
CHAPTER 274**ABANDONED WRECK****ARRANGEMENT OF SECTIONS**

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CHAPTER 274

ABANDONED WRECK

An Act to provide for disposal of abandoned wreck and for the encouragement of salvage of such wreck.

25 cf 1965
16 cf 1967
E L A O , 1974
5 cf 1987
18 cf 1993

[Commencement 18th May, 1965]

1. This Act may be cited as the Abandoned Wreck Act. Short title
2. In this Act, unless the context otherwise requires — Interpretation
- “abandoned wreck” means any wreck which has remained continuously upon the sea-bed within the limits of The Bahamas for a period of fifty years or upwards before being brought to shore;
- “Minister” means the Minister responsible for Wrecks; *E L A O , 1974*
- “Permanent Secretary” means the Permanent Secretary to the Minister; *16 cf 1967, s 2*
- “prospector” means any person or body of persons corporate or unincorporate with whom the Minister has entered into an agreement under the provisions of this Act and shall be deemed to include the agents, licensees and servants of a prospector;
- “salvage” includes all expenses properly incurred by the salvor in performance of salvage operations;
- “wreck” includes jetsam, flotsam, lagan and derelict found in, or on the shores of, the sea or any tidal water.
3. The claims of all persons to abandoned wreck are hereby barred and the property in all such wreck is hereby vested in Her Majesty in right of Her Government of The Bahamas except wreck found in any place where Her Majesty or any of Her Royal Predecessors has granted to any other person the right to that wreck. Property in abandoned wreck

Minister may
enter agreement
with prospector

4. (1) It shall be lawful for the Minister, in any case in which he deems it to be in the public interest so to do, to enter into an agreement with any prospector licensing such prospector to prospect for, salvage and bring to shore any abandoned wreck.

(2) Where in any case the Minister considers that the finder of any abandoned wreck is not a suitable person to salvage and bring to shore such abandoned wreck or does not deem it to be in the public interest to enter into an agreement with the finder of any abandoned wreck under subsection (1) of this section, the Minister may pay to such finder such reward as he may in each case determine and the Minister may enter into an agreement with any suitable person to salvage and bring to shore such abandoned wreck.

(3) Every agreement under this section shall be entered into between the Minister acting for and on behalf of the Government of The Bahamas and the prospector concerned under their respective hands and seals.

Terms and
conditions of
agreement

18 of 1993, s. 2

5. (1) The Minister may in any agreement made under the provisions of section 4 of this Act upon payment of the prescribed fee, grant to a prospector a licence (which may be exclusive) to prospect for, work, salvage and bring to shore any abandoned wreck within any defined area of the sea-bed within the limits of The Bahamas for such period as may be specified in such agreement.

(2) Every such agreement —

- (a) shall specify what proportion of any abandoned wreck brought to shore (not being less than one-half of the value of the whole of such wreck) which shall be returned (subject to the terms thereof) to the prospector;
- (b) may provide that at the option of the Minister the Government of The Bahamas shall retain all or any articles recovered upon payment to the prospector of the appraised value thereof; and
- (c) may specify what proportion (if any) of the agreed costs of salvage shall be payable by the prospector and by the Government of The Bahamas respectively.

(3) It shall be a term of any such agreement that the prospector shall waive any right of salvage whatever which

might otherwise arise in his favour in consequence of his bringing to shore any abandoned wreck found within the area specified in such agreement.

(4) It shall be a term of any such agreement that the prospector shall employ such methods and submit to such measures of inspection and supervision and shall employ such equipment in and about the salvage of any abandoned wreck as may be required by the Minister.

(5) Every such agreement shall contain provisions for —

- (a) the revocation of the licence granted thereby;
- (b) the preservation of the abandoned wreck;
- (c) the arbitration of all questions and differences arising between the Minister and the prospector;
- (d) the interpretation of such agreement according to the laws of The Bahamas; and
- (e) all such other matters as appear to the Minister to be required in the interests of the Government of The Bahamas.

6. Whenever the Minister has entered into an agreement under section 4 of this Act he shall cause notice thereof to be published in the *Gazette*. Such notice shall contain a description of the wreck and of the marks or features (if any) by which it may be identified.

Notice of agreements to be published in the *Gazette*

7. (1) Every person bringing to shore within The Bahamas abandoned wreck and whether or not in pursuance of an agreement made under the provisions of this Act shall forthwith report the same to the Permanent Secretary and thereafter deposit the same for safe custody in such place and manner as he may in writing direct.

Custody of abandoned wreck

(2) Any person who fails to comply with the provisions of subsection (1) of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding four thousand dollars or imprisonment for a term not exceeding two years or to both such fine and imprisonment.

5 *cf* 1987, s 2

8. (1) Where it appears to the Minister that any matter needs to be investigated concerning any wreck within The Bahamas or the recovery or possession of any articles comprising the same, it shall be lawful for the Governor-General upon the recommendation of the

Governor-General may appoint Wreck Commissioner

Minister to appoint by instrument under his hand a Commissioner of Wreck to investigate such matter and to submit a report in writing to the Minister.

(2) For the purpose of making investigations the Commissioner of Wreck shall be invested with all the powers of a stipendiary and circuit magistrate under the provisions of the Magistrates Act including the power to subpoena witnesses, to take and receive evidence upon oath or affidavit, to permit interested parties (including the Minister) to be represented by counsel, and to conduct the investigation either in public or in private as the Commissioner shall deem fit.

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Claims of owners
to wreck

- 9.** (1) Any person claiming that —
- (a) any wreck is not abandoned wreck; and
 - (b) he is the owner of such wreck

may apply to the Supreme Court by originating summons for a declaration his rights in respect of such wreck and such application shall be supported by such evidence as the court may require.

(2) The Minister shall be a party to all applications under this section and a judge may direct such other persons to be served with the summons as he may think fit.

(3) If the court finds that any wreck is not abandoned wreck and is the property of some person other than Her Majesty in right of Her Government of The Bahamas, the court may award salvage to the person or persons responsible for the performance of the salvage operations in respect of such wreck.

(4) Any application under this section shall be made within two months after the publication in the *Gazette* of the notice in pursuance of the provisions of section 6 of this Act.

Penalty for
unauthorised
persons
prospecting, etc

10. (1) No person other than a prospector acting under and in accordance with the terms of an agreement made pursuant to this Act shall unless thereto specially authorised in writing by the Minister work, take or bring to shore any abandoned wreck and where under the terms of any such agreement an exclusive licence has been granted to a prospector in respect of a defined area of the sea bed within the limits of The Bahamas no person other than such prospector shall prospect for any abandoned wreck within such defined area.

(2) Any person who contravenes any of the provisions of subsection (1) of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding four thousand dollars or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

5 cf 1987, s 2

11. (1) Where the Minister suspects or receives information that any abandoned wreck is secreted or in the possession of some person who is not the owner thereof, or that any such wreck is otherwise improperly dealt with he may cause an application to be made to any magistrate for a search warrant, and that magistrate shall have power to grant such a warrant, and a police officer of or above the rank of inspector may by virtue of such warrant enter any house or other place, wherever situate, and also any vessel, and search for such wreck, and seize and detain any such wreck there found.

Warrant may issue in cases of concealment of wreck

(2) If any such seizure of abandoned wreck is made in consequence of information given by any person to the Minister the informer shall be entitled, by way of reward, to such sum, not exceeding in any case one-half of the value of such abandoned wreck as the Minister may allow.

12. All wreck found in the possession of any person within The Bahamas shall be deemed to be abandoned wreck until the contrary is proved to the satisfaction of a magistrate and any person found in possession of abandoned wreck shall be presumed to have brought it ashore unless he shall give some satisfactory explanation of the manner in which it came into his possession.

Presumption where wreck found in possession of any person

13. The Minister may make regulations for carrying into effect the purposes and provisions of this Act.

Regulations
18 cf 1993, s 3