

The Commission of Inquiry into the Historic Losses of Land in Bermuda

Pursuant to the Commissions of Inquiry Act 1935, this Commission of Inquiry was established on 31st October 2019 by the Premier, the Honourable E. David Burt JP MP. The Commission has been directed to inquire into historic losses of citizens' property in Bermuda, in keeping with the mandate of the House of Assembly as expressed in its Resolution of 4th July 2014.

The Chair of the Commission is Justice Norma Wade-Miller OBE, JP. Its members are Mr. Wayne Perinchief, who served as a former Minister of National Security and is a former Assistant Commissioner of Police; Mrs. Maxine Binns, consultant legal counsel with the Business Development Unit; Mrs. Fredricka Forth, a former banking executive and an experienced realtor; Mrs. Lynda Milligan-Whyte, senior counsel practicing at the Bermuda Bar, Mr. Jonathan Starling, Economic & Cooperative Development Officer with the Bermuda Economic Development Corporation and Mr. Quinton Stovell, who is a quantity surveyor.

More information on the Commission and its planned timeline is provided below.

A. Scope

The Scope of the Inquiry is set out as follows:

1. Inquire into historic losses of citizens' property in Bermuda through theft of property, dispossession of property, adverse possession claims, and/or such other unlawful or irregular means by which land was lost in Bermuda;
2. Collect and collate any and all evidence and information available relating to the nature and extent of such historic losses of citizens' property;
3. Prepare a list of all land to which such historic losses relate;
4. Identify any persons, whether individuals or bodies corporate, responsible for such historic losses of citizens' property;

B. Mandate

The Government of Bermuda further provided as part of the Commission's mandate:

To refer, as appropriate, matters to the Director of Public Prosecutions for such further action as may be determined necessary by that Office.

C. The Process

The process for the Planning Hearing will have four phases.

Phase One Applications

Persons wishing to participate either as a party before the Commission, or to present evidence or information relevant to the terms of the Commission are to file an application not later than 5:00 p.m. on **Monday, 16th March 2020**, stating the capacity in which they wish to come before the Commission.

Persons seeking to have standing as parties should state the nature of their interest in the proceedings.

In the event they do not wish to have party status, but still have evidence (facts) or information relevant to "historic losses of citizens' property in Bermuda through theft of property, dispossession of property, adverse possession claims, and/or such other unlawful or irregular means by which land was lost in Bermuda", persons should file a short summary of the evidence (facts) or information, they wish to present at the substantive hearings of the Commission.

The application, together with the summary, can be filed in one of two ways:

- a) in writing, addressed to:

The Secretary of the Commission
Sofia House- 4th Floor
48 Church Street
Hamilton HM 12, or

- b) in an electronic format addressed to Secretarycoihll@gmail.com.

The application should state whether or not the person filing the application, or his or her counsel, wish to appear in person at the Planning Hearing on **Thursday, 19th March 2020**.

Phase Two Review of Submissions

Once the Commission has reviewed the oral and written submissions, it will advise those persons who are (1) granted standing or (2) who will be allowed to present information, of the time, place and date when their evidence and / or submissions will be heard.

Phase Three Public Planning Hearing

With a view of starting public hearings as soon as it is possible, the Commission will hold a public **Planning Hearing on Thursday, 19th March 2020** at the Cricket Pavilion, North Field, The National Sports Centre, 65 Roberts Avenue, Devonshire DV 01

The purpose of the Planning Hearing is to:

- a) ascertain who may participate in the Evidentiary (fact-finding) and other hearings of the Commission;
- b) determine who may have information relating to the mandate of the Commission, as set out in the terms of the Commission; and
- c) evaluate where further hearings should be held and to estimate the length of those hearings.

To that end, at the Planning Hearing the Commission wishes to hear in person from those who would like to be granted party status.

Phase Four Planning Hearings

All information pertaining to the time, locations and dates of Commission hearings will be published in The Official Gazette, the Royal Gazette, Bernews and by such other means as may be determined by the Commission.

All hearings of the Commission shall be public. In the event anyone wishes to give evidence with the public excluded (that is, in camera), he or she should file an application in writing stating the reason(s) why the public should be excluded during either their application to gain standing at the Planning hearing or during any other phase(s) of the Inquiry. The Commissioners shall consider such application and render a written decision.

NOTE: The Commission is in the process of developing a website and anticipates that its Procedural Rules will be published thereon in the near future. In the interim, interested parties may collect copies of the Procedural Rules from the Commission's Secretariat, Sofia House-4th Floor, 48 Church Street, Hamilton HM 12 after Monday, 3rd March 2020.

*Justice Mrs. Norma Wade-Miller OBE JP
Chair, Commission of Inquiry into Historic Land Loss in Bermuda*