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**CHAPTER 287****AIRPORT AUTHORITY**

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FIRST SCHEDULE

SECOND SCHEDULE



## CHAPTER 287

## AIRPORT AUTHORITY

**An Act to provide for the establishment of a body corporate to be known as the Airport Authority, for the functions and powers of the Authority and for matters incidental thereto.**

*6 cf 2000*  
*SI 33/2006*  
*SI 26/2007*  
*38 cf 2007*  
*26 cf 2008*

*[Assent 23rd February, 2006]*  
*[Commencement 1st May, 2006]*

1. This Act may be cited as the Airport Authority Act. Short title.

2. In this Act — Interpretation.

“airport” means a defined area of land or water intended or designated to be used wholly or partly for landing, departure, movement and servicing of aircrafts and any buildings, installations and equipment (excluding air traffic control installations and equipment) on or adjacent to the area of land or water and used for such or related purposes and specified in the First Schedule;

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

“financial year” means a period of twelve months ending on the 30th day of June;

“Minister” means the Minister responsible for the Airport Authority; and

“officer” and “employee” includes a public officer transferred to the Authority.

3. (1) There is hereby established a body corporate, to be known as the Airport Authority to which shall be transferred an airport specified in the First Schedule.

Establishment of Authority.  
 First Schedule.

Second Schedule.

(2) The Second Schedule shall have effect with respect to the constitution and proceedings of the Authority and otherwise in relation thereto.

Appointment of Management.

**4.** (1) The Authority shall, after consultation with the Minister, appoint and employ at such remuneration and on such terms and conditions as it thinks fit, a General Manager who shall be charged with responsibility for the operations and maintenance of the airport.

(2) The Authority shall also appoint and employ at such remuneration and on such terms and conditions as it thinks fit —

- (a) a Deputy General Manager and such other officers whose responsibilities will include finance, administration, operations, facility and fleet maintenance, safety, marketing, commercial services, public relations, sanitation and environmental services; and
- (b) a Director of Security who shall be charged with the maintenance of security at the airport.

(3) Whenever the General Manager is absent from The Bahamas or is for any reason unable to exercise the powers conferred or perform the duties of his office, the Deputy General Manager shall exercise those powers and perform those duties.

Appointment of staff.

**5.** The Authority may appoint and employ at such remuneration and on such terms and conditions as it thinks fit, a secretary, and any officers, servants or agents it considers necessary to carry out its functions.

Functions of the Authority.

**6.** (1) The functions of the Authority shall be —

- (a) to manage, maintain and operate the airport;
- (b) to operate or cause the airport to be operated as a commercially viable entity;
- (c) to provide airport security;
- (d) to provide aircraft ground handling services;
- (e) to develop and implement a master airport development plan; and
- (f) to provide fire services for the airport.

*38 cf 2007, s 2*

(2) Notwithstanding section 8, the Authority may, with approval of the Minister, engage an independent contractor or independent contractors to perform any or

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all of the functions granted to the Authority pursuant to this Act.

7. (1) The Authority shall have such power as may be requisite or incidental for or in connection with the performance of its functions. Powers of the Authority.

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

(a) may construct, alter and maintain buildings at the airport;

(b) may purchase land or buildings;

(c) may grant leases, or other interests or concessions in respect of land or buildings within the airport and its environ on such terms and conditions and subject to the payment of rent or other consideration as the Authority may think fit;

(d) may, impose charges and fees for use of the airport and its facilities; 26 cf 2008, s 2

(e) shall, notwithstanding the provisions of the Road Traffic Act, be responsible for the control of traffic on all roads within the perimeter of the airport. Ch. 220.

8. (1) The Authority may delegate to any of its members or employees the power and authority to perform on its behalf such functions and to exercise such powers as the Authority may determine. Power to Delegate.

(2) A delegation under subsection (1) shall be revocable at will and shall not preclude the Authority from performing the functions and exercising the powers so delegated.

9. Except in connection with the imposition by the Authority of charges and fees pursuant to paragraph (d) of subsection (2) of section 7, the Minister may give to the Authority directions of a general or of a specific nature as to the policy to be followed by the Authority in the performance of its functions as appear to the Minister to be requisite in the public interest and the Authority shall give effect to these directions. Directions.  
26 cf 2008, s 3

Funds and  
resources of the  
Authority.

**10.** The funds and resources of the Authority shall consist of —

- (a) any moneys as from time to time accrue to the Authority from its operations, including advertising fees, airbridge fees, aircraft ground handling service fees, aircraft parking fees, car-park fees, catering fees, concessions fees, landing fees, refuelling royalty fees, rent, or other prescribed payments;
- (b) any moneys as from time to time are provided by Parliament;
- (c) any moneys as from time to time are borrowed by the Authority pursuant to section 11; and
- (d) any moneys and property as from time to time may in any manner be lawfully paid to or vested in the Authority.

Borrowing  
powers.

**11.** (1) The Authority may borrow sums required by it for meeting any of its obligations incurred in, or for, the performance of its functions and in that behalf but without prejudice to any other manner or form of issuing securities, the Authority may issue bonds, debentures or other securities in such form as the Authority with the approval of the Minister, determines.

(2) The power of the Authority under subsection (1) to borrow shall be exercisable only with the approval of the Minister given with the consent of the Minister of Finance as to the amount, the sources of the borrowing and as to the terms on which the borrowing may be effected except that where the borrowing is of an amount not in excess of five million dollars the consent of the Minister of Finance shall not be required under this subsection unless at the respective date the aggregate liability of the Authority ensuing from borrowing without such consent is or would be in excess of that amount.

(3) An approval given in any respect for the purposes of subsection (2) may be either general or limited to a particular borrowing or otherwise.

Guarantee of  
loan to  
Authority.

**12.** (1) Subject to subsection (2), the Minister of Finance may, on behalf of the Government, at the request of the Minister guarantee in such manner and on such conditions as he thinks fit the repayment of the principal of, and the payment of interest and other charges on, any authorised borrowing of the Authority.

(2) No guarantee shall be given for the purposes of subsection (1) unless prior approval thereof has been signified by the House of Assembly in accordance with section 17 of the Financial Administration and Audit Act. Ch. 359.

(3) Where the Minister of Finance is satisfied that there has been default in the repayment of any moneys guaranteed under subsection (1), he shall direct the payment out of the Consolidated Fund of the amount in respect of which there has been such default and such payment shall be a charge on the Consolidated Fund.

(4) Where any sum is issued from the Consolidated Fund for fulfilling 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 under the guarantee is finally discharged, lay before the House of Assembly a statement relating to that sum.

**13.** (1) The Authority shall make to the Minister of Finance at such times and in such manner as the Minister may, with the approval of the Minister of Finance direct, payment of such amounts as may be directed in or towards the repayment of such sums issued in fulfilment of any guarantee given under section 12, and payments of interest on what is outstanding for the time being in respect of any sums so issued at such rate as may be so directed; and different rates of interest may be directed as respects different sums and as respects interest for different periods. Repayment by the Authority of sums issued to meet guarantees.

(2) The Minister shall lay before the House of Assembly a statement of any payment due from the Authority under subsection (1) which is not paid as required.

**14.** Where any bonds, debentures or other securities are issued pursuant to the power conferred upon it by section 11, the Authority — Securities issued by the Authority.

- (a) shall establish a sinking fund for the redemption of any bonds, debentures or other securities so issued;
- (b) may postpone sinking fund contributions for such periods and subject to such conditions as may be approved by the Minister with the consent of the Minister of Finance; and

- (c) may enter into arrangements with any persons as regards the issuing and marketability of such bonds, debentures or other securities and the keeping of any records, or the carrying out of any of the services in relation thereto.

Surplus funds

**15.** At the end of each financial year, any moneys standing to the credit of the Authority and not required for any current purpose or for the sinking fund's requirements may from time to time either be carried to any reserve fund established under section 16 or be invested by the Authority in securities approved by the Minister after consultation with the Minister of Finance; and the Authority may from time to time, with the approval of the Minister and the Minister of Finance, sell any or all of such securities.

Reserve Fund

**16.** (1) The Authority shall establish a reserve fund.

(2) Subject to section 15, the Authority may determine the management of the reserve fund, the sum to be carried from time to time to the credit of the fund and the application of the reserve fund.

(3) No part of the reserve fund shall be applied otherwise than for the purposes of the Authority.

(4) Subject to section 15, the power of the Minister to give directions to the Authority pursuant to section 9 shall extend to the giving of directions to the Authority as to any matter relating to the establishment or management of the reserve fund or the application of the reserve fund.

Balancing of  
revenue account,  
and surplus  
revenue

**17.** (1) The Authority shall discharge its functions so as to ensure that its revenues are not less than sufficient to meet all sums properly chargeable to its revenue account, including, with out prejudice to the generality of this provision, provision in respect of its obligations under section 15 and this section, taking one year with another.

(2) Any excess of the revenue of the Authority for any financial year over the sums properly chargeable to its revenue account for that year including the provisions referred to in subsection (1) shall be applied by the Authority for such purposes as the Authority may determine.

(3) The Authority shall prepare for each new financial year an annual budget of revenue and expenditure which shall be submitted at least two months prior to the commencement of the financial year to the Minister.



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**18.** (1) The Authority shall keep proper accounting and other records in relation to the operations of the airport, and shall prepare in respect of each financial year, financial statements.

Accounts and audits

(2) The financial statements of the Authority for each financial year shall be audited by an auditor appointed by the Authority with the prior approval of the Minister.

(3) Four months after the end of each financial year the Authority shall submit a copy of the audited financial statements to the Minister, together with a copy of the auditor's report.

(4) The Minister shall lay or cause to be laid a copy of such audited financial statements before each House of Parliament, together with a copy of the auditor's report.

**19.** (1) The Authority shall, as soon as possible after the expiration of each financial year or in any event not later than the thirty-first day of October in any year, submit to the Minister a report dealing generally with the activities of the Authority during the preceding financial year.

Annual Report

(2) The Minister shall cause a copy of every such report to be laid on the table of both Houses of Parliament.

**20.** (1) Where any immovable property, not being Crown Land, is needed for the purpose of the Authority, the Authority may, in default of agreement, make a request to the Minister for the acquisition of such property and, in that case, the property may be acquired in accordance with the Acquisition of Land Act or any other Act relating to the acquisition of land for public purposes for the time being in force, and any declaration required under any such Act that land is so needed may be made notwithstanding that compensation is to be paid out of the funds of the Authority, and the declaration shall have effect as if it were a declaration that such land is needed for a public purpose made in accordance with that Act.

Acquisition of Land

Ch 252

(2) Expenses and compensation in respect of any immovable property acquired under this section shall be paid by the Authority.

Airport Security

**21.** (1) The Authority shall establish and maintain a security department which shall be supervised and managed by the Director of Security.

(2) The Authority shall appoint and employ at such remuneration and on such conditions as it thinks fit persons to be security officers.

(3) Every security officer appointed under subsection (2) shall on appointment make a declaration before a magistrate that he will duly execute the office of a security officer.

(4) Every security officer appointed under subsection (2) shall while on duty at the airport be charged with —

- (a) the protection of the airport; and
- (b) the maintenance of order at the airport.

(5) The security department maintained under this section shall be under the exclusive control of the Authority, and the Authority shall have power to suspend or terminate the appointment of any of its security officers.

Power of Arrest

**22.** A security officer appointed under section 21 may, within any area of the airport, have the same powers of arrest as a peace officer under the Penal Code.

Ch 84

Penalty

**23.** A person who contravenes this Act may be removed from and prohibited from re-entering the area to which the Act applies by a security officer, and a vehicle, animal or thing found in such area in contravention of this Act may be removed by a security officer, and upon summary conviction for such contravention, the owner or person in charge of the vehicle, animal or thing may, in addition to any other penalty as may be imposed by this Act, be ordered by the court to pay the cost of such removal.

Amendment of  
First and Second  
Schedules

**24.** The Minister may by order amend the First and Second Schedules.

Regulations

**25.** The Minister on the recommendation of the Authority, may make regulations for the designation, management, control and supervision of the airport and for the better carrying out of its functions and powers under this Act, and may by the regulations provide for all or any of the following purposes —

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- (a) prohibiting or regulating traffic (including the parking of vehicles of every class and description) in any part of an airport or other premises of the Authority;
  - (b) regulating the admission and conduct of persons (whether as passengers or otherwise) and of animals in an airport or in any part thereof or in or upon other premises of the Authority;
  - (c) prescribing and regulating the payment and collection of fees payable in respect of or in relation to any permit or any services rendered or facilities provided at an airport for which the regulations provide;
  - (d) providing for the safety or well-being of persons and the care of property connected with the undertakings of the Authority;
  - (e) the regulation of commercial transactions in or upon any premises the property of the Authority;
  - (f) the imposition in respect of any contravention of the regulations of a fine not exceeding five thousand dollars or imprisonment for a term not exceeding two years or both such fine and imprisonment;
  - (g) prescribing standards in keeping with international standards for the management, control and supervision of an airport;
  - (h) any other matter appearing to the Minister to be necessary or expedient for the purpose of giving due effect to the provisions of this Act.

**26.** (1) Every pensionable officer of the Department of Civil Aviation as the Governor-General may by order designate shall be transferred from the service of the Government to the service of the Authority and such officer shall be transferred for the period extending from the date of the commencement of the order to the date on which the officer accepts permanent employment with the Authority under section 27 or for a period of one year from the date of the commencement of the order, whichever is the shorter.

Transfer of  
public officers

(2) Nothing in this subsection shall preclude an officer, transferred to the service of the Authority under this section, from applying at any time during the period referred to in subsection (1) for a transfer to a Government

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Department in accordance with the terms and conditions of service attached to the appointment held by that officer at the commencement of the order and, on that application being made, the same consideration shall be given to the application as if the applicant had continued in the service of the Government.

(3) During the period referred to in subsection (1) the officer shall be so employed by the Authority that the officer's remuneration and conditions of service are no less favourable than those which are attached to the appointment under the Government held by the officer at the commencement of this Act or which would have become attached to such appointment, during the period referred to in subsection (1), had the officer continued in the service of the Government, but, for the purposes of the pension and gratuity, the period of service with the Authority shall be deemed to be service with the Government; the Authority shall pay to the Government such contributions in respect of the cost of pensions earned by the officer during the period referred to in subsection (1) as may be determined by the Treasurer.

Offer of  
permanent  
employment to  
public officers

**27.** (1) Within the period of one year referred to in section 26, the Authority may offer to any public officer transferred to the Authority under that section permanent employment with the authority at a remuneration and on terms and conditions no less favourable than those which are attached to the service under the Government held by such officer at the commencement of this Act or which would have become attached to such appointment, during such period as aforesaid, had such officer continued in the service of the Government.

(2) Every public officer who accepts permanent employment with the Authority offered to him under subsection (1) shall, for all purposes be deemed to have ceased to be in the service with the Government on the date of his acceptance.

- (3) Every public officer who —
- (a) having been offered permanent employment with the Authority under subsection (1), refuses to accept such employment; or
  - (b) has not been offered permanent employment with the Authority under subsection (1),

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may at the expiration of the one year period referred to in section 26 be transferred from the service of the Authority back to the service under the Government.

**28.** (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 Authority and that person subsequently retires from the service of the 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) have effect.

Pension of persons transferred from public service to the Authority

Ch 43

(2) A pension payable to a person mentioned in subsection (1) by the 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 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 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.

Ch 43

**29.** (1) All immovable and movable property and undertakings owned by the Government and used by it for the operation of the airport, immediately before the date of the coming into operation of this Act (excluding air traffic control installations and equipment) shall by virtue of this Act be transferred to and vested in the Authority for the same purpose as they were held by the Government immediately before the date of the coming into operation of this Act.

Transfer of assets to the Authority

(2) The transfer and vesting referred to in subsection (1) 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 which are held or enjoyed in

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connection therewith or appertaining to the immovable and movable property and undertakings as well as all obligations affecting or relating to the movable and immovable property or undertakings.

Construction of laws, contracts, etc , in relation to transferred assets

**30.** Subject to this Act, all laws, orders, judgments, decrees, awards, deeds, bonds, contracts, instruments, documents, warrants and other arrangements subsisting immediately before the date of the coming into operation of this Act affecting or relating to the movable and immovable property or undertakings transferred to the Authority by this Act shall have full force and effect against or in favour of the Authority and shall be enforceable, as if instead of the Government, the Authority had been named therein or had been a party thereto, and otherwise in substitution of the Government.

Transitional provisions

**31.** (1) Where anything has been commenced by or under the authority of the Government prior to the date of the coming into force of this Act and such thing relates to any of the movable and immovable property or undertakings or any right or liability transferred to the Authority by this Act, such thing may be carried on and completed by or as authorized, by the Authority.

(2) Where immediately before the coming into force of this Act, any legal proceedings are pending to which the Government is or is entitled to be a party, and those legal proceedings are related to the movable and immovable property or undertakings, or any right or liability transferred by this Act, the Authority shall, as from the date aforesaid, be substituted in the legal proceedings for the Government or shall be made a party thereto in like manner as the Government could have become, and the legal proceedings shall not abate by reason of the substitution.

**FIRST SCHEDULE (Section 3(1))**

SI 33/2006

Lynden Pindling International                      New Providence  
Airport

**SECOND SCHEDULE (Section 3(2))**

SI 26/2007

*A Body Corporate*

1. (1) The Authority shall be a body corporate with perpetual succession and a common seal and with power as such to enter into contracts, to sue and be sued by law in its corporate name and may for all purposes be described by such name, to acquire, hold, mortgage, assign, lease and dispose of all movable and immovable property and to do and perform such acts and things as bodies corporate may by law do and perform subject to the provisions of this Act. Service upon The Authority of any document of whatsoever kind must be made by delivering the document to or sending it by prepaid registered post addressed to the Secretary of The Authority at the office of The Authority.

Incorporation.  
SI 26/2007

(2) The Authority may not dispose of or acquire any land without the approval of the House of Assembly signified by resolution thereof:

Provided that such disposal referred to in subparagraph (1) shall not include the power to lease, sublease or assign such lease for the purpose of the operation and management of any airport or for the use of any land or building within a prescribed airport.

(3) All property which is acquired or which becomes vested in The Authority shall be held by The Authority in trust for Her Majesty in right of Her Government of The Bahamas.

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

Seal of the  
Authority.

(2) The seal of the Authority must be authenticated by the signature of the chairman or the deputy chairman and one other member, and the seal shall be officially and judicially noticed.

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

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Constitution of the Authority.	<p><b>3.</b> (1) The Authority shall consist of a chairman, a deputy chairman, and not less than three nor more than five other members appointed by the Minister from persons appearing to him to be qualified as having had experience of, or having shown capacity in matters relating to aviation affairs, industry, commerce, transportation, finance, government, administration or organization of workers.</p> <p>(2) The General Manager shall be the <i>ex officio</i> member of the Authority.</p>
Tenure of office.	<p><b>4.</b> A member of the Authority shall hold office for such period, not exceeding three years, as the Minister may direct in the instrument appointing such member, but such member shall be eligible for reappointment.</p>
Chairman and Deputy Chairman.	<p><b>5.</b> The Minister shall appoint a chairman and a deputy chairman of the Authority from among members appointed under paragraph 3 and, if the chairman is absent or unable to act, the deputy chairman shall act as chairman during the time the absence or inability continues.</p>
Resignation.	<p><b>6.</b> A member of the Authority, other than the <i>ex officio</i> member, may at any time resign his office by instrument in writing addressed to the Minister and from the date of receipt by the Minister of the instrument that member shall cease to be a member of the Authority.</p>
Removal.	<p><b>7.</b> The Minister by instrument in writing, may revoke the appointment of a member of The Authority if the Minister thinks it expedient to do so.</p>
Publication.	<p><b>8.</b> The appointment, removal, death or resignation of a member of the Authority shall be notified in the <i>Gazette</i>.</p>
Remuneration.	<p><b>9.</b> There shall be paid from the funds of the Authority to the chairman and other members of the Authority such remuneration, if any, whether by way of honorarium, salary or fees, and such allowances, if any, as the Minister may determine.</p>
Meetings.	<p><b>10.</b> (1) The Authority shall meet as often as may be required for the performance of its functions.</p> <p>(2) The chairman, or in his absence the deputy chairman, shall preside at all meetings of the Authority.</p> <p>(3) The chairman, or in his absence the deputy chairman, and three other members of the Authority shall form a quorum.</p> <p>(4) The decisions of the Authority are by a majority of votes and in any case in which the voting is equal, the member</p>

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presiding at the meeting shall have, in addition to an original vote, a casting vote.

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

(6) The Authority may co-opt any one or more persons to attend any particular meeting of the Authority for the purpose of assisting any particular meeting of the Authority or advising the Authority in any matter with which the Authority is dealing, but no co-opted person has the right to vote.

(7) Where a quorum is present, the validity of any proceeding of the Authority shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member.

**11.** Subject to this Schedule, the Authority has the power to regulate its proceedings.

Authority to regulate its proceedings.

**12.** (1) The Authority may, as regards any officers, servants or agents in whose cases it may be determined by the Authority with the approval of the Minister of Finance to make provision for the payment on their death, injury or retirement, pensions, gratuities or other like benefits, pay or provide for the payment of such pensions, gratuities or other like benefits to the officers, servants or agents or to others by reference to their service as may be determined.

Pensions and other benefits.

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