
CHAPTER 267
BRIDGE AUTHORITY

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CHAPTER 267
BRIDGE AUTHORITY

An Act to repeal the Paradise Island Bridge Authority Act, 1988 while providing for the continuity of the Bridge Authority as a statutory authority with greater powers and for matters incidental thereto.

*9 of 1998
14 of 2013
26 of 2014*

[Assent 25th June, 1998]

[Commencement 26th June, 1998]

1. This Act may be cited as the Bridge Authority Act. Short title.
2. In this Act, “Minister” means the Minister responsible for Public Works. Interpretation.
3. (1) The body corporate established under section 3 of the Paradise Island Bridge Authority Act as the Paradise Island Bridge Authority is preserved and continues in existence as a body corporate for the purposes of this Act and is to be known after this Act comes into force as the Bridge Authority. The Bridge Authority.
16 of 1988.
 - (2) The Schedule has effect with respect to the constitution and proceedings of the Bridge Authority. Schedule.
4. The functions of the Bridge Authority are — Functions of the Bridge Authority.
 - (a) to own, manage, maintain and operate the bridge connecting Paradise Island and New Providence and known as the Paradise Island Bridge;
 - (b) to own, construct, manage, maintain and operate an additional bridge connecting Paradise Island and New Providence;
 - (c) to cause such improvements to its bridges connecting Paradise Island and New Providence as the Bridge Authority sees fit.
5. (1) The Bridge Authority has the power for the purpose of carrying out its functions to do all such acts as appear to it to be requisite, advantageous or convenient for or in connection with the carrying out of its functions or to be incidental to its proper discharge and may carry on any activities in that behalf either alone or in association with any other person. Powers of the Bridge Authority.

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- (2) Without limiting the generality of subsection (1), the Bridge Authority has power —
- (a) to construct an additional bridge connecting Paradise Island and New Providence and to acquire all interests and liabilities held by the Government of The Bahamas under a contract made between the Government of The Bahamas and Interbeton Limited, a company incorporated under the laws of The Netherlands, for the design and construction of the bridge connecting Paradise Island and New Providence, and all interests held by the Government of The Bahamas or any interests acquired by the Government of The Bahamas in any property appurtenant to and necessary for the construction and use of the bridge shall vest in and be held by the Bridge Authority for the construction and use of the bridge;
 - (b) to control the movement of pedestrian or vehicular traffic over its bridges as the Bridge Authority considers necessary in the public interest and to regulate the passage of any person or type or class of vehicular traffic; and
 - (c) subject to the approval of the Minister, by notice published in the *Gazette*, to impose a toll or charge in respect of the passage of any person or vehicle over its bridges.
- (3) The Bridge Authority may, subject to the approval of the Minister by notice published in the *Gazette*, vary the toll or charge in respect of the passage of any person or vehicle over its bridges.

Funds and
resources of the
Bridge
Authority.

- 6.** (1) The funds and resources of the Bridge Authority shall consist of —
- (a) any moneys as from time to time are provided by Parliament;
 - (b) any moneys as from time to time accrue to the Bridge Authority from the management of its bridges;

- (c) any moneys as from time to time are borrowed by the Bridge Authority or raised by the Bridge Authority pursuant to section 9;
- (d) any moneys as from time to time are advanced to the Bridge Authority pursuant to section 10.

(2) Funds and revenues of the Bridge Authority shall be applied in the discharge of all expenditure properly incurred in the carrying out of the functions mentioned in section 4, in the repayment of any sums borrowed under section 9, and any interests payable in respect of those sums, in the payment of interest on bonds and dividends on shares and stock issued under section 9, for disbursements towards the remuneration and allowances to the officers, employees and members of the Bridge Authority, to capital improvements, including repairs and renovations, to repayment of any advance made under section 10 and the payment of any sums issued in fulfilment of any guarantee given under section 10 as determined by the Bridge Authority.

7. (1) Subject to subsection (2), the Bridge Authority shall at the end of each financial year pay into the Consolidated Fund all excess of revenue over expenditure standing to the credit of the Authority.

Surplus funds.
14 of 2013, s. 2.

(2) The Minister of Finance may, at the end of the financial year, authorise the Authority to reserve from surplus funds for current budgetary purposes or otherwise such sums, if any, as the Minister may determine.

8. (1) The Bridge Authority shall establish a reserve fund.

Reserve Fund.

(2) The management of the reserve fund and the application thereof, shall be as the Bridge Authority may determine, but no part of the fund shall be applied otherwise than for the purposes of the Bridge Authority.

9. (1) The Bridge Authority may, with the prior approval of the Minister after the Minister has consulted with the Minister of Finance, borrow or raise capital required by it for meeting any of its obligations or discharging any of its functions and may in respect of any borrowing issue debentures, debenture stock or raise capital by the issue of bonds, shares or stock of such class and value and upon such terms as the Bridge Authority may deem expedient.

Borrowing and
raising capital.

(2) An approval given for the purposes of subsection (1) may be either general or limited to a particular borrowing or otherwise and may be either unconditional or subject to conditions.

(3) The Bridge Authority may, with the prior approval of the Minister, make regulations to provide for such matters in connection with bonds, shares, stock, debentures or debenture stock issued under this Act as may appear necessary or expedient to the Bridge Authority, and, in particular, for regulating the method of issue, transfer, redemption, or other dealing with such bonds, shares, stock, debentures or debenture stock.

10. (1) Subject to subsection (3), the Minister of Finance may make advances to the Bridge Authority for the purposes of enabling the Bridge Authority to defray expenditure properly chargeable to its capital account, including provision of working capital.

(2) Subject to subsection (3), the Minister of Finance may guarantee, in writing on any such conditions as he thinks fit, the repayment of the principal of, and the payment of interest and other charges on any authorised borrowings of the Bridge Authority made under section 9.

(3) No advance shall be made and no guarantee shall be given under this section unless prior approval thereof has been signified by the House of Assembly in accordance with section 18 of the Financial Administration and Audit Act.

(4) Where a sum is paid pursuant to a guarantee given under this section, the Minister of Finance shall as soon as possible after the end of each financial year beginning with that in which the sum is issued and ending with that in which all liability in respect of the principal of the sum and in respect of interest thereof is finally discharged, lay before the House of Assembly a statement relating to that sum.

(5) A sum required by the Minister of Finance for making an advance and discharging a guarantee under this section shall be charged on and issued out of the Consolidated Fund.

Advances and
guarantee of
borrowings by
the Government
of The Bahamas.

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11. (1) The Bridge Authority shall make to the Minister of Finance at such times and in such manner as the Minister of Finance may direct, payments of any amount as may be so directed in or towards repayment of an advance made to the Bridge Authority under section 10 and of any sums issued in fulfilment of a guarantee given under section 10 and payments of interest on what is outstanding for the time being in respect of any sums so issued at such rate as the Minister of Finance may direct, and different rates of interest may be directed with respect to different periods.

Payment of, and interest on advances and sums issued to meet guarantee.

(2) The Minister of Finance shall lay before the House of Assembly a statement of any payments due from the Bridge Authority under subsection (1) that is not duly paid to him as required thereunder.

12. (1) The Bridge Authority shall keep proper accounts and other records in relation thereto, and shall prepare in respect of each financial year of the Bridge Authority a statement of accounts in such form as the Minister may direct.

Accounts and audit.

(2) The accounts of the Bridge Authority for each financial year shall be audited by an auditor appointed by the Minister.

(3) Three months after the end of each financial year, the Bridge Authority shall submit a copy of the audited accounts to the Minister together with a copy of any report made by the auditor.

(4) The Minister shall lay a copy of the audited accounts before each House of Parliament, together with a copy of any report made by the auditor on the accounts.

13. (1) A person who —

- (a) refuses to pay a charge imposed by the Bridge Authority for use of its bridges and for which he has become liable to pay;
- (b) obstructs in any manner the movement of vehicular or pedestrian traffic over one of The Bridge Authority's bridges; or
- (c) damages or causes to be damaged any part of a bridge or any other property of the Bridge Authority situated at or adjacent to a bridge,

Offences.

commits an offence and is liable on summary conviction to a fine of one thousand dollars.

(2) Where a person commits an offence under subsection (1) which results in damage to or loss by the Bridge Authority, the court may upon conviction in addition to any other penalty, order the offender to pay the Bridge Authority such sum as the court sees fit and the sum awarded shall be without prejudice to any other remedy provided by any other law and may be recovered by the Bridge Authority as a civil debt in a court of summary jurisdiction notwithstanding the amount.

Transfer of assets.

14. (1) The movable and immovable property and undertakings owned by the Paradise Island Bridge Company Limited immediately before the date of the coming into force of this Act shall by virtue of this Act be transferred to and vested in the Bridge Authority.

(2) The transfer and vesting aforesaid shall extend to the whole of such movable and immovable property and undertakings and shall include assets, powers, rights, and privileges and all things necessary or ancillary thereto which are held or enjoyed in connection therewith or appertaining thereto, as well as all obligations affecting or relating to any of the aforesaid movable and immovable property or undertakings.

Transitional provisions.

15. (1) Anything done under a written law repealed by this Act that could have been done under a corresponding provision of this Act, shall not be invalidated by the repeal but shall have effect as if done under that provision.

(2) Where a document refers expressly or by implication to the repealed Act, the reference shall, except where the context otherwise requires, be construed as a reference to the corresponding provision of this Act.

SCHEDULE (Section 3(2))

A Body Corporate

Incorporation.

1. (1) The Bridge Authority shall be a body corporate established for public purposes having perpetual succession and a common seal, with power to purchase lease or otherwise acquire and hold and dispose of land and other property of whatsoever kind.

(2) The Bridge Authority may sue and be sued in its corporate name and may for all purposes be described by such name, and service upon the Bridge Authority of any document of whatsoever kind must be made by delivering the document to or sending it prepaid registered post

addressed to the secretary of the Bridge Authority at the office of the Bridge Authority.

(3) All property acquired or becoming vested in the Bridge Authority shall be held by the Bridge Authority in trust for Her Majesty in right of Her Government of the Commonwealth of The Bahamas for public purposes.

2. (1) The seal of The Bridge Authority shall be kept in the custody of an officer of the Bridge Authority as the Bridge Authority may approve, and may be affixed to instruments pursuant to a resolution of the Bridge Authority and in the presence of the chairman or the deputy chairman and one other member. Seal.

(2) All documents, other than those required by law to be made under seal and all decisions of the Bridge Authority may be signified under the hand of the chairman or deputy chairman.

3. The Bridge Authority is exempt from liability for any tax, duty, rate, levy or other charge which solely relates to the maintenance and rehabilitation of the east and west bridges of Paradise Island. 26 of 2014, s. 2.

Chairman and Member

4. The Bridge Authority shall consist of seven persons appointed by the Governor-General from among persons appearing to have had wide experience of, and shown capacity in industrial, commercial and financial matters. Constitution of the Bridge Authority.

5. Subject to paragraphs 8 and 9, a member of the Bridge Authority shall hold office for such period, not exceeding three years, as the Governor-General may direct in the instrument appointing such member, but such member shall be eligible for re-appointment. Tenure of Office.

6. The Governor-General shall appoint a chairman and deputy chairman of the Bridge Authority from among members and, if the chairman is absent or unable to act, the deputy chairman shall act as chairman during the time such absence or inability continues. Chairman and deputy chairman.

7. The Governor-General may by instrument in writing appoint a suitable person as a member of the Bridge Authority to act temporarily in the place of any member of the Bridge Authority in the case of the absence or inability of such member to act. Temporary appointment to the Bridge Authority.

8. (1) A member of the Bridge Authority other than the chairman may at any time resign his office by instrument in writing addressed to the chairman, who shall forthwith cause it Resignation.

to be forwarded to the Governor-General and, from the date of the receipt by the Governor-General of the instrument, the member shall cease to be a member of the Bridge Authority.

(2) The chairman of the Bridge Authority may at any time resign his office by instrument addressed to the Governor-General and, from the date of the receipt by the Governor-General of the instrument, the chairman shall cease to be chairman or a member of the Bridge Authority.

Removal. **9.** The Governor-General may by instrument in writing revoke the appointment of any member of the Bridge Authority if the Governor-General thinks it expedient so to do.

Publication. **10.** The appointment, removal, death or resignation of a member of the Bridge Authority shall be notified in the *Gazette*.

Remuneration. **11.** There shall be paid from the funds of the Bridge Authority to the chairman and other members of the Bridge Authority such remuneration, if any, whether by way of honorarium, salary or fees, and such allowances, if any, as the Minister may determine.

Proceedings

Meetings. **12.** (1) The Bridge Authority shall meet at such times as may be necessary or expedient for the transaction of business, and such meetings shall be held at such places and times and on such days as the chairman may determine.

(2) The chairman, or in his absence, the deputy chairman shall preside at all meetings of the Bridge Authority.

(3) The chairman, or in his absence, the deputy chairman and three other members of the Bridge Authority shall form a quorum.

(4) The decisions of the Bridge Authority are by a majority of votes and, in addition to an original vote, in any case in which the voting is equal the chairman or the deputy chairman presiding at the meeting has a casting vote.

(5) Minutes in proper form of each meeting are to be kept by the secretary or any officer the Bridge Authority may appoint for that purpose, and confirmed by the Bridge Authority at the next meeting and signed by the chairman or the deputy chairman as the case may be.

(6) The Bridge Authority may co-opt any one or more persons to attend any particular meeting of the Bridge Authority for the purpose of assisting or advising the Bridge Authority in

any matter with which the Bridge Authority is dealing, but no co-opted person has the right to vote.

(7) The validity of any proceedings of the Bridge Authority shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

13. Subject to this Schedule the Bridge Authority has the power to regulate its own proceedings.

The Bridge Authority to regulate own proceedings.

Staff

14. (1) The Bridge Authority may appoint and employ on such terms and conditions as it thinks fit, any officer, servant or agent that the Bridge Authority considers necessary for the proper carrying out of the provisions of this Act.

Appointment of staff.

(2) Notwithstanding subsection (1), the Minister may appoint and employ on such terms and conditions as the Minister thinks fit, a chief administrative officer and a financial officer.

15. (1) Where a public officer holding a pensionable office under the Government of The Bahamas, ceases to be the holder of that office by reason of his transfer with his consent to the service of the Bridge Authority and that person subsequently retires from the service of the Bridge Authority in such circumstances that, had he remained a public officer, he would have been eligible for pension under the Pensions Act, then in any such case subsections (2) and (3) shall have effect.

Pension of persons transferred from public service to the Bridge Authority.

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(2) A pension payable to a person mentioned in subsection (1) by the Bridge Authority to whose service he has been transferred shall be calculated and granted to him in respect of his total service under the Government of The Bahamas and with the Bridge Authority taken together and such service shall be reckoned as continuous for pension purposes.

(3) There shall be payable out of the Consolidated Fund upon the warrant of the Minister of Finance to the Bridge Authority a contribution to every pension paid in accordance with subsection (2), such amounts as would have been payable to the person concerned by way of pension under the Pensions Act, if that person had retired from the public service and if he has been granted a pension under the Pensions Act upon the date of his ceasing to be a public officer.

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Pensions, etc.

16. (1) The Bridge Authority may, as regards any officer, servant or agent in whose case it may be determined by the Bridge Authority, with the approval of the Minister of Finance, to make provision for the payment on the death, injury or retirement of that officer, servant or agent, pension, gratuity or other like benefit, pay or provide for the payment of that pension, gratuity or other like benefit to the officer, servant or agent or to others by reference to their service as may be determined.

(2) Provision for pensions, gratuities or other like benefits under this section may be either by contributory or non-contributory arrangements or partly by the one or by the other.