
CHAPTER 26**PUBLIC WORKS****ARRANGEMENT OF SECTIONS**

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CHAPTER 26

PUBLIC WORKS

An Act to provide for the construction, management and development of public works, buildings and roads.*40 cf 1963**43 cf 1964**6 cf 1968**19 cf 1968**E L A O , 1974**19 cf 1975**5 cf 1987**[Assent 20th December, 1963]**[Commencement 7th January, 1964]*

1. This Act may be cited as the Public Works Act.

Short title.

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

Interpretation.

“Board” means the New Providence or a District Board of Works, as the case may be;

“Department” means the Department of Public Works;

“Director” means the Director of Public Works;

“district” means any one of the districts into which The Bahamas is or may be divided under the Local Government Act or a district constituted under the same;

Ch. 37.

“Minister” means the Minister responsible for Public Works;

E L A O , 1974

“road” means any highway, road, street, alley, lane, square or place over which the public have a right of passage;

“rubbish” includes debris, litter refuse, waste, derelict vehicles, obsolete plant, packing cases, barrels, loose timber and scrap metal.

3. It shall be lawful for the Minister by notice in the *Gazette* to name or rename any road:

The naming of roads.

Provided that the Minister shall not exercise the power conferred by this section unless he has given at least one month’s notice in the *Gazette* of his intention so to do.

Governor-
General to deal
with objections
under section 3

4. Where before the expiration of the time limited by such notice as is mentioned in section 3, any person has sent to the Minister a memorial in writing, objecting to the proposal, the Minister shall, unless he decides to meet the objection, submit the matter to the Governor-General, whose decision shall be final.

Numbering of
houses

5. (1) It shall be lawful for the Minister, subject to any rules in that behalf, to assign a number to any house or building jutting on or adjacent to any road and to cause such number to be fixed at the public expense in a conspicuous place on the outer side of such house or building or at the entrance to the enclosure thereof.

(2) It shall be the duty of the owner or occupier of such house or building to protect such number and the expense of replacing and refixing the same in the event of its being destroyed, defaced, lost or concealed shall be paid by the owner or occupier and be recoverable from him summarily save where some other person is convicted under the provisions of subsection (3) of this section in respect of that number.

(3) Any person who destroys, pulls down, defaces or conceals any number placed on a house or building under the provisions of this section shall on summary conviction be liable to a penalty of forty dollars and, in addition, shall be ordered to pay the expenses of replacing and refixing the same.

5 cf 1987, s 2

Rules

6. (1) The Minister may make rules for all or any of the following purposes —

- (a) the use, obstruction, alteration, encroachment upon, or damage to any of the property belonging to the Government or held by the Government or any public officer on behalf of the public and the removal of any such obstruction or encroachment;
- (b) the removal of filth or rubbish and the cleansing and keeping clean of all public drains, roads, squares, cemeteries and other public lands and grounds and the care and attendance of drains and flood-gates;

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- (c) the erection and regulation of sun-screens over and along the roads and side walks of any town;
 - (d) the erection of gates across roads at a distance, in New Providence, of not less than four miles from Rawson Square, in the City of Nassau, and in an Out Island at such distance from any town thereon as to the Minister may seem fit;
 - (e) the regulation and control of any hoarding or similar structure used for the purpose of advertising;
 - (f) the regulation, restriction or prevention of the exhibition of advertisements, signs or notices;
 - (g) the fixing, levying and collecting of fees for the use of public docks and wharves in Out Islands, or for the use and occupation of stalls or buildings under the control of the Department;
 - (h) the regulation and control of the movement and pasturing of cattle, sheep, goats and other animals;
 - (i) the removal of rubbish and the cleaning and keeping clean of all privately owned premises (whether occupied or not) and the prevention of the deposit of rubbish in any public place or in any open space privately owned without the consent of the owner or occupier; and
 - (j) the use, regulation and control of lighting of the exterior of buildings and all matters connected therewith. *4 cf 1987, s 33*

(2) Such rules shall apply throughout The Bahamas or such part or parts thereof as may be prescribed therein.

7. (1) The Minister may by rule impose any conditions or restrictions upon sea-bathing from any public wharf or beach to which the public have access either generally or with respect to any specified wharf or beach.

Regulation of sea-bathing from public wharves and beaches 43 cf 1964, Third Sch

(2) Any person who bathes or prepares to bathe from any public wharf or beach in contravention of any condition or restriction imposed by any such rule shall be guilty of an offence and on summary conviction liable to a fine not exceeding twenty dollars.

5 cf 1987, s 2

Use of certain
fees.

8. Where under any rules in force fees are levied in respect of the use of any public harbour, dock or wharf in any Out Island district, the Minister shall ensure that any sums so collected are expended on the maintenance of such harbour, dock or wharf.

Penalties.
6 cf 1968, s 2

9. (1) Any person who contravenes or fails to comply with any rules made under this Act shall, unless any other penalty is specified therein, be liable on summary conviction to a penalty of fifteen dollars.

(2) Any person who wilfully interrupts or obstructs any officer or other person employed in or by the Department in the performance of any work or act authorized or required to be done or any duty to be performed under the provisions of this Act or of any rules made thereunder shall be liable on summary conviction to a penalty not exceeding one hundred and fifty dollars.

Report.
E L A O, 1974

10. The Minister shall lay upon the table of each House of Parliament before the end of March or as soon as practicable thereafter in every year a report dealing with —

- (a) the operation of and the measures taken by the Department; and
- (b) the financial expenditure and receipts of the Department,

for the previous year.

Vesting of
property.

11. (1) Any immovable property vested at the date of the coming into operation of this Act in the New Providence Board or any Out Island Board under or by virtue of the Boards of Works Act 1913 shall upon such date vest in the Treasurer to be held by him in trust for Her Majesty in right of Her Government of The Bahamas for public purposes.

15 of 1913

(2) Any movable property so vested upon such date shall vest in the Minister for the purposes of this Act.

Contracts.
*43 cf 1964, Third
Sch*

12. Nothing in this Act contained shall affect any contract that was valid and subsisting immediately prior to the seventh day of January 1964 and which had been entered into by the Public Board of Works for New Providence or any Out Island Public Board of Works (abolished by this Act on the said date) and any such contract shall be deemed to be a contract entered into by the Minister on behalf of the Government of The Bahamas.