
CHAPTER 253**OUT ISLANDS DILAPIDATED BUILDINGS****ARRANGEMENT OF SECTIONS**

SECTION

1. Short title.
2. Interpretation.
3. Illegal to allow buildings to be dilapidated, etc.
4. Peace officer to report violations of this Act.
5. Minister to require owner to reinstate etc., buildings.
6. Procedure on prosecution.
7. Justice may make an order in addition to any penalty which may be imposed.
8. Procedure in the absence of the owner.
9. Appeal.
10. Power to vary Schedule.
11. Expenses.

SCHEDULE.

CHAPTER 253

OUT ISLANDS DILAPIDATED BUILDINGS

An Act relating to dilapidated buildings in the Out Islands.

11 cf 1952
7 cf 1954
G N 7(29) cf
1964
E L A O , 1974
5 cf 1987
 Short title.

[Commencement 21st July, 1952]

1. This Act may be cited as the Out Islands Dilapidated Buildings Act.

2. In this Act, unless the context otherwise requires — Interpretation.

“building” includes part of a building;

“commissioner” means the commissioner in charge of the district in which a settlement is situate;

“Minister” means the Minister responsible for Public Works; *E L A O , 1974*

“owner” includes agent or occupier;

“settlement” means any place mentioned in the Schedule to this Act. Schedule.

3. (1) It shall not be lawful to permit any building in a settlement to be — Illegal to allow buildings to be dilapidated, etc.

(a) in a ruinous or dilapidated condition;

(b) in such condition as to be a source of danger to the houses or people in the neighbourhood, or to life or property generally;

(c) in such a state of repair as to be unsightly or a nuisance;

(d) unfit for human habitation if used or constructed for that purpose.

(2) Any person contravening the provisions of subsection (1) of this section shall be liable to a penalty of one hundred dollars. *5 cf 1987, Sch*

4. It shall be the duty of every peace officer from time to time to ascertain and report to the Minister all violations of subsection (1) of section 3 of this Act, and for the proper execution of such duty, it shall be lawful for Peace officer to report violations of this Act.

him to enter any building and to remain there for such reasonable time as may be necessary for the performance of the duties imposed upon him.

Minister to require owner to reinstate etc., buildings.

5. (1) If upon receipt of a report from a peace officer the Minister is satisfied that the provisions of subsection (1) of section 3 of this Act have been violated the Minister shall require the owner to comply with the said provisions or to pull down any such buildings or to effect the necessary repairs so that any such violations shall no longer exist within such reasonable time, not being less than fourteen days, as may be determined by the Minister, and upon compliance with the requisition of the Minister no further proceedings shall be taken.

(2) If the requisition of the Minister, referred to in subsection (1) of this section, shall not be complied with, the Minister shall cause proceedings to be taken in accordance with this Act.

Procedure on prosecution.
7 cf 1954, s 2

6. Any owner or person committing an offence against this Act shall be prosecuted summarily by the Minister, or some person authorised in writing by the Minister before a circuit justice.

Justice may make an order in addition to any penalty which may be imposed.

7. (1) Upon the conviction of any person for any offence under this Act the circuit justice may, in addition to or in lieu of any penalty which may be imposed under this Act, make such order as the circumstances of the case may require.

(2) Any such order shall state a time, not being less than fourteen days, within which such order shall be complied with.

(3) If any person fails to comply with any order made under subsection (1) of this section the Minister may, by his servants, enter upon the premises in respect of which such order has been made and carry out the terms of the order, and the owner shall be liable civilly in an action by the Minister for all expenses incurred in carrying out the terms of the said order.

Procedure in the absence of the owner.

8. (1) In the event of there being no known owner of any building, coming within the provisions of subsection (1) of section 3 of this Act, the Minister shall cause a notice to be affixed to the building and to be published in one or more newspapers of The Bahamas, requiring the owner to

remove, pull down or put the same in complete repair within sixty days from the date of such publication; and if at the expiration of such sixty days the building shall not have been removed, pulled down or repaired, the Minister or any person authorised in writing by the Minister, shall apply to a circuit justice for an order authorising the Minister to remove or pull down the said building after the expiration of sixty days from the date of such order and that such building, and, if necessary, the land on which the same is situate, be sold at public auction by the commissioner to defray any expenses incurred and fixing the date of any such auction which shall in no case be sooner than sixty days after the date of the order.

(2) The commissioner shall give title to the purchaser of any such building or land sold, and such title shall be as valid and binding as any title authorised to be given by the Provost Marshal of any property sold by order of the Supreme Court.

(3) Any money which may accrue from the sale of any such building or land over and above the amount of expenses incurred shall be deposited in the Treasury for payment to the person legally entitled thereto.

9. (1) An appeal shall lie to the Supreme Court from any decision or order of a circuit justice under subsection (1) of section 7 of this Act: Appeal

Provided that no such appeal shall be instituted later than twenty-eight days after the date upon which the circuit justice made his decision or order.

(2) An appeal shall lie to the Supreme Court from any decision or order of a circuit justice under subsection (1) of section 8 of this Act:

Provided that no such appeal shall be instituted later than thirty days after the date upon which the magistrate made his decision or order.

(3) When an appeal has been instituted under subsection (1) or subsection (2) of this section the execution of the decision or order which is the subject of the appeal shall be stayed until the appeal shall have been determined. Stay of execution

Power to vary
Schedule

10. It shall be lawful for the Governor-General by Order to add to or delete from the list of settlements in the Schedule to this Act.¹

Expenses

11. All expenses incurred in carrying out the provisions of this Act, except as in this Act otherwise provided, shall be paid out of the Consolidated Fund by warrant in the usual manner.

SCHEDULE (Sections 2 and 10)

Bimini
Dunmore Town, Harbour Island
Governor's Harbour, Eleuthera
West End, Grand Bahama²
Hope Town, Abaco
Marsh Harbour, Abaco
Man-of-War Cay, Abaco
Spanish Wells
Fresh Creek, Andros
Palmetto Point, Eleuthera
Alice Town, Eleuthera
Gregory Town, Eleuthera
Rock Sound, Eleuthera
Tarpum Bay, Eleuthera
Matthew Town, Inagua.

G N 27/1953

¹ The following were added by Order in Council dated 2nd February, 1953, see G N 27/1953 Hope Town, Abaco, Marsh Harbour, Abaco, Man o' War Cay, Abaco, Spanish Wells, Fresh Creek, Andros, Palmetto Point, Eleuthera, Alice Town, Eleuthera, Gregory Town, Eleuthera, Rock Sound, Eleuthera, Tarpum Bay, Eleuthera, Matthew Town, Inagua

² The following were added by Order in Council dated 2nd February, 1953, see G N 27/1953