
CHAPTER 223**DERELICT MOTOR VEHICLES (DISPOSAL)**

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CHAPTER 223

DERELICT MOTOR VEHICLES (DISPOSAL)

An Act to provide for the removal and disposal of abandoned and disused motor vehicles and for other purposes connected therewith.

*11 of 1967
3 of 1968
15 of 1973
5 of 1987
30 of 2014*

[Commencement 25th April, 1967]

1. This Act may be cited as the Derelict Motor Vehicles (Disposal) Act. Short title.
2. In this Act, unless the context otherwise requires — Interpretation.
- “abandoned vehicle” means a licensed or unlicensed vehicle that is left upon any road, open space or any other public place for a period of five days or more; *30 of 2014, s.2.*
- “derelict vehicle” means an unlicensed vehicle that is found on any premises and which has been allowed to deteriorate in structure or quality unsuitable for reasonable repair, and exhibits damage such as a missing wheel, two or more deflated tyres, broken or missing front, rear or side windshield, stripped of component parts such a doors, front or rear hood, or bumper, missing licence disk and licence registration plate, no valid licence for one year or more an a general condition that is conducive to the harborage or breeding of rodents, insects or other vectors of public health importance; *30 of 2014, s.2.*
- “Director” means the Director of Environmental Health Services; *15 of 1973, Sch.*
- “Minister” means the Minister responsible for Environmental Control; *15 of 1973, s. 2.*
- “occupier” in relation to land means the person in actual possession thereof or, if there is no such person, then whoever is entitled to such possession and in the case of land of which no person is currently in actual possession the person in whom the fee simple thereof is vested shall be deemed to be entitled to such possession unless he proves the contrary;

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- 30 of 2014, s.2. “open space” means a developed or undeveloped parcel of land of varying dimensions of private or public ownership;
- Ch. 220. “owner” means, in relation to a vehicle which has been registered under the Road Traffic Act, the person in whose name or on whose behalf the vehicle was last so registered;
- “road” means any highway or any other road to which the public has access, and includes any part of a road and any bridge over which a road passes;
- “public place” includes any open space to which for the time being the public has access, and includes any public way, wharf or foreshore or the cartilage of any public building;
- “vehicle” means any motor vehicle or motor cycle as these terms are defined in the Road Traffic Act.
- 30 of 2014, s.2. “vehicle pound” means a secure area reserved for the temporary storage of abandoned or derelict vehicles over which the Director has access and control.
- Removal of abandoned or derelict vehicle.
30 of 2014, s.3.
- 3.** (1) Where it appears to the Director or any other person authorised by the Minister that a vehicle has been abandoned or is derelict upon any road, open space or any other place, the Director or any other person authorised by the Minister may cause a notice in writing to be served on the owner of such vehicle or, in case the owner is not known or cannot be found, may cause such a notice to be affixed to such vehicle, requiring that the vehicle be removed within one week from the date when the notice is so served or affixed.
- (2) Notwithstanding subsection (1), where a derelict vehicle, in the opinion of the Director, represents a grave or imminent danger to public health or safety, the Director may cause such a vehicle to be immediately removed and disposed of as the Director determines, at the owner’s expense.
- (3) In the case of an abandoned vehicle bearing a valid current licence issued under the Road Traffic Act, if the owner is not served personally with a copy of the notice under the provisions of this subsection, in addition to affixing the notice to the vehicle the Director shall advertise notice of intention to take action in respect of the
- Ch. 220.
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vehicle under this Act, in two newspapers circulating within The Bahamas.

(4) Where a vehicle to which subsection (1) applies is not removed within the period of one week or any extension thereof authorised by the Director in any particular case, the Director may cause the vehicle to be removed to a vehicle pound, and held for a period of ten days, in the case of an abandoned vehicle.

(5) In the case of an abandoned vehicle bearing a valid current licence issued under the Road Traffic Act, during the ten day period referred to under subsection (4), the Director shall post on the Government website, or at the Department of Environmental Health Services and advertise in at least two newspapers circulating within The Bahamas, the intention to dispose of such vehicle if not claimed and removed within the period specified in this subsection; and in respect of a derelict vehicle, the Director may have the vehicle disposed of at the owner's expense.

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(6) The owner of a vehicle removed to the vehicle pound may, within the period specified in subsection (4), take possession of the vehicle upon payment of the prescribed fees to the Department of Environmental Health Services for the removal of the vehicle to the vehicle pound.

(7) The owner of any such vehicle not claimed and removed from the vehicle pound within the time specified in subsection (4) shall be deemed at the expiration of such time to have renounced all right and title to the said vehicle and to any articles therein, upon or affixed to the same, and the vehicle and all its equipment and any such articles shall be deemed to be *bona vacantia*.

(8) No claim or proceedings or right of action whatsoever by the owner, or former owner, of any vehicle to which this section applies, shall lie against the Director or any other person acting on orders of the Director in respect of the removal or disposal of such vehicle in accordance with this Act.

4. (1) Upon request made by the occupier of any land and upon payment by the said occupier of the prescribed fee, the Director may arrange for the removal and disposal of any derelict or abandoned vehicle found on such land.

Removal of abandoned or derelict vehicle from private property.

30 of 2014, s.4.

(2) Notwithstanding subsection (1), where the occupier of the land satisfies the Director that he is not the

owner of the vehicle concerned and that it has been placed on the land without his consent, he may not be required to pay the prescribed fee for removal thereof, but in such case the provision of section 3 of this Act shall apply as if the vehicle had been found derelict or abandoned in a public place.

Unauthorised use
of land for
storage of
abandoned or
derelict vehicles.
Ch. 255.
30 of 2014, s.5.

5. (1) In any case in which any land is used as a place upon which to deposit in the open, any derelict or abandoned vehicle, and such use of the land has not been sanctioned under the Planning and Subdivision Act, the Director may serve a notice upon the owner of such land requiring that the vehicles be removed within a period of one week or such longer period as the Director may specify, and if the occupier of the land does not comply with the requirement of such notice, the provisions of section 3 shall apply as if the vehicles had been found derelict or abandoned in a public place.

(2) For the purposes of section 3, in a case to which this subsection applies, the occupier of the land shall be deemed to be the owner of the vehicles.

(3) In any case to which subsection (1) applies and in which the occupier of the land concerned is not known or cannot be found, it shall be sufficient service upon such person if the Director causes copies of the said notice to be affixed to the vehicles concerned and also causes a copy thereof to be affixed in a conspicuous place at or near the apparent entrance to the land.

Ch. 255.

(4) This section shall be in addition to and without prejudice to the Planning and Subdivision Act, and the removal of any vehicle from any land under this Act shall not prejudice or bar any proceedings against the owner or occupier of the land in respect of any breach of the Planning and Subdivision Act.

Ch. 255.

Appeals.
15 of 1973, Sch.

6. (1) Subject to the provisions of subsection (2) of this section, the owner of any vehicle to which section 3, 4, or 5 of this Act applies may lodge an appeal to the Supreme Court, against any notice served upon him or affixed to any vehicle by the Director under the provisions of any of the said sections, within ten days of the date when such notice is so served or affixed and any such appeal shall be made in such manner as may be provided by rules made under section 76 of the Supreme Court Act.

Ch. 53.

(2) An appeal under subsection (1) shall only lie upon the ground that the vehicle is not derelict, has not been abandoned or, in a case to which the provisions of section 5 of this Act apply, that the vehicle is on land which has been authorized for the storage of abandoned or derelict vehicles under the Planning and Subdivision Act, and it shall be a condition of lodging such appeal that the appellant shall have given to the Director security for the prescribed fees for the removal and disposal of the said vehicles if the appeal does not succeed, which security shall forthwith be repaid by the Director to the appellant if the appeal is allowed by the court.

30 of 2014, s.6.

Ch. 255.

(3) The lodging of an appeal under the provisions of this section shall have effect as a stay of all further action by the Director for the removal and disposal of the vehicle concerned until such time as the appeal shall have been determined.

7. Nothing in this Act shall be construed as being in derogation of any powers under the Road Traffic Act, or any rules made thereunder, or any other law for the time being in force relating to roads or vehicles, to bring any proceedings against any person who causes an unnecessary obstruction with any vehicle or for the removal of such obstruction.

Act not to derogate from powers under other law in respect of obstruction.

Ch. 220.

8. The Minister shall be responsible for ensuring that suitable equipment is made available to the Director to enable him to discharge his duties under the provisions of this Act, and the Minister may give to the Director directions of a general nature for the better carrying out of the purposes of this Act.

Responsibility and powers of the Minister.

15 of 1973, Sch.

Offences and
recovery of fees.

15 of 1973, Sch.

30 of 2014, s.7.

30 of 2014, s.7.

9. Any person who, being the owner of a vehicle to which the provisions of section 3, 4 or 5 of this Act apply, fails to remove the vehicle in accordance with the terms of a notice served upon him or affixed to the vehicle under the provisions of this Act shall be guilty of an offence and shall be liable on summary conviction before a magistrate to a fine of five hundred dollars and to a further fine of eighty dollars for each day during which the offence continues; and the court recording the conviction against such person shall order him to pay to the Director the prescribed fee for the removal and disposal of the said vehicle and the payment of such fee, in case of default, may be enforced in like manner to the payment of a fine.

Rules.

10. The Minister may make rules generally for the purpose of this Act and for prescribing anything which is required to be prescribed and without derogation from the generality of the foregoing power such rules may provide

- (a) scales of fees for the removal and disposal of vehicles which are removed and disposed of under the provisions of this Act; and
- (b) the procedure to be used for removal and disposal of vehicles.

Family Island
Administrator
may act for
Director.

3 of 1968, s. 2.;
15 of 1973, Sch.
30 of 2014, s.9.

11. The Minister may by writing under his hand authorise the Administrator of any Family Island district to exercise within that district all or any of the powers vested in the Director by this Act, and the exercise of those powers by any such Administrator shall then operate as if the same had been exercised by the Director.