



BERMUDA

CHILDREN AMENDMENT ACT 2019

2019 : 55

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WHEREAS it is expedient to amend the Children Act 1998 and to make consequential amendments;

Be it enacted by The Queen'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 Children Amendment Act 2019.

Amends section 42

2 Section 42 of the Children Act 1998 is amended—

(a) by inserting the following after subsection (3)—

“(3A) For the avoidance of doubt, access to the child under subsection (3) includes access to the child at a place required to conduct the enquiry, including—

(a) any school, tutorial site, or other educational facility referred to in the Education Act 1996;

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- (b) any place providing extracurricular, social or community activities.”;
- (b) in subsection (5)—
 - (i) by deleting “Where” and substituting “Notwithstanding subsection (8), where”;
 - (ii) by deleting “shall” and substituting “may”;
- (c) by repealing and replacing subsection (8) with the following—

“(8) Where the Director or a person authorized by him to act on his behalf makes an enquiry under this section and imposes a requirement on any person to—

- (a) grant access to the child;
- (b) assist him with the enquiries (in particular by providing relevant information and advice);
- (c) provide facilities to conduct the enquiry;
- (d) not be present during the enquiry;
- (e) refrain, in any way, from obstructing the enquiry, including refraining from informing any person that an enquiry will be, is being, or has been conducted,

it shall be the duty of that person to comply with the requirement.”.

Inserts section 42A

3 The Children Act 1998 is amended by inserting the following after section 42—

“Offence

42A Any person who fails, without reasonable excuse, to comply with a requirement imposed by the Director under section 42(8) shall be guilty of an offence and liable on summary conviction to a fine not exceeding \$3,000.”.

Consequential amendment to Education Act 1996

4 The Education Act 1996 is amended by inserting the following after section 68—

“Enquiries by Director of Child and Family Services

68A No person shall be present during an enquiry being conducted pursuant to section 42 of the Children Act 1998 at a school, tutorial site or other educational facility, unless required to do so by the Director of Child and Family Services or a person authorized by him to act on his behalf.”.

Consequential amendment to Education Rules 2006

5 Rule 25 of the Education Rules 2006 is amended—

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- (a) in paragraph (1) by deleting the words “should, except in case of suspected abuse or child protection issues,” and substituting “should”;
- (b) by inserting the following after subsection (2)—

“(3) For the avoidance of doubt, this rule does not apply to an enquiry being conducted by the Director of Child and Family Services or a person authorized to act on his behalf, pursuant to section 42 of the Children Act 1998.”.

[Assent Date: 30 December 2019]

[Operative Date: 30 December 2019]