
CHAPTER 29**FREEPORT BYE-LAWS****ARRANGEMENT OF SECTIONS**

SECTION

1. Short title.
2. Interpretation.
3. Bye-laws for the enforcement of the Building and Sanitary Codes.
4. Conservation of water in the Port Area.
5. Bye-laws for preventing the pollution, waste, misuse or contamination of water.
6. Injury to installations or meters belonging to the Port Authority or licensee.
7. Recovery of charges.
8. Control of harbour and waterways.
9. Medical Officer of Port Authority to have powers under the Quarantine Act.
10. Removal of house or trade refuse.
11. Accumulation of rubbish.
12. Control of advertisements.
13. Safety of machinery, etc.
14. Where a local improvement association fails to perform its functions.
15. Remuneration of the Government Medical Officer of Health.
16. Professional qualifications for medical and dental practitioners unaffected.
17. Penalties.
18. Saving for existing agreements.

CHAPTER 29

FREEPORT BYE-LAWS

An Act to provide for the making and enforcement of bye-laws for the purpose of maintaining proper standards of building construction, sanitation and hygiene within the area of the Island of Grand Bahama known as the port area and for other purposes connected with the orderly development of the said area.

*49 cf 1965
E L A O, 1974
5 cf 1987*

[Commencement 11th September, 1965]

1. This Act may be cited as the Freeport Bye-laws Act. Short title
2. In this Act, unless the context otherwise requires — Interpretation
- “Building Code” means a compendium of rules and specifications designed to regulate the construction, exterior design and decoration, use, maintenance or repair of buildings; the space about buildings; the lighting and ventilation of buildings; the dimensions of rooms intended for use in trade, business or manufacture or for human use or habitation; the height and density of buildings; the lay-out of subdivisions; the construction, maintenance and repair of roads of access to buildings; and any matters ancillary to the foregoing;
- “the Government Agreement” means the Agreement contained in the Schedule to the Hawksbill Creek, Grand Bahama (Deep Water Harbour and Industrial Area) Act as amended by the Agreement contained in the Schedule to the Hawksbill Creek, Grand Bahama (Deep Water Harbour and Industrial Area) (Amendment of Agreement) Act and by the Agreement contained in the Schedule to the Hawksbill Creek, Grand Bahama (Deep Water Harbour and Industrial Area) (Amendment of Agreement) (No. 2) Act; Ch 261
Ch 262
Ch 263
- “licensee” means a person licensed by the Port Authority under the provisions of Clause 2(1)(e) of the Government Agreement;

“owner” means the person for the time being receiving the rent of premises in connection with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the same if those premises were let at a rental;

“the Port Area” has the same meaning as in the Government Agreement;

“the Port Authority” means The Grand Bahama Port Authority, Limited, a company incorporated under the laws of The Bahamas;

“Sanitary Code” means a compendium of rules and specifications designed to regulate the installation, use, maintenance and repair of works and water and other fittings for or connected with water supplies, sanitary appliances, drainage and sewerage;

“water fittings” includes pipes (other than mains) taps, cocks, valves, ferrules, meters, cisterns, baths, water closets, soil pans and other similar apparatus used in connection with the supply and use of water.

3. (1) Where in pursuance of the provisions of the Government Agreement the Port Authority have prescribed standards to be observed in the Port Area by means of a Building Code or a Sanitary Code or a combined Building Code and Sanitary Code, the Port Authority may, with the approval of the Minister responsible for Public Health and the Minister responsible for Public Works make bye-laws for the due enforcement of such Codes.

(2) Without prejudice to the generality of the foregoing such bye-laws may include provisions as to the deposit of plans (including sections, specifications, estimates, and written particulars), the approval or rejection of such plans by the Port Authority, the inspection and testing of work, appliances, drains, sewers, sewage disposal systems, wells, water-fittings and the like, the taking of samples of materials to be used in the construction of buildings or in the erection of any other works and the steps that may be taken by the Port Authority where any person, work or building contravenes any provision of the Building or Sanitary Codes.

Bye-laws for the enforcement of the Building and Sanitary Codes
E L A O , 1974

(3) Any bye-laws under this section may be made with respect to alterations or extensions of existing buildings or works and where any material change takes place in the purpose for which any existing building or part of a building is or is not to be used.

4. (1) No person shall begin within the Port Area —
- (a) to construct any well, borehole or other work for the purpose of abstracting underground water; or
 - (b) to extend any existing well, borehole or other work for the purpose of abstracting additional quantities of underground water,

Conservation of water in the Port Area

unless he has obtained permission from the Port Authority to do so.

(2) Any person who contravenes the provisions of subsection (1) or who abstracts any underground water from any well, borehole or other work which has been constructed or extended in contravention of subsection (1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding four hundred dollars and the court may on conviction order that the well, borehole or other work shall be effectively sealed or may make such other order as appears to the court to be necessary to prevent waste of water.

5 cf 1987, s 2

5. (1) The Port Authority with the approval of the Minister responsible for Public Health and the Minister responsible for Public Works may make bye-laws for the protection from pollution of underground water and for preventing waste, undue consumption, misuse or contamination of water supplied by the Port Authority or a licensee empowered to supply water to the public, or of water obtained from wells or boreholes with the permission of the Port Authority under section 4 of this Act.

Bye-laws for preventing the pollution, waste, misuse or contamination of water
E L A O , 1974

(2) Without prejudice to the generality of the foregoing, bye-laws under this section may include provisions —

- (a) prescribing the size, nature, materials, strength and workmanship and the mode of arrangement, connection, disconnection, alteration and repair of the water fittings to be used; and

- (b) forbidding the use of any water fittings which are of such a nature or are so arranged or connected as to cause or permit waste, undue consumption, misuse, erroneous measurement or contamination or pollution of water or reverberation in pipes.

(3) If a person contravenes the provisions of any bye-law made under this section, the Port Authority or a licensee empowered to supply water to the public may, without prejudice to their right to take any other proceedings, cause any water fittings belonging to or used by that person which are not in accordance with the requirements of the bye-law to be altered, repaired or replaced and may recover the expenses reasonably incurred by them in so doing from the person in default summarily as a civil debt.

Injury to installations or meters belonging to the Port Authority or licensee

6. (1) Any person who —
- (a) wilfully, fraudulently or by culpable negligence injures any main, pipe, wire, sewer, drain, water tank or reservoir or any meter, apparatus or fitting belonging to the Port Authority or a licensee or alters the index of any meter used or required for a public utility service or prevents it from registering correctly; or
- (b) fraudulently abstracts or uses any water, gas or electricity belonging to the Port Authority or a licensee,

5 *cf* 1987, s. 2

shall be guilty of an offence and on summary conviction liable to a fine not exceeding four hundred dollars and in addition may be ordered to pay to the Port Authority or such licensee such sum as the court may deem fit by way of compensation.

(2) For the purposes of this section, if it is proved that a consumer altered the index of any meter, it shall rest on him to prove that he did not alter it fraudulently and the existence of artificial means under the control of the consumer, for preventing a meter from registering correctly or for enabling him fraudulently to abstract or use water, gas or electricity shall be evidence that he has fraudulently prevented the meter from registering correctly or, as the case may be, has fraudulently abstracted or used water, gas or electricity.

(3) For the purposes of this section, a “public utility service” means a telephone service or the supply of water, gas or electricity to members of the public in the Port Area, and a “licensee” means a licensee empowered to provide a public utility service.

7. If it be shown to the satisfaction of a magistrate on sworn information in writing that a person is quitting or is about to quit premises to which there is a telephone service or to which water, gas or electricity is supplied by the Port Authority or any licensee thereof and has failed to pay on demand any charge for such service or for water, gas or electricity payable by and due from him in respect of those premises and intends to evade payment thereof by departing from the premises, the magistrate may, in addition to issuing a summons for non-payment of the sum due, issue a warrant under his hand authorizing the person named therein forthwith to enter the premises and seize sufficient goods and chattels of the defaulter to meet the claim of the Port Authority or licensee and to detain them until the complaint is determined upon the return of the summons.

Recovery of charges

8. (1) Subject to the approval of the Minister responsible for Maritime Affairs, the Port Authority may make bye-laws for the proper conduct (including the proper disposal of sewage, garbage, and all kinds of refuse), use or protection of the deep water harbour in the Port Area or of any off-shore anchorage in the Port Area or of any marina or inland waterway within the Port Area or extending from the Port Area into the sea, or for the control and protection of any person or vessel therein or seeking to enter therein or leave therefrom.

Control of harbour and waterways
E L A O, 1974

(2) It is hereby declared that any inland waterway (whether tidal or not) constructed (whether before or after the coming into operation of this Act) within the Port Area by the Port Authority or a licensee shall be deemed to be a private waterway and the public shall not be capable of acquiring any rights of public navigation therein by user or by custom.

Medical Officer
of Port Authority
to have powers
under the
Quarantine Act.
E L A O , 1974

9. The Minister responsible for Public Health may, by writing under his hand and seal, authorize (and by any like instrument at any time revoke such authority) any duly registered medical practitioner named therein (such medical practitioner to be in the employment of the Port Authority or any licensee if no such medical practitioner in the employment of the Government is available) to have and to exercise, in relation to vessels arriving at or leaving any port of entry within the Port Area, all the powers of a district medical officer under the Quarantine Act, or any Act amending or replacing the same.

Ch. 237.

Removal of
house or trade
refuse.
E L A O , 1974

10. (1) Subject to the approval of the Minister responsible for Public Health, the Port Authority may from time to time make bye-laws in respect of any area of the Port Area wherein they or a licensee undertake the removal of house or trade refuse, for the purpose of —

- (a) imposing duties on occupiers of premises to facilitate the work which the Port Authority or a licensee may have undertaken;
- (b) regulating the use of dustbins or other receptacles;
- (c) prohibiting the removal of house or trade refuse by any other person;
- (d) prescribing a scale of charges for the work undertaken.

(2) House or trade refuse removed from premises in pursuance of this section shall become the property of the Port Authority or licensee, as the case may be, and may be sold or otherwise disposed of by the Port Authority or such licensee.

(3) The provisions of this section and any bye-law made thereunder shall have effect, as regards any vessel lying in the deep water harbour in the Port Area or in any marina or inland waterway within the Port Area or extending from the Port Area into the sea, as if such vessel were premises within the meaning of this section.

Accumulation of
rubbish.

11. (1) If it appears to the Port Authority that there is on any vacant site in the Port Area an accumulation of rubbish which is seriously detrimental to the amenities of the neighbourhood, the Port Authority may serve notice on the owner or occupier of the site to remove the rubbish within twenty-eight days from the service of the notice.

(2) Any owner or occupier who fails to comply with the requirements of a notice under subsection (1) shall be guilty of an offence and on summary conviction shall be liable to a fine not exceeding two hundred dollars and, without prejudice to their right to institute any other proceedings, the Port Authority may remove or cause to be removed any such rubbish and may recover any reasonable expenses incurred in so doing summarily as a civil debt from the owner or occupier in default.

5 cf 1987, s 2

(3) For the purposes of this section, “rubbish” means rubble, waste paper, crockery, metal, broken, disused or abandoned vehicles and any other kind of refuse whatsoever but does not include any material accumulated for, or in the course of, any business by a duly authorized licensee.

12. (1) With approval of the Minister responsible for Public Works, the Port Authority may make bye-laws restricting or regulating the erection and display of advertisements within the Port Area.

Control of advertisements.
E L A O , 1974

(2) For the purposes of this section, “advertisement” means any writing, model, sign, placard, notice, device or representation, whether illuminated or not, in the nature of and employed, wholly or in part, for the purpose of advertisement, announcement or direction and includes any hoarding or similar structure for the display of advertisements.

13. With the approval of the Minister responsible for Public Works, the Port Authority may make bye-laws requiring steps to be taken to ensure that machinery in motion or in use in the Port Area is rendered safe and prescribing measures to be taken to reduce risks arising from fire or storm and providing for means of escape from factories and workshops in case of fire or severe storm.

Safety of machinery, etc.
E L A O , 1974

14. (1) Where the Port Authority are of the opinion that in a subdivision a local improvement association which has been established under the Subdivisions (Local Improvement Associations) Act has neglected or failed satisfactorily to perform its functions, the Port Authority may serve a notice on such Association of their intention to make an application to the Supreme Court for an order under this section.

Where a local improvement association fails to perform its functions.
Ch. 258.

(2) Where on the application of the Port Authority under this section the Supreme Court is satisfied that the Association in respect of which the application is made has neglected or has failed satisfactorily to perform its functions, the Court shall make an order authorizing the Port Authority to perform the functions of that Association within the subdivision for which it is established and may give such further directions and make such further orders for the purpose of giving effect thereto as to the Court shall seem fit.

(3) Where the Court makes an order under subsection (2) of this section, the Court may also if it sees fit make an order for the compulsory winding-up of the association.

Ch. 53.

(4) Rules of Court for regulating proceedings under this section may be made under section 75 of the Supreme Court Act.

Ch. 258.

(5) In this section the expression “subdivision” has the same meaning as in the Subdivisions (Local Improvement Associations) Act.

Remuneration of the Government Medical Officer of Health.

15. When the Port Authority make any bye-laws under any of the provisions of this Act imposing any duties on the Government Medical Officer of Health, such bye-laws shall provide for and prescribe the amount of the fee or charge to be paid to such Government Medical Officer of Health for the service rendered.

Professional qualifications for medical and dental practitioners unaffected.

16. Nothing in this Act shall be deemed to derogate from any provision in any Act establishing minimum professional qualifications for medical and dental practitioners within The Bahamas including the Port Area.

Penalties.

17. Any person who contravenes or fails to comply with any of the provisions of a bye-law made under this Act shall be guilty of an offence and, if no other penalty is provided under this Act, shall be liable on summary conviction to a fine not exceeding two hundred dollars or imprisonment for three months.

5 cf 1987, s 2

Saving for existing

18. Notwithstanding anything contained in this Act, neither the Building Code nor the Sanitary Code nor any bye-laws made thereunder or under either of them or under this Act shall contain any provision which is in derogation of the terms or conditions of any agreement, covenant, obligation or commitment of the Port Authority entered into before the coming into operation of this Act between the Port Authority and any licensee.