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# AIRPORT AUTHORITY (AMENDMENT) ACT, 2016

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No. 23 of 2016

## **AIRPORT AUTHORITY (AMENDMENT) ACT, 2016**

**AN ACT TO AMEND THE AIRPORT AUTHORITY ACT TO PROVIDE FOR THE TRANSFER TO THE AIRPORT AUTHORITY OF SPECIFIED FAMILY ISLAND AIRPORTS; THE ESTABLISHMENT WITHIN THE AUTHORITY OF THE FAMILY ISLAND AIRPORTS DEPARTMENT WITH RESPONSIBILITY FOR THE OPERATION AND MANAGEMENT OF THE TRANSFERRED FAMILY ISLAND AIRPORTS AND FOR CONNECTED MATTERS**

[Date of Assent - 18<sup>th</sup> July, 2016]

Enacted by the Parliament of The Bahamas

### **1. Short title and commencement.**

- (1) This Act, which amends the Airport Authority Act<sup>1</sup>, may be cited as the Airport Authority (Amendment) Act, 2016.
- (2) This Act shall come into operation on such date as the Minister may appoint by notice published in the Gazette.

### **2. Insertion of new Part I and Part II headings into the principal Act.**

The principal Act is amended by the insertion —

- (a) immediately before section 1, of a new Part heading “**PART I – PRELIMINARY**”; and
- (b) immediately after section 2, of a new Part heading “**PART II – ESTABLISHMENT OF THE AIRPORT AUTHORITY**”.

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<sup>1</sup>*Vol. V, Ch. 287*

**3. Amendment of section 3 of the principal Act.**

Section 3 of the principal Act is amended in subsection (1) by the insertion immediately after the word "Schedule" of the words "and the *Third Schedule*, respectively".

**4. Repeal and replacement of section 5 of the principal Act.**

Section 5 of the principal Act is repealed and replaced by the following —

**"5. Classification and staffing of airports.**

- (1) The Authority shall classify the airports specified in the First and Third Schedules into varying categories in accordance with criteria and in the manner prescribed in regulations.
- (2) Subject to section 9 and the regulations, the Authority may appoint and employ a secretary and any officers, servants or agents the Authority considers necessary to carry out its functions at such remuneration and on such terms and conditions as the Authority thinks fit.
- (3) Regulations made by the Minister pursuant to subsection (1) may prescribe the requisite posts and personnel, including salary scales, allowances and other benefits, applicable to each category of airport."

**5. Amendment of section 6 of the principal Act.**

Section 6 of the principal Act is amended by the deletion of subsection (1) and the substitution of the following —

"(1) The functions of the Authority shall be the —

- (a) classification of airports;
- (b) management, maintenance and operations of airports in conformance with all applicable national regulations;
- (c) provision of airport security and facilitation;
- (d) provision of Rescue and Fire Fighting Services;
- (e) development and operation of the airports as commercially viable entities;
- (f) provision of aircraft ground handling services on a commercial basis;
- (g) development of master plans and land use plans in relation to each airport;
- (h) setting of fees and charges for airports in accordance with ICAO recommendations;
- (i) collection of aeronautical and non-aeronautical fees and charges;

- (j) planning, financing and implementation of capital projects to ensure the infrastructure of each airport meets the operational and service needs of its customers; and
- (k) performance of such functions in relation to aerodromes as the Minister may direct.”.

**6. Amendment of section 24 of the principal Act.**

Section 24 of the principal Act is amended by the deletion of the words “First and Second Schedules” and the substitution of the words “First, Second and Third Schedules”.

**7. Amendment of section 25 of the principal Act.**

Section 25 of the principal Act is amended in the chapeau by the deletion of the words “*First Schedule*” and the substitution of the words “First and Third Schedules, respectively”.

**8. Amendment of section 29 of the principal Act.**

Section 29 of the principal Act is amended in subsection (1) by the deletion of the words “the airport” and the substitution of the words “an airport”.

**9. Repeal and replacement of section 29A of the the principal Act.**

Section 29A of the principal Act is repealed and replaced by the insertions —

- (a) immediately after section 29, of a new Part heading “**PART III – FAMILY ISLAND AIRPORTS UNDER MANAGEMENT AND OPERATION OF THE AUTHORITY**”; and
- (b) of new sections 29A and 29B as follows —

**“29A. Management and operation of Family Island airports.**

- (1) On the day this Act comes into operation the Authority shall commence, or continue under this Part, the management and operation of the Family Island airports specified in the *Third Schedule*.
- (2) The powers, functions and responsibilities of the Minister and the Authority pursuant to this Act apply, *mutatis mutandis*, in respect of the Family Island airports as they apply in respect of an airport specified in the *First Schedule*.
- (3) The transfer of assets to the Authority under section 29 shall apply, *mutatis mutandis*, to all immovable and movable property and undertakings owned by the Government, its departments and agencies, and used

for the operation of any Family Island airport specified in the *Third Schedule*.

**29B. Establishment of the Family Island Airports Department.**

- (1) There is established, for the purpose of discharging the functions and responsibilities of the Authority under this Act in relation to the Family Island airports specified in the *Third Schedule*, a department to be known as the “Family Island Airports Department” (in this Part referred to as the “Department”).
- (2) The Department shall —
  - (a) be headed by a Director of Family Island Airports, appointed by the Minister, who shall —
    - (i) report to the General Manager;
    - (ii) be responsible for the exercise and discharge of all functions and powers of the Department;
    - (iii) have control over all divisions and units, personnel and activities of the Department;
  - (b) in relation to the Family Islands and subject to the direction and supervision of the General Manager —
    - (i) have as its primary objective and activity the operation and management of the airports specified in the *Third Schedule*;
    - (ii) discharge the functions of the Authority set out in section 6(1);
    - (iii) perform and exercise the powers of the Authority under section 7(2);
    - (iv) perform such functions in relation to Family Island aerodromes as the Authority may direct;
  - (c) comprise such divisions and units as the Authority considers appropriate including, but not limited to —
    - (i) Airside Positions;
    - (ii) Airport Managers;
    - (iii) Safety Management Systems;
    - (iv) Aerodrome Operations;

- (v) Quality Assurance;
  - (vi) Rescue and Fire Fighting Services;
  - (d) ensure the provision of appropriate airport facilities and services in accordance with regulations made, and directions given, by the Minister; and
  - (e) ensure the provision of facilities and services in accordance with requirements published by the Civil Aviation Authority pursuant to the Civil Aviation Act, 2016.
- (3) The Director of Family Island Airports may, subject to such regulations, supervision and review as may be prescribed, authorise the performance and exercise by any officer, employee, division or administrative unit under the Director's jurisdiction, of any function or power of the Director or the Department under this Part.
- (4) The Director may, subject to such regulations, supervision and review as may be prescribed, delegate the performance and exercise of any function or power assigned to the Director to a properly qualified private person.
- (5) The Director of Family Island Airports shall monitor and oversee the performance and exercise of any function or power authorised or delegated by the Director pursuant to subsections (3) and (4).
- (6) The Authority shall —
- (a) manage, operate, maintain and develop the Family Island airports specified in the *Third Schedule*, through the Department, on a commercial basis in a safe, secure and efficient manner while advancing economic and community development for the general benefit of Bahamians; and
  - (b) transfer to and for the use of the Department all or any of the assets transferred to the Authority pursuant to section 29A(3).”.

**10. Insertion of a new Part IV heading into the principal Act.**

The principal Act is amended by the insertion, immediately after section 29B, of a new Part heading “PART IV – MISCELLANEOUS”.

**11. Amendment of the First Schedule to the principal Act.**

The *First Schedule* to the principal Act is amended by the deletion of the words “Marsh Harbour Airport” and “Abaco” respectively.

**12. Insertion of a new Third Schedule to the principal Act.**

The principal Act is amended by the insertion immediately after the *Second Schedule* of a new *Third Schedule* as follows —

**“THIRD SCHEDULE (Sections 3 and 29A)**

**FAMILY ISLAND AIRPORTS UNDER MANAGEMENT AND  
OPERATION OF THE AUTHORITY**

<b>Name/Location of Airport</b>	<b>Island</b>
1. Andros Town (Fresh Creek)	Andros
2. Arthur's Town	Cat Island
3. Blackpoint	Exuma
4. Congo Town	Andros
5. Crooked Island	Crooked Island
6. Deadman's Cay	Long Island
7. Farmer's Cay	Exuma
8. George Town	Exuma
9. Governor's Harbour	Eleuthera
10. Great Harbour Cay	Berry Islands
11. Mangrove Cay	Andros
12. Marsh Harbour	Abaco
13.. Matthew Town	Inagua
14. Mayaguana	Mayaguana
15. Moore's Island	Abaco
16. New Bight	Cat Island
17. North Eleuthera	Eleuthera
18. Ragged Island	Ragged Island
19. Rock Sound	Elcuthera
20. Rum Cay	Rum Cay
21. San Andros	Andros
22. Sandy Point	Abaco
23. San Salvador	San Salvador



- |     |              |                |
|-----|--------------|----------------|
| 24. | South Bimini | Bimini         |
| 25. | Spring Point | Acklins Island |
| 26. | Staniel Cay  | Exuma          |
| 27. | Stella Maris | Long Island    |
| 28. | Treasure Cay | Abaco          |