

No. 17 of 2006.

The Airport Authority Act, 2006.

1 ANTIGUA
AND
BARBUDA



[L.S.]

I Assent,

James B. Carlisle,
Governor-General.

17th November, 2006.

ANTIGUA AND BARBUDA

No. 17 of 2006

AN ACT to provide for the establishment of an Airport Authority; to make provisions for the ownership, control, management and development of airports in Antigua and Barbuda; and for matters connected generally with management of airports.

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ENACTED by the Parliament of Antigua and Barbuda as follows —

PART I

PRELIMINARY

1. This Act may be cited as the Airport Authority Act, 2006. Short title.
2. In this Act — Interpretation.

“Aircraft” means any contrivance now known or hereafter designed, invented or used for navigation or flight in the air or space, except a parachute or other contrivance used primarily as safety equipment;

“Airport” means any defined area of land or water intended or designated to be used either wholly or partly for the landing, departure, movement and servicing of aircraft and any buildings, installations, equipment, roadways, car

parks and open spaces on or adjacent to any such defined area used in connection with airports or airports administration;

“Airport Facilities” include airport facilities of all kinds, landing fields, hangars, shops, hotels, restaurants and catering facilities, terminals, buildings and parking facilities and all other facilities necessary or desirable for the landing, taking off, operating, servicing, repairing and parking of aircraft, the unloading and handling of mail, express and freight, and the accommodation, convenience and comfort of passengers, together with related transportation facilities, all necessary appurtenances, machinery and equipment and all lands, properties, rights, easements and franchises relating thereto and considered necessary or convenient by the Authority in connection therewith;

“Authority” means the Airport Authority established under section 3;

“Board” means the Board referred to in section (3)(2);

“Chairman” means the Chairman of the Authority appointed by the Cabinet under the provisions of the First Schedule;

“Chief Executive Officer” means the officer appointed under section 7 by the Authority as Chief Executive Officer of the Authority;

“Director” means a director appointed under the First Schedule;

“financial year” means such period of twelve months as the Authority may determine to be its financial year, so, however, that the first financial year shall be the period commencing on the date this Act comes into force and ending on such date as may be determined by the Authority;

“indebtedness” means the bonds, notes, debentures or debenture stock or other borrowings by the Authority pursuant to section 11 of this Act;

“Minister” means the Minister for the time being responsible for Airports;

“Public Accounts Committee” means the Public Accounts Committee appointed under section 98 of the Constitution of Antigua and Barbuda;

“Vehicle” includes a device in, upon or by which a person or property may be propelled, moved or drawn upon land or water, and a device moved by human or animal power except for aircraft or device moved exclusively upon stationary rails or tracks.

PART II

THE AUTHORITY

3. (1) There is established by this Act a body to be called the Airport Authority which shall be a body corporate with perpetual succession and a common seal with power to purchase, take hold and dispose of land and other property, to enter into contracts, to sue and be sued in its corporate name and to do all things necessary for the purposes of this Act

Establishment and Constitution of Authority.

(2) The Authority shall be governed by a Board of Directors.

(3) The provisions of the First Schedule shall have effect as to the constitution, members, committees, operations, procedure and meetings of the Board and otherwise in relation thereto.

First Schedule.

(4) The seal of the Authority shall be authenticated in the manner prescribed in the First Schedule and shall be judicially and officially noticed.

4. (1) The functions of the Authority are to manage and administer efficiently and in a business like manner airports vested in the Authority.

Functions of Authority.

(2) Without prejudice to the generality of subsection (1) the Authority shall—

- (a) construct, develop, upgrade and improve airports and such other aviation facilities in Antigua and Barbuda;

- (b) operate airports services in accordance with this Act or regulations made thereunder;
- (c) prescribe and collect the rates, fees and charges authorised by this Act or by any regulations made thereunder;
- (d) provide and maintain facilities for the landing and departing of aircraft, the embarkation and disembarkation of passengers, the loading, unloading, storage, carriage and warehousing of goods;
- (e) provide and maintain equipment for hoisting, lifting and transportation of goods;
- (f) construct, equip and maintain runways, passenger terminals, concourses, taxiways, aprons, baggage handling equipment, parking facilities, restaurants and other passenger convenience facilities;
- (g) provide and maintain hangars, overhaul and training facilities and machine shops;
- (h) provide safety equipment, lights and beacons, firefighting services, repair services, fueling equipment, catering and cleaning services and such other services as are ordinarily required by airlines.

(3) In the performance of its functions, the Authority may engage the services of professionally qualified and experienced persons to carryout the management and other services necessary to operate and maintain the airport in an efficient and business like manner.

Vesting of certain property, rights and liabilities in the Authority.

5. (1) The Government shall not later than six months after the coming into force of this Act, transfer to the Authority such properties of the Government on such terms and conditions as the Government and the Authority may agree”.

(2) At a date to be determind by cabinet and publish by notice in the *Gazette* the benefits and liabilities of any contract for or in connection with the Airport and facilities to which the Government is a party (including any debts and debt servicing, the right to recover and receive all moneys due and payable to

the Government) and which subsist or are in force immediately before the date of coming into force of this Act, are hereby transferred from the Government to the Authority.

(3) Any proceedings upon any contract, agreement, deed, bond or other instrument to which reference is made in subsection (2) which are pending immediately before the date when this Act comes into force and to which the Government was a party shall in accordance with the provisions of subsection 2 continue as if the Authority was a party thereto in lieu of the Government.

6. (1) A director who has any interest in a company or concern with which the Board proposes to enter into a contract has interest in a proposed contract, shall disclose the nature of his interest to the Board.

Disclosure of Interest.

(2) Where a director discloses an interest in a company in accordance with subsection (1), the Secretary to the Board shall record the disclosure in the minutes of the meeting of the Board and the member making the disclosure is disqualified from participating in the deliberations or voting of the Board in relation to the proposed contract.

(3) The Cabinet shall forthwith revoke the appointment of a director who contravenes this section and the director shall pay back to the Authority any financial gain or other benefits obtained from the non-disclosure.

(4) Such financial gain or other benefits shall be recovered from such director as a debt to the Authority.

7. (1) For the purposes of carrying out its functions under this Act, the Board shall appoint a person with suitable qualifications and experience in commerce to be the Chief Executive Officer of the Authority.

Appointment of Manager and Staff of the Authority.

(2) The terms and conditions of service of the Chief Executive Officer shall be determined by the Board.

(3) Subject to the provisions of this Act and to any direction given by the Board, the duties of the Chief Executive Officer include the general administration and management of the affairs of airports in Antigua and Barbuda.

(4) The provisions of the Second Schedule shall have effect as to the officers and employees of the Authority for their appointment, dismissal, discipline and conditions of service and matters relating thereto.

Second Schedule.

(5) This section shall not apply in any case where pursuant to subsection 4(3) the Authority engages the services of professionally qualified and experienced persons to manage the Airports.

Power of Authority to delegate.

8. Subject to the provisions of this Act, the Board may delegate to any Director or committee of the Board the power and authority to carry out on its behalf such duties as the Board may determine.

Power of Minister to give policy directions.

9. (1) The Minister may, after consultation with the Chairman give to the Authority directions of a general nature as to the policy to be followed by the Authority in the performance of its functions as appear to the Minister to be necessary in the interests of Antigua and Barbuda.

(2) Where the Minister gives directions in accordance with subsection (1), the Board shall, in so far as such directions are consistent with the Act, carry out the directions of the Minister.

PART III FINANCIAL PROVISIONS

Funds and resources.

10. (1) The funds and resources of the Authority consist of the following —

- (a) moneys approved by Parliament;
- (b) moneys borrowed by the Authority under section 11 for the purpose of carrying out its functions under the Act;
- (c) fees, charges, rents, dividends, commissions and moneys received for services rendered to customers and users of airports;
- (d) profits, dividends and endowments received by the Board on behalf of the Authority.

(2) The moneys approved by Parliament under subsection (1) shall be on such terms and conditions as Parliament may determine.

11. (1) The Authority may borrow moneys required by it for the purposes authorised by this Act

Power of the Authority to borrow money.

(2) Notwithstanding the generality of subsection (1) the Authority may borrow money for the following purposes –

- (a) the performance of the functions assigned to the Authority under this Act;
- (b) the provisions of capital for the construction, development, improvement and expansion of airports;
- (c) any other expenditure properly chargeable to the capital account.

(3) Subject to the approval of Cabinet the Authority may, from time to time, borrow by way of overdraft such sums as the Authority may require for meeting its obligations and discharging its functions under this Act.

(4) The powers of the Authority to borrow money for the purposes specified in subsection (2) shall be exercisable only with the prior approval of the Cabinet as to the amount, the source of the borrowing, and the terms on which the borrowing may be effected.

(5) An approval given in any respect for the purposes of this section may be either general or limited to the particular borrowing or otherwise and may be either unconditional or subject to conditions.

(6) Where the Authority intends to borrow money on the guarantee of the Government for the construction, development, improvement and expansion of its facilities and services, the Minister shall, notwithstanding any power conferred upon the Authority under this Act, submit the proposal to the House of Representatives for prior approval.

12. (1) The funds of the Authority for any financial year shall be applied for the payment of—

Application of the funds and resources.

- (a) the salaries, management fees, remuneration and gratuities of the officers or agents, employees, technical and other advisers of the Authority, including payments for the maintenance of the Provident Fund or Pension Fund authorised by this Act;
- (b) the remuneration, fees and allowances of the directors of the Board or of any committee thereof;
- (c) working expenses, and expenditures on, or provision for, the maintenance of the property and of any of the works of the Authority, and the insurance of the same and the discharge of the functions of the Authority properly chargeable to revenue account;
- (d) loans approved by Parliament under section 10;
- (e) any indebtedness or interest on any indebtedness or charges for servicing any loans borrowed or incurred on any loan borrowed by the Authority;
- (f) any benefits and liabilities transferred to the Authority under section 5 (2);
- (g) sums required to be transferred to a sinking fund or otherwise set aside for the purpose of making provision for the payment or redemption of indebtedness incurred or the repayment of other borrowed money;
- (h) such sums as may be deemed appropriate to set aside in respect of debt service reserved or depreciation on the property of the Authority having regard to the amount set aside out of the revenue under paragraph (e);
- (i) any other expenditures authorised by the Authority and properly chargeable to revenue account.

(2) The balance of the revenue of the Authority shall be applied to the creation of a reserve fund to finance future modernization and expansion of airports in Antigua and Barbuda.

Authorised investments.

13. The Authority may, from time to time, invest the reserved funds created under section 12(2), and not immediately required

to be expended by the Authority, in securities approved by the Cabinet.

14. The Board shall, at any time it declares a profit, pay forty per centum of such profit into the Consolidated Fund.
Consolidated fund.

Board to pay portion of profits to Consolidated fund

15. (1) The fees, rates, and charges for licences and services to be levied by the Authority shall be determined by the Board

Rates, etc. chargeable by the Authority.

(2) The Board may, after consultation with the Minister, by order, prescribe such fees, rates and charges for licences and services.

(3) No charges and fees determined by the Board are enforceable until the order prescribing the fees rates and charges are published in the Gazette.

16. (1) All decisions, orders, rules and regulations relating to the financial operations of the Authority shall be made by resolution of the Authority at a meeting thereof and shall be recorded in the minutes book of the Authority.

Accounts and Audit.

(2) The Authority shall keep proper accounts and records in respect of its transactions to the satisfaction of the Minister, and shall cause to be prepared a statement in respect of each financial year.

(3) Notwithstanding any law to the contrary, the accounts of the Authority shall be audited by independent auditors to be appointed by the Authority and approved by the Director of Audit.

(4) After the end of each financial year, the Board shall as soon as the accounts of the Authority have been audited, cause a copy of the statement of accounts to be transmitted to the Minister and the Public Accounts Committee together with a copy of any report made by the auditors on that statement or on the accounts of the Authority.

(5) The Minister shall, as soon as practicable but not later than three months after receipt of every statement and report, cause a copy of every such statement and report to be laid on the table in the House of Representatives.

Authority to operate a bank account

17. (1) The Board shall by resolution open and operate an account with a bank appointed by the Board.

(2) The funds and all moneys received by the Authority shall be paid into a bank account approved by the Board, except such moneys as the Board may, by rules, determine to be retained by the accountant of the Authority for the disbursement of petty expenses.

(3) All payments out of the funds of the Authority except petty disbursements not exceeding a sum to be determined by rules made under section 19, shall be made by the accountant, or on his behalf by any other officer appointed by the Authority, in accordance with any such rules.

(4) Cheques against any bank account required to be kept or withdrawals from any savings bank account shall be signed by the accountant and countersigned by the Chairman of the Board or any member of the Board or any officer of the Authority appointed by resolution of the Board which shall be certified by the Chairman and forwarded to the bank or banks concerned.

Rules.

18. The Authority shall, by resolution, make rules in respect of the following matters—

- (a) the manner in which and the officers by whom payments are to be approved;
- (b) the bank into which the moneys of the Authority are to be paid, the title of any account with any such bank, and the transfer of one fund from one account to another;
- (c) the appointment of a member of the Board or an officer of the Authority to countersign cheques on behalf of the Chairman or in the absence of the Chairman;
- (d) the sum to be retained by the accountant to meet petty disbursements and immediate payments and the Maximum sum that may be so disbursed for any one payment;
- (e) the method to be adopted in making payments out of the funds of the Authority; and

- (f) generally as to all matters necessary for the proper keeping and control of the accounts and books and the control of the finance of the Authority.

19. (1) The Board shall, not later than thirty days after the end of each financial year, make and transmit to the Minister a report dealing generally with the activities of the Authority during the preceding financial year and containing proposals relating to the programmes it intends to carry out during the succeeding year. Annual Report.

(2) The Minister shall, as soon as practicable but not later than sixty days after the receipt of the report, cause a copy of the report to be laid on the table in the House of Representatives.

20. The Authority shall, be exempt from payment of —

- (a) income tax;
- (b) customs duties, consumption tax and other duties on all plant, machinery, appliances, apparatus, equipment and materials of every kind whatsoever imported into Antigua and Barbuda by the Authority for the purpose of carrying out its functions under this Act;
- (c) property tax under the Property Tax Act.

Exemption from customs duty, consumption tax, income tax and property tax.

PART IV

GENERAL

21. The Authority shall cause to be prepared and published in such manner as it may think fit — Tariff book etc.

- (a) a “Tariff Book” containing all matters which under this Act or any Regulations made thereunder are required to be contained therein, together with such other matters as the Minister may think fit; and
- (b) such other books and other documents as under this Act or any regulations made thereunder are required to be kept.

PART V

ACCIDENTS

Accidents to be reported.

22. Where an accident occurs at any airport, and that accident—

- (a) is attended, or is of a kind usually attended, with loss of human life or with serious injury to person or property;
- (b) involves any collision between aircraft of which one is carrying passengers; or
- (c) is of such other kind as the Minister may specify, the Chief Executive Officer or other person in charge of that airport shall, as soon as practicable, give notice of the occurrence of the accident to the Board and the Board shall forthwith report the accident to the Minister.

Inquiries into accidents.

23. The Board shall make to the Minister a report, in such form and at such intervals as the Minister may direct, of all accidents occurring at the Airport, whether or not any such accident is attended with injury to any person.

PART VI

OFFENCES

Damaging property or interfering with airport operations in a manner likely to endanger life.

24. Any person who unlawfully damages any navigational, safety or fuel storage facilities in or about any airport or interferes with the landing or take-off of aircraft at any airport in such manner as to endanger, or as might endanger the life of any person, commits an offence and liable on conviction on indictment to imprisonment for a term of ten years.

False returns.

25. Any person who makes, either knowingly or recklessly, any statement which is false in any material particular in any return, claim or other document, which is required or authorised to be made under this Act or any Regulations made thereunder commits an offence and liable on summary conviction to a fine of five thousand dollars and to imprisonment for a term of two years, or to both such fine and imprisonment.

26. Any person who, while on duty or lawfully employed on any premises of the Authority, or on any aircraft or vehicle used by or for the purposes of the Authority, endangers the safety of any other person —

Person endangering safety of operations.

- (a) by contravening of the provisions of this Act, or any regulations made thereunder; or
- (b) by contravening any lawful order, direction or rule given in writing to such person, or made in respect of his service; or
- (c) by being under the influence of alcohol; or
- (d) by any rash or negligent act,

commits an offence and liable on summary conviction to a fine of five thousand dollars and to imprisonment for a term of six months or to both such fine and imprisonment.

27. Any person who, with intent to defraud, demands or receives from any other person delivering goods for carriage or warehousing by means of the Authority or from any other person making use of the facilities provided by means of the Authority, and greater or less amount than he should demand or receive, commits an offence and liable on summary conviction to a fine of five thousand dollars and to imprisonment for a term of two years or to both such fine and imprisonment.

Person demanding improper amount.

28. Any person who—

Miscellaneous summary offences.

- (a) being a trespasser on any premises of the Authority, or upon any aircraft or vehicle used by or for the purposes of the Authority, refuses to leave such premises, aircraft or vehicle after being requested to do so by an authorised employee or a member of the Police Force;
- (b) being on any premises of the Authority, or upon any aircraft or vehicle used by or for the purposes of the Authority—
 - (i) refuses when called upon by an authorised employee or a member of the Police Force to

- give his name and address, or give a false name or address, for the purpose of avoiding prosecution; or
- (ii) is in a state of intoxication or behaves in a violent or offensive manner to the annoyance of any other person; or
 - (iii) discharges any firearm or does anything which may cause injury to any person on such premises or upon such aircraft or vehicle; or
 - (iv) commits any nuisance or act of indecency, or uses abusive or bad language; or
 - (v) without lawful excuse, contravenes any lawful direction given by any authorised employee or member of the Police Force; or
 - (vi) save with the express permission of the Board, hawks, sells or exposes for sale any article or touts, applies for or solicits customers of any description; or
 - (vii) smokes in any part of such premises, aircraft or vehicle bearing a notice that smoking is not permitted in that part;
- (c) writes, draws, or affixes any profane, obscene, indecent or abusive word, matter, representation or character upon any premises of the Authority or upon any aircraft or vehicle used by or for the purposes of the Authority;
- (d) defaces the writings on any board or any notice authorised to be maintained upon any premises of the Authority or upon any aircraft or vehicle used by or for the purpose of the Authority;
- (e) damages or without lawful excuse interferes with any property of the Authority;
- (f) being a driver or conductor of any vehicle, disobeys which upon premises of the Authority, any reason-

able directions given by any authorised employee or member of the Police Force;

- (g) fails to deliver at the earliest possible opportunity to any authorised employee any property, which there is reason to believe has been lost or forgotten or found on any premises of the Authority, or on any aircraft or vehicle used by or for the purposes of the Authority;
- (h) willfully obstructs or impedes any other person in the discharge of his duties arising out of his employment in or for the purposes of the Authority;
- (i) gives or offers to any other person money or money's worth for the purpose of avoiding payment of any sum due to the Authority; or
- (j) unlawfully removes any property of the Authority,

commits an offence and liable on summary conviction to a fine, not exceeding five thousand dollars and to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

29. (1) Any person who commits any offence mentioned in section 24, section 25, section 26, or section 27 may be arrested without warrant by any authorised employee or member of the Police Force.

Power of arrest or removal.

(2) Any person who commits any offence against this Act or any regulations made thereunder, other than an offence mentioned in subsection (1), may be arrested without warrant by any member of the Police Force if—

- (a) there is reason to believe that such person will abscond;
- (b) he refuses on demand to give his name and address; or
- (c) there is reason to believe that the name and address given by him are incorrect;

Provided that, save where there is reason to believe that such person will abscond, he shall, if his true name and address are ascertained, be released on his executing a bond without sureties for his appearance before a Magistrate when required.

(3) Any person who commits any of the offences set out in section 28 may be required by an authorised employee or a member of the Police Force to leave the premises, aircraft or vehicle, as the case may be, in which such person is at the time of the commission of the offence; and if such person fails to comply with such requirement he may be removed therefrom with such force as may be reasonably necessary in the circumstances.

Appointment of
Authorized persons
with powers
of Police.

30. (1) The Board may, by writing authorize any person including employees to maintain order upon any premises of the Authority, or in any aircraft, or vehicle used by or for the purposes of the Authority, or to carry out any other duty under this Act or Regulation.

(2) For the purpose of this Act any such authorised person may be appointed, a special constable by the Police Service Commission pursuant to section 72 of the Police Act (Cap.330) with such of the powers, authorities, immunities, duties and responsibilities as are conferred upon members of the Police force and subject only to the provisions of Sections 74, 75 and 77 of the Police Act.

Transitional provisions.

31. (1) Every person who, before the coming into force of this Act, was a public officer, shall have the option —

(a) to apply to be seconded by the Government to the service of the Authority; or

(b) to apply for employment by the Authority.

(2) A person who exercises the option in subsection (1) (b) and becomes an employee of the Authority shall cease to be a public officer from the date on which he is employed by the Board.

(3) Where a person exercises the option under subsection (1) (b) and is employed by the Authority, any pension rights or retiring award to which he may be entitled shall be placed on hold from the date on which he ceases to be a Government employee until he attains the compulsory retiring age under the Pensions Act (Cap. 311) or the Pensions (Non-Established Government Employees) Act (Cap. 310), as the case may be.

(4) Settlement of all claims made in respect of service under this section shall be executed in accordance with an agreement which shall be entered into by the Authority and the government under this subsection.

(5) The Minister may by regulations made under this Act provide for such further transitional and saving provisions to have effect in connection with the coming into operation of any provision of this Act as is necessary or expedient.

(6) Regulations made under subsection (5) may be given retrospective operation to a day not earlier than the day this Act comes into force.

(7) Subsections (5) and (6) shall expire one year after they come into force.

PART VII

REGULATIONS

32. (1) The Minister may, on the recommendation of the Board, make regulations for the management of airports and generally for carrying out the purposes of this Act. Regulations.

(2) Without prejudice to the generality of subsection (1) the Minister may make regulations –

- (a) prescribing the fees, charges and rates for services and of facilities provided by the Authority;
- (b) controlling the parking of motor vehicles at airports;
- (c) controlling, restricting or prohibiting vehicular traffic on roads, car parks or any part of an airport;
- (d) immobilising and removing vehicles which are parked without authority in places not permitted for the parking of vehicles;
- (e) prohibiting, restricting or regulating the carrying on of any trade or business within any airport;
- (f) granting licences to carry on any trade business at any airport;

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(g) prescribing fixed penalties to be paid by offenders in lieu of proceedings before the courts.

Commencement. **33.** The Minister may by Notice published in the *Gazette* appoint a day on which this Act comes into force.

FIRST SCHEDULE

Section 3(2) and (3)

Appointment of Directors. **1.** The Authority shall be governed by a Board of Directors consisting of a Chairman, a Deputy Chairman and three other persons to be appointed by the Cabinet from amongst persons appearing to the Cabinet to be qualified by reason of having had experience of and shown capacity in matters relating to trade, law, finance, science, administration, tourism, labour relations, transportation, or such other experience that may be applicable and useful in the management of the Authority.

Temporary appointments. **2.** The Cabinet may appoint any person appearing to it to have the qualifications necessary for appointment under the provisions of paragraph 1, to act temporarily in the place of any director in the case of the absence or inability to act of such director.

Chairman. **3.** In the absence or inability of the Chairman to perform the functions assigned to him under this Act, the Deputy Chairman shall perform the functions of the Chairman.

Tenure of officer. **4.** (1) A Director shall, subject to the provisions of this Act, hold office for a period of three years and at the expiration of such term may be eligible for re-appointment.

(2) The Cabinet may at any time revoke the appointment of any Director if it thinks it expedient so to do.

5. (1) Any Director, other than the Chairman, may at any time resign his office by instrument in writing addressed to the Cabinet and transmitted through the Chairman, and from the date of the receipt by the Cabinet of such instrument such director shall cease to be a director of the Authority.

(2) The Chairman may, at any time, resign his office by instrument in writing addressed to the Cabinet and such resignation

shall take effect as from the date of the receipt of such instrument by the Cabinet.

6. The names of all directors as first constituted and every change in the membership of directors shall be published in the *Gazette*.

Publication of membership.

7. (1) The seal of the Authority shall be authenticated by the signatures of the Chairman or one of the directors authorised by the Board to act in that behalf.

Authentication of seal and document.

(2) All documents other than those required by law to be under seal, made by, and all decisions of the Authority may be signified under the hand of the Chairman or any director authorised by the Board to act in that behalf.

8. (1) The Board shall meet at such times as may be necessary or expedient for the transaction of business, but shall meet at least once every month. Such meetings shall be held at such places and times and on such days as the Board may determine.

Procedure and meetings.

(2) The Chairman may at any time call a special meeting of the Board and shall call a special meeting to be held within seven days of a written request for that purpose addressed to him by any three directors.

(3) The Chairman shall preside at all meetings of the Board of Directors and in his absence the deputy chairman shall preside at any such meeting of the Board.

(4) The quorum for the transactions of business at any meeting of the Board shall be three Directors including the Chairman or the Deputy Chairman.

(5) The decisions of the Board shall be by majority vote.

(6) Minutes in proper form for each meeting shall be kept and shall be confirmed and shall be kept by the Board, as soon as practicable thereafter at a subsequent meeting. Certified copies of such minutes when so confirmed shall be forwarded to the Minister.

(7) The Board may co-opt any one or more persons to attend any particular meeting of the Board for the purpose of assisting or advising the Board, but no such co-opted person shall have any right to vote.

(8) Subject to the provisions of this Act the Board may regulate its own procedure.

(9) The validity of any proceeding of the Board shall not be affected on the ground –

- (a) of the existence of any vacancy in the membership, or of any defect in the constitution of the Board; or
- (b) of the contravention by a director of the provisions of section 6; or
- (c) of any omission, defect or irregularity not affecting the merits of the case.

Power of Board to appoint committees.

9. (1) The Board may appoint a committee to examine and report to it on any matter whatsoever arising out of or connected with any of its powers and duties under this Act.

(2) Any such committee shall consist of at least one member of the Board together with such other person, whether members of the Board or not, whose assistance or advice the Board may desire.

(3) Where persons, not being members of the Board, are members of a committee appointed under this paragraph, or where any person is co-opted under the provisions of subparagraph (7) of paragraph 8 the Board may with the approval of the Minister by resolution declare the remuneration and allowances of such persons, and such sums shall be payable out of the funds and resources of the Authority.

(4) The Board may by resolution reject the report of any such committee or adopt it either wholly or with such modifications, additions or adaptations as the Board may think fit.

Remuneration of directors.

10. There shall be paid to the Chairman and other directors such remuneration, if any, as the Cabinet may determine.

Protection of directors.

11. (1) No action, suit, prosecution, or other proceedings shall be brought or instituted personally against any member of the Board in respect of any act done *bona fide* in or execution or intended execution of this Act.

(2) Where any member of the Board is exempt from liability by reason only of the provisions of this paragraph, the Board shall be liable to the extent that it would be if the said member was a servant or agent of the Authority.

SECOND SCHEDULE

1. (1) Subject to the provisions of this Act, the Board may appoint and employ at such remuneration and on such terms and conditions as it thinks fit, an accountant and such other employees as may be necessary and proper for the due and efficient administration, management and performance by the Board of its functions under this Act.

Appointment of employees and establishment and maintenance of superannuation schemes.

(2) The Board may, with the approval of and subject to such terms and conditions as may be imposed by the Cabinet, provide for the establishment and maintenance of a Pension Scheme or a Provident Fund Scheme for the benefit of employees of the Authority, and in every such scheme different provisions may be made for different classes of employees.

2. (1) The emoluments of any public officer who is in the service of the Authority shall, at the end of every month after the commencement of this Act, be paid into the Consolidated Fund by the Authority for the benefit of such public officers.

Payment by Authority to government in respect of emoluments and pensions, etc.

(2) The sums payable as contributions by Government under the Social Security Act and the Medical Benefits Act in respect of such public officers shall at the end of every month after the commencement of this Act be paid into the Consolidated Fund by the Authority and such sums shall be paid by Government to the respective Statutory Authorities.

(3) The Board shall, within three months after the end of each financial year, pay to the Government in respect of such public officers as a contribution to the pension and other rights of such public officers under the Pension Act and the Pensions (Non-Established Government employee) Act such sum or sums of money as would have been due by Government in respect of the accruing pension and other rights of such public officers under the Pension Act or the Pensions (Non-Established Government Employees) Act had such public officers not been in the service of the Authority.

Cap. 310.
Cap. 311.

ANTIGUA 22 *The Airport Authority Act, 2006.* No. 17 of 2006.
AND
BARBUDA

Passed by the House of Representatives
this 11th day of September, 2006.

Passed by the Senate this
13th day of October, 2006.

D. Giselle Isaac-Arrindell,
Speaker.

Hazlyn M. Francis,
President.

Yvonne Henry,
Clerk to the House of Representatives.

Yvonne Henry,
Clerk to the Senate.

Printed at the Government Printing Office, Antigua and Barbuda,
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— By Authority, 2006.

No. 17 of 2006.

The Airport Authority Act, 2006.

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ANTIGUA
AND
BARBUDA

ANTIGUA AND BARBUDA
THE AIRPORT AUTHORITY ACT 2006
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