if they wish, for up to one year after independence. After that, Bermudian nationals in difficulty in Commonwealth countries would be able to approach the host Government for help. In non-Commonwealth countries, British missions would continue to assist if asked, although Bermuda would be expected to pay any expenses incurred as it does now.

These arrangements appear to have satisfactorily served the nationals of other independent Commonwealth countries satisfactorily.

Treaty Succession

Bermuda has become signatory, as a British Dependent Territory, to a variety of treaties, conventions and agreements entered into by Great Britain. Every dependent territory which becomes independent must decide which of these instruments will be continued and which will no longer be necessary. These treaties set general rules of international conduct. They cover every aspect of the international life of a state, including such things as postal activity, telecommunications, broadcasting, customs, commerce,

navigation, visa requirements and human rights.

These treaties have been extended to Bermuda over many years, since 1968 always with the knowledge and consent of the elected Government of Bermuda. Sometimes, they have had to be modified to take account of Bermuda's particular circumstances.

The Government intends to follow the usual practice in such matters, which is to succeed to all treaties in the first instance, on the condition that within a reasonable period of time, the Government would decide which were of importance and benefit to Bermuda and therefore should be retained. Those of no significant would be discontinued.

As noted in the Green Paper on Independence, the Attorney General's Chambers had independently begun a review of treaties and agreements extended to Bermuda before the Paper was written.

Internal Security and Defence

The Governor is responsible for the Police, the Bermuda Regiment, internal security and defence. In the event of independence, these responsibilities will become those of the elected Government.

Operational responsibility for keeping the peace in Bermuda rests with the Police, assisted, as needed the Reserve Constabulary and the Regiment. Independent assessments of Bermuda's internal security capabilities indicate Bermuda has a well-trained and well-equipped response to local threats. It would be the Government's intention to do all that is necessary to continue to ensure that these organizations are adequately equipped and trained to deal with any internal security contingency which may arise.

Government intends to ask the United Kingdom Government to review Bermuda's present capabilities to determine what, if any, additional resources might be required to ensure that Bermuda has the ability to look after itself.

Steps were taken in the past to ensure that the Bermuda Regiment would, in future, be able to fulfill its commitments without external reinforcement. As a result, equipment was added, training was improved and the establishment of the Regiment was increased from 450 – 700. Since then, the Police capability has also substantially improved, both in respect of equipment and manpower.

The current preparedness and professionalism of these organizations are conditions of which the community should be proud. The Government is aware that this preparedness has been aided by advice and assistance available to Bermuda from the United Kingdom. The Foreign and Commonwealth Office has assured Bermuda that, in the event of independence, this advice and assistance would continue to be available, as it is to many independent Commonwealth Countries. The Government intends to have, as a formal precaution, a Treaty of Friendship with either the United Kingdom, Canada or the United States of America to cover its defence.

In common with many small territories, Bermuda would not be able, standing alone, to defend itself against a determined attack. Bermuda's geographic location and the fact that the United States of America is the closest neighbour make any invasion by hostile forces highly unlikely.

Aviation Matters

Regulation of all aviation activities in Bermuda is currently derived from United Kingdom legislation extended to Bermuda. Should the people of Bermuda vote for independence, the country would assume responsibility for all of these matters, including air routes and the maintenance of appropriate international treaties.

It would be the Government's intention to join the International Civil Aviation Organization, a specialized agency of the United Nations to which Bermuda through the United Kingdom is already a contracting state. Bermuda would then be required to pass legislation to ensure conformity with the provisions now set out in the United Kingdom regulations.

It would, however, be in Bermuda's interests to exceed some of these United Kingdom and International Civil Aviation Organization standards, especially where a higher standard has already been established in Bermuda under the United States Federal Aviation Regulations.

Bermuda's legislation would also have to deal with Bermuda's Register of Aircraft. In this area, it would be the Government's intention to continue to maintain the highest standards of operation, in order not to jeopardize Bermuda's reputation as a first-class tourism resort and centre for international business.

Shipping Register

The Bermuda Shipping Register was ranked 32nd of 50 of the world's principle merchant fleets, in terms of total gross registered tonnage, by the last edition of Lloyd's Register.

It is a part of what is known as the Red Ensign Group, a collection of jurisdictions which together form the British Register. The standards of this group are very high, and all the principle international maritime conventions have been extended to Bermuda. As a result of the coming into force of the Merchant Shipping Act 1988, Bermuda has been classified as a Category 1 register, which can accept for registration vessels of all types and sizes.

Bermuda's register is considered to be a world-class register, with safety standards equivalent to those of the other major registers, and with a Registrar and staff who are knowledgeable and responsive.

Bermuda's register is, in a sense, a niche requirements register, since the restrictions on manning associated with being a British Register effectively exclude many large shipping groups from registering here.

Among the benefits of belonging to the Red Ensign Group is in fact that Bermuda is now represented at the International Maritime Organization and the International Labour Organization by Britain at no cost. British consular representation is also available for ships on the register and their crews and Bermuda has the benefit of technical assistance from the United Kingdom government agencies. It is possible to continue these services on a commercial basis post-independence.

The Bermuda Shipping Register is considered to be a competent and well-run register and should continue to be so in the event of independence. The Government does not foresee any major changes in the day-to-day operation of the Bermuda Shipping Register post-independence.