BERMUDA

NATIONAL HEROES ACT 2024

2024 : 24

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SCHEDULE
Naming and Recognition Committee

WHEREAS it is expedient to provide for the conferment of the honour of National Hero on persons who are declared to have provided exceptional and outstanding service to Bermuda; for the establishment of a Naming and Recognition Committee to research and investigate the applications for National Hero and for related or incidental matters;

Be it enacted by The King's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

Citation

1 This Act may be cited as the National Heroes Act 2024.

Interpretation

2 In this Act—

"Committee" means the Naming and Recognition Committee appointed under section 5;

"Director" means the Director of the Department of Culture;

"Minister" means the minister responsible for culture.

Protection of honours and awards by His Majesty

3 Nothing in this Act has the effect of establishing, or may be construed as establishing, a system for the grant of honours or awards by or on behalf of His Majesty, nor does this Act in any way affect the prerogative of His Majesty in respect of honours and awards.

Declaration of National Hero

4 (1) The Premier may, at a public ceremony, confer the honour of National Hero to a person who has provided exceptional and outstanding service to Bermuda.

(2) The honour conferred by the Premier under subsection (1) shall be exercised by him on the advice of the Cabinet given after consideration of the recommendation of the Committee and the Minister.

(3) The honour of National Hero may only be conferred under this section upon a person posthumously.

(4) The Premier shall publish a notice in the Gazette of every honour granted under this Act.

Naming and Recognition Committee

5 (1) There is established a committee to be known as the Naming and Recognition Committee.

(2) The Committee shall consist of seven members appointed by the Minister, of whom—

(a) one shall be the head of the Committee;

(b) three members shall be recommended by the Minister in consultation with the Director;

(c) one member shall be recommended by the Leader of the Opposition; and

(d) two members shall be from the general public appointed by the head of the Committee.

(3) The Minister shall, from time to time, in consultation with the Director, select the head of the Committee and the three members.

Functions of the Committee

6 The functions of the Committee are—

(a) to investigate as it thinks fit to determine persons upon whom may be conferred the honour of National Hero;

(b) to consider recommendations on the following in relation to conferring the honour of National Hero—

(i) on the naming or renaming of parks, gardens or other places;

(ii) on the production and erection of any monument, statue, plaque, memorial or other token of recognition;

(iii) on the naming or renaming of any public building, structure or other government property; or

(iv) on the naming or renaming of any place or locality or physical or geographical feature,

in recognition of the National Hero;

(c) to report to the Minister the result of those investigations and recommendations;

(d) to undertake any other duty in relation to this Act as may be assigned by the Minister.

Proceedings of the Committee

7 The Schedule shall have effect as to the constitution of, and other matters concerning, the Committee.

Secretary to the Committee

8 (1) The Director shall be the Secretary to the Committee, and shall receive the applications, maintain the records of the Committee, arrange for the presentation of the honours and perform such other functions in respect of the honour as the Committee may require.

(2) The Minister may appoint such other officers as may be necessary to perform any of the functions in subsection (1).

Nomination by person

9 (1) A person may nominate a person posthumously who, at the time of death possessed Bermuda status or were enslaved in Bermuda for the bestowal of the honour of National Hero and the nomination must be submitted in writing to the Secretary to the Committee.

(2) The Minister shall advise the public of the opening of the nomination process on or before 1 October 2024, and every 10 years thereafter.

(3) Notwithstanding subsection (1), the honour of National Hero shall upon the coming into force of this Act, be conferred upon the following persons and the names shall be entered into the records as the first National Heroes without the need for submission to, or consideration by the said Committee—

(a) Dame Lois Browne-Evans;

(b) Dr. Edgar Fitzgerald Gordon;

(c) Dr. Pauulu Kamarakafego;

(d) Sir Henry Tucker;

(e) Mary Prince;

(f) Gladys Misick Morrell;

(g) Sir Edward Trenton Richards;

(h) Sir John Swan.

Consideration of nominations

10 (1) The Committee shall—

(a) consider nominations together with recommendations and supporting material received by the Committee for the honour of National Hero;

(b) compile and submit a report to the Minister with recommendations of those nominees to whom an honour may be made;

(c) advise the Minister in respect of any matter concerning the honour referred to it for consideration.

(2) The Minister shall submit the report in subsection (1)(b) and a letter indicating whether he agrees with the submission of the persons of merit to the Cabinet for consideration.

Tokens of recognition

11 The Minister may—

(a) in consultation with the Minister responsible for parks or other authority, purchase, procure or construct a park, garden or other place dedicated as a token of recognition to a National Hero and may name the park, garden or other place accordingly;

(b) provide for the production and erection of, any monument, statue, plaque, memorial or other token of recognition of a National Hero;

(c) name or rename any public building, structure or other government property, or any place or locality or physical or geographical feature, as a token of recognition of a National Hero; and

(d) take any other action as he considers appropriate to recognise a National Hero for his service to Bermuda.

Revocation of honour

12 The Minister, on the recommendation of the Committee, and with the approval of the Cabinet, may revoke the honour granted to a person if it is determined that the person engaged in any act while alive that, in the opinion of the Committee, brings the honours system into disrepute.

Consequential amendments

13 The Government Authorities (Fees) Act 1971 is amended by inserting after the line item for the "Misuse of Drugs Tribunal" the following—

"Naming and Recognition Committee - established under section 5 of the National Heroes Act 2024".

Commencement

14 This Act comes into operation on such day as the Minister may appoint by notice published in the Gazette.

SCHEDULE

(section 7)

NAMING AND RECOGNITION COMMITTEE

1 Appointment as a member of the Committee shall be made for a term not exceeding three years and a member is eligible for re-appointment.

2 The Minister may appoint a second person to act as alternate to a member appointed under paragraph 1.

3 An alternate member shall be appointed in accordance with the requirements for the appointment of the member, and his term of appointment shall, if not sooner terminated, end at the expiration of the term of the member.

4 Five members of the Committee shall form a quorum at any meeting.

5 (1) Where an application is before the Committee, a member of the Committee shall advise the Head of the Naming and Recognition Committee if he is personally acquainted with the person and may, with leave of the Head, withdraw on that ground or for any other reason which the Head deems sufficient; and the Head may himself withdraw on any such ground.

(2) Where a member has withdrawn under subparagraph (1), the Head may request that the Minister appoint a member of equal standing as the withdrawn member to be a member of the Committee for the purpose of those proceedings, and the Minister may make such appointment, where the person so appointed shall be deemed to be a member of the Committee for such purpose.

6 A minute shall be made of every meeting of the Committee in such form as the Head may direct.

7 Fees shall be paid to members of the Committee in accordance with the Government Authorities (Fees) Act 1971.

8 The Committee shall meet as often as may be necessary for it to dispatch its business under this Act.

9 The validity of any act or proceedings of the Committee shall not be affected by any vacancy among the members of the Committee or by any defect in the appointment of a member of the Committee or of the Head.

10 A member of the Committee may resign his office at any time by giving notice in writing to the Minister of his resignation.

11 The Minister may declare the office of a member of the Committee vacant if—

(a) the Minister is satisfied that the member is unable through mental or physical incapacity to perform the functions of his office; or

(b) the member has failed without adequate cause to attend three successive meetings of the Committee.

12 Where a member's place becomes vacant before the expiration of his term of office, the vacancy shall be filled in the same manner as that by which he became a member.

13 A person appointed or selected to fill the place of a member of the Committee who vacates office before the expiry of his term of office shall hold office for so long only as the member whose place he fills would have held office.

14 Where a member of the Committee vacates his office three months or less before the expiry of his term of office, the vacancy need not be filled.

15 Subject to this Act, the Committee shall regulate its own proceedings.

[Assent Date: 30 September 2024]