

Tom Tugendhat, MBE, MP
Chair
Foreign Affairs Committee
House of Commons
London
SW1A 0AA

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Thank you for your letter of 26 February 2018 requesting further information about Bermuda's decision to introduce the Domestic Partnership Act, following the letter I wrote to the Foreign Affairs Committee on 7 February 2018.

The Committee has asked what is the process and timeframe for the passing of legislation in Bermuda. As set out in Section 35 of Bermuda's Constitution, once a Bill has been passed by both Houses of the Bermuda Parliament, the Bill is presented to the Governor for assent. The Governor is then required to give his assent, refuse assent or reserve the Bill for signification of Her Majesty's pleasure. No timeline is specified in Bermuda's Constitution within which this process must take place.

Unless a Bill is reserved for signification, there is not a constitutional requirement for the UK to review any legislation before the Governor grants assent. Furthermore once a Bill has received assent, the UK cannot disallow it, unless it relates to stock forming whole or part of the public debt of Bermuda. It is important to note that Bermuda has the oldest and most autonomous constitution of all the Overseas Territories. As I, and the Hon. Harriett Baldwin MP, said in response to the Hon. Chris Bryant MP's urgent question on 8 February, the circumstances in which the UK can intervene in the legislative process in Bermuda are extremely limited.

The Governor did not reserve the Domestic Partnership Bill but consulted with the UK so they could consider the full implications of the Bill before the Governor gave his assent. Both the Secretary of State and I took the necessary time to fully assess the Bill. Whilst disappointed in the decision taken by the Bermudian legislature, the Secretary of State decided that it would not be appropriate to block the legislation in this case. The Secretary of State communicated his decision to officials on Friday 2 February 2018 and Ben Merrick, Director of the Overseas Territories Directorate wrote to the Governor to inform him of this at 5pm on Monday 5 February 2018. The Governor made an announcement that he had given his assent, in line with his responsibilities under the Constitution, at 4pm Bermuda time (8pm UK time) on Wednesday 7 February 2018. I wrote to you to inform the Committee of this at 9pm that evening.

On 28 February 2018, the Secretary of State called the Hon. E. David Burt, Premier of Bermuda, to reiterate his expectation that Bermuda is committed to ensuring all its legislation is internationally compliant, and his hope that the Domestic Partnership Act will be a stepping stone to introducing same sex marriage on a statutory footing in the future.

LORD AHMAD OF WIMBLEDON

Minister of State for the Commonwealth and the UN
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