



*SUPPLEMENT PART I*  
**OFFICIAL GAZETTE**  
**THE BAHAMAS**  
PUBLISHED BY AUTHORITY

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NASSAU

17<sup>th</sup> July, 2014

No. **29**

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**DERELICT MOTOR VEHICLES (DISPOSAL)  
(AMENDMENT) ACT, 2014**

**Arrangement of Sections**

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No. 20 of 2014

**DERELICT MOTOR VEHICLES (DISPOSAL)  
(AMENDMENT) ACT, 2014**

**AN ACT TO AMEND THE DERELICT MOTOR VEHICLES  
(DISPOSAL) ACT**

[Date of Assent -16<sup>th</sup> July, 2014]

**Enacted by the Parliament of The Bahamas**

**1. Short title and commencement.**

- (1) This Act which amends the Derelict Motor Vehicles (Disposal) Act (Ch.223), may be cited as the Derelict Motor Vehicles (Disposal) (Amendment) Act, 2014.
- (2) This Act shall come into operation on such date as the Minister may appoint by Notice published in the *Gazette*.

**2. Amendment of section 2 of the principal Act.**

Section 2 of the principal Act is amended by the insertion of new definitions in the appropriate alphabetical order as follows —

“**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;

“**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 as doors, front or rear hood, or bumper, missing licence disk and licence registration plate, no valid licence for one year or more and a general condition that is conducive to the harborage or breeding of rodents, insects or other vectors of public health importance;

“open space” means a developed or undeveloped parcel of land of varying dimensions of private or public ownership;

“vehicle pound” means a secure area reserved for the temporary storage of abandoned or derelict vehicles over which the Director has access and control.”.

**3. Repeal and replacement of section 3 of the principal Act.**

Section 3 of the principal Act is repealed and replaced by the following —

**“3. Removal of abandoned or derelict vehicle.**

- (1) Where it appears to the Director or any other person authorized 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 authorized 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 (*Ch. 220*), 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 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 authorized 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 (*Ch. 220*), 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.

- (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. Repeal and replacement of section 4 of the principal Act.**

Section 4 of the principal Act is repealed and replaced by the following —

**"4. Removal of abandoned or derelict vehicle from private property.**

- (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.
- (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."

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

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

**"5. Unauthorised use of land for storage of abandoned or derelict vehicles.**

- (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 (*No. 4 of 2010*), 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.
- (4) This section shall be in addition to and without prejudice to the Planning and Subdivision Act (*No. 4 of 2010*), 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 (*No. 4 of 2010*).

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

Section 6 of the principal Act is amended by the repeal of subsection (2) and replacement by the following —

- “(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 (*No. 4 of 2010*), 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.”

**7. Amendment of section 9 of the principal Act.**

Section 9 of the principal Act is amended —

- (a) by the deletion of the words “eighty dollars” and the substitution therefor of the words “five hundred dollars and to a further fine of

eighty dollars for each day during which the offence continues,";  
and

- (b) by the deletion of the word "charge" wherever that word appears and the substitution therefor of the word "fee".

**8. Amendment of section 10 of the principal Act.**

Section 10 of the principal Act is amended by the deletion of the word "charges" wherever that word appears and the substitution therefor of the word "fees".

**9. Amendment of section 11 of the principal Act.**

Section 11 of the principal Act is amended —

- (a) by the deletion of the word "Commissioner" wherever that word appears and the substitution therefor of the word "Administrator";  
and
- (b) by the deletion of the words "Out Island" wherever those words appear and the substitution therefor of the words "Family Island".