

- (c) to institute proceedings in the name of the Minister against owners or captains of boats, as the case may be, who refuse to pay dockage fees within seven days of the date such fees are payable;
- (d) to keep a proper account of all fees collected and hand them over to the Minister at least monthly;
- (e) to keep the dock in a clean condition at all times;
- (f) to answer to the Minister in all matters related to the dock.

6. All fees payable or recoverable under these Rules which do not exceed the maximum amount recoverable in a summary manner under the provisions of the Magistrates Act may be sued for, recovered and enforced summarily before the magistrate of the Harbour Island District.

Proceedings before magistrate. Ch. 54.

7. The Minister may expend such moneys collected under these Rules for paying the dockmaster's fees and on repairs and maintenance to the dock and its facilities.

Use of fees.

8. The dockmaster shall be paid a monthly salary to be determined by the Minister, and such salary shall not exceed thirty per centum nor be less than ten per centum of the total fees collected in any one month.

Dockmaster's salary.

## MINISTRY OF WORKS (CONTROL OF ADVERTISEMENTS) RULES

(SECTION 6)

*[Commencement 19th December, 1964]*

*GN 331/1964*  
*GN 53/1965*  
*5 cf 1987*

### PART I PRELIMINARY

1. These Rules may be cited as the Ministry of Works (Control of Advertisements) Rules.

Citation.

2. In these Rules, unless the context otherwise requires —

Interpretation.

“advertisement” means any word, letter, model, sign, placard, board, notice or device or representation, whether illuminated or not, in the nature of and employed wholly or in part for the purposes of advertisement, announcement, attraction or direction (excluding any such thing employed wholly as a memorial), and, without prejudice to the generality of the foregoing, includes any hoarding or similar structure used or adapted for use for the display of advertisements, and references to the display of advertisements shall be construed accordingly;

“illuminated advertisement” means an advertisement which is designed or adapted to be illuminated by artificial lighting, directly or by reflection, and which is so illuminated for the purposes of the advertisement, announcement or direction at any time after the date upon which these Rules come into force;

“building” includes any structure or erection and any part of a building so defined;

“land” includes buildings and land covered by water;

“Minister” means the Minister responsible for Public Works;

“Ministry” means the Ministry of Public Works.

Extent and  
application

3.(1) These Rules shall apply to the display of all advertisements on land, buildings, walls, trees, vehicles or on water car in the air in and around The Bahamas:

Provided that there shall be excepted from the provisions of this paragraph advertisements —

- (a) displayed on enclosed land, and not readily visible from land outside the enclosure wherein it is displayed or from any part of such enclosure over which there is a public right of way or to which there is a public right of access;
- (b) displayed within a building; and
- (c) displayed on or in a vehicle, provided that such advertisement is restricted to the name of the advertiser, the business which is carried on and the main agency of the business in neat and tasteful lettering and that there is no general

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advertising of merchandise nor trademarks in excess of one square foot in area; for example A and B Company Limited, Hardware Supplies, Agents for X Airconditioners.

- (2) For the purposes of this rule —
  - (a) the expression “enclosed land” means any land which is wholly or for the most part enclosed within a hedge, fence, wall or similar screen or structure, but shall not include any public park, public garden or other land held for the use and enjoyment of the public;
  - (b) “vehicle” means a vehicle normally employed as a moving vehicle on any highway, a vessel normally employed as a moving vessel normally in the territorial waters of The Bahamas and any aircraft normally employed as a moving aircraft in the air over The Bahamas; and
  - (c) no advertisement shall be deemed to be displayed within a building unless there is access to the advertisement from inside the building.

## PART II GENERAL APPLICATION

4. (1) The powers conferred by these Rules with respect to the grant or refusal of consent for the display of advertisements, and to the revocation or modification of such consent, shall be exercisable only in the interest of amenity and public safety.

Control in the interests of amenity and public safety

- (2) When exercising such powers the Minister —
  - (a) shall in the interests of amenity, determine the suitability of the use of the site for the display of advertisements in the light of the general characteristics of the locality, including the presence therein of any feature of historic, architectural, cultural or similar interest; and when assessing the general characteristics of a locality the Minister may disregard any advertisements therein being displayed;
  - (b) shall, in the interests of public safety, have regard to the safety of persons who may use any road, waterway (including coastal waters), dock, harbour or airfield or landing place affected or likely

to be affected by any display of advertisements; and shall in particular consider whether any such display is likely to obscure, or hinder the ready interpretation of, any road traffic sign or aid to navigation by water or air (but without prejudice to his power to have regard to any other material factor);

- (c) shall have regard to the effect on amenity of the content and design of the advertisement to be displayed; and
- (d) in any case may have regard to any material change in circumstances likely to occur within the period for which the consent is required or granted, or to any other material factor.

Consent required for display of advertisements.

**5.** Subject to the provisions of rule 6 of these Rules (relating to advertisements for which no consent is required) no advertisement may be displayed without written consent granted by the Minister on application being made in that behalf.

Advertisements for which no consent is required.

**6.** (1) The display of advertisements of the following descriptions may be undertaken without consent —

- (a) any advertisement required or authorised by law;
- (b) any advertisement relating specifically to a parliamentary election in respect of which a writ of election has been issued;
- (c) any advertisement required to be displayed by any enactment for the time being in force, or by the Governor-General under any powers conferred upon him by virtue of the Constitution, or by standing orders of either the House of Assembly or the Senate including an advertisement the display of which is required as a condition of the valid exercise of any other power or proper performance of any function given or imposed by any enactment;
- (d) advertisements in the nature of traffic signs employed wholly for the control, guidance or safety of traffic and displayed in accordance with an authorisation given by the Minister for Road Traffic either by way of Regulations made under the provisions of section 92 of the Road Traffic Act, or otherwise;

Ch. 220.

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- (e) advertisements for the purpose of identification, direction or warning with respect to the land or building on which they are displayed and do not exceed two square feet in area;
  - (f) advertisements relating to any person, partnership or company separately carrying on a profession, business or trade at the premises where any such advertisement is displayed; limited to one advertisement not exceeding two square feet in area in respect of each such person, partnership or company;
  - (g) advertisements relating to any church or any institution of a religious, educational, cultural, recreational or medical or similar character, or to any residential hotel, block of flats, club, boarding house or hostel situate on land on which any such advertisement is displayed; limited to one advertisement not exceeding four square feet in area in respect of each such premises, or in the case of premises with entrances upon different road frontages, to two such advertisements displayed on different road frontages of the premises;
  - (h) advertisements of a purely temporary nature —
    - (i) relating to the sale or letting of land on which it is displayed; limited to one advertisement consisting of a board (whether or not attached to a building) not exceeding twenty square feet in area, no such advertisement when displayed on a building to project more than three feet from the face of the building;
    - (ii) relating to the sale of goods or livestock or the carrying out of building or similar work on the land on which they are displayed, not being land normally used whether at regular intervals or otherwise, for the purpose of holding sales or carrying out such work; limited to one advertisement not exceeding twelve square feet in area in respect of each such sale or work;

- (iii) relating to any event or other matter of a temporary nature in connection with an activity promoted for non-commercial purposes by or on behalf of any local organisation of a religious, educational, cultural, social or recreational character; limited to a display of advertisements occupying an area not exceeding a total of six square feet on any premises:

Provided that no advertisement relating to a sale or other matter which is due to start or take place on a specified date shall be displayed earlier than fourteen days before that date and shall be removed within seven days after the conclusion of the event or the matter to which it relates, and that any advertisement relating to the carrying out on land of building or other similar works may be displayed only while such works are in progress.

(2) All advertisements to which this rule relates shall as regards the illumination thereof be subject to the provisions of these Rules relating to the illumination of advertisements.

### **PART III APPLICATIONS FOR CONSENT**

How to apply

7 (1) An application for consent to display advertisements shall be made on a form issued by the Minister and obtainable from the Ministry, and shall include such particulars and shall be accompanied by such plans together with such additional copies (not exceeding two) of the form and plans, as may be required by the directions of the Minister, printed on the form.

(2) The application shall be lodged with the Minister and the Minister shall, on receipt thereof, send an acknowledgement in writing to the applicant, and may by a direction issued to him in writing require such information, in addition to that given in the application, as may be requisite to enable the Minister to determine the matter in respect of which the application is made, to be given to the Minister, or such evidence as the Minister may reasonably call for to verify any particulars of information given to the Minister.

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(3) The Minister may restrict, by direction given either generally or in any particular case or class of case, the amount of particulars, plans or information which an applicant may be required to furnish under these Rules.

**8.** (1) Where it appears to the Minister that the display of advertisements to which an application relates may affect the safety of persons using any road, dock, harbour or airfield, the Minister, before determining the application, shall consult the Ministry, body or persons responsible for the operation thereof.

Consultations on applications

(2) The Minister shall give to any Ministry, body or persons with whom he is required to consult not less than fourteen days' notice that an application is being considered and shall in determining the application take into account any representation made by such Ministry, person or body.

**9.** (1) Subject to the provisions of these Rules the Minister may grant consent for the display of an advertisement with or without illumination as the application requires but subject to such conditions as the Minister may think fit or the Minister may refuse consent.

Power to deal with application

(2) Where any consent is refused such refusal may be accompanied by a condition requiring the removal of any advertisement previously authorised or the discontinuance of any use of land so authorised at the expiration of a specified period and the carrying out of any works required for the reinstatement of the land at the expiration of that period.

**10.** (1) Every grant of consent shall be for a fixed period not exceeding three years and shall expire upon the third anniversary of that date or upon the last date of subsequent triennial periods thereafter, subject to renewal as provided by paragraph (3) of this rule.

Consent to be limited  
*GN 53/1965*

(2) Provision may be made, in granting consent, for the term thereof to run from the subsequent inception of the display to which the consent relates or from a subsequent date not later than six months after the date on which the consent is granted, whichever is the earlier.

(3) At any time within a period of six months before the expiry of a consent application may be made for the renewal thereof, and the provisions of these Rules relating

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to applications for consent and to the determination thereof shall apply where application is made for such renewal.

Notification of  
Minister's  
decision

**11.** (1) The grant or refusal by the Minister of consent for the display of an advertisement shall be in writing and where such consent is granted subject to conditions or is refused the reason therefor shall be stated in writing.

(2) The Minister shall, within two months from the date of the receipt of the application, give notice to the applicant of his decision:

Provided that such period of two months may, at any time before the expiration thereof, be extended by the Minister if he, in his entire discretion, thinks fit.

Appeals

**12.** (1) Where, on application being made for consent under these Rules, consent is refused by the Minister or is granted by him subject to conditions, the applicant may appeal to the Governor-General:

Provided that the Governor-General shall not be required to entertain an appeal under this rule if it appears to him that consent for the display of advertisements in respect of which application was made could not have been granted otherwise than subject to the conditions imposed by the Minister.

(2) Any person who desires to appeal under this rule shall give notice of appeal in writing to the Secretary to the Cabinet within one month from the receipt of notification of the Minister's decision or such longer period as the Governor-General may allow and shall furnish to the Governor-General a copy of the following documents —

- (i) the application made to the Minister;
- (ii) all relevant plans and particulars submitted to him;
- (iii) the notice of the decision;
- (iv) all other relevant correspondence with the Minister.

(3) The Governor-General may, if he thinks fit, require the applicant or the Minister to submit within a specified period a further statement in writing in respect of any of the matters to which the appeal relates, and if, after considering the grounds of the appeal and any such further statements, the Governor-General is satisfied that he is



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sufficiently informed for the purpose of reaching a decision as to the matters to which the appeal relates, he may decide the appeal without further investigation; but otherwise the Governor-General shall afford to each of them an opportunity of appealing before and being heard by a person or persons appointed by the Governor-General for the purpose.

(4) The Governor-General may allow or dismiss the appeal or may reverse or vary any part of the decision of the Minister, whether or not the appeal relates to that part, and deal with the application as if it had been made to him in the first instance.

(5) Where the Minister fails to notify the applicant as required by rule 11 of these Rules within two months from receipt of the application, or within such extended period as he may grant, the provisions of paragraphs (1) and (2) of this rule shall apply in relation to the application as if consent had been refused by the Minister and as if notification of his decision had been received by the applicant at the expiration of the said period of two months or the extended period as aforesaid, as the case may be.

(6) The decision of the Governor-General or the person or persons appointed under the provisions of paragraph (3) of this rule on an appeal under this rule shall be final and shall otherwise have effect as if it were a decision of the Minister.

#### **PART IV REVOCATION AND MODIFICATION OF CONSENT**

**13.** (1) Subject to the provisions of rule 4 of these Rules (relating to amenity and public safety), if it appears to the Minister that it is expedient that any consent for the display of advertisements should be revoked or modified, he may by order revoke or modify the consent to such extent as appears to him to be expedient:

Provisions as to  
revocation and  
modification of  
consent

Provided that no such order shall take effect unless it is confirmed by the Governor-General, and the Governor-General may confirm any order submitted to him for the purpose either without modification or subject to such modifications as he considers expedient.

(2) Where the Minister submits an order to the Governor-General for his confirmation, the Minister shall serve notice on the person upon whose application the consent was granted, on the owner and on the occupier of the land affected, and on any other person who in his opinion will be affected by the order; and if within such period as may be specified in that behalf in the notice (not being less than twenty-eight days from the service thereof) any person on whom the notice is served so requires, the Governor-General shall, before confirming the order, afford to such person and to the Minister an opportunity of appearing before and being heard by a person or persons appointed by the Governor-General for the purpose.

(3) The power conferred by this rule may be exercised —

- (a) where the consent relates to a display which involves the carrying out of building or similar operations, at any time before those operations have been completed;
- (b) where the consent relates to a display which involves no such operations as aforesaid, at any time before the display is begun:

Provided that the revocation or modification of consent for a display which involves the carrying out of building or similar operations shall not affect so much of those operations as has been previously carried out.

**14.** (1) Where consent for the display of advertisements is revoked or modified by an order made under rule 13 of these Rules then if, on a claim made to the Minister in writing and served in the manner indicated in paragraph (3) of this rule within six months after confirmation of the order, it is shown that any person has incurred expenditure in carrying out, in connection with the display in question, work which is rendered abortive by the revocation or modification, or has otherwise sustained loss or damage which is directly attributable to the revocation or modification, the Minister shall pay to that person compensation in respect of that expenditure or loss or damage:

Provided that no compensation shall be payable under this paragraph in respect of loss or damage consisting of the depreciation in value of any interest in land by virtue of the revocation or modification.

Supplementary provisions as to revocation and modification of consent

(2) For the purposes of this rule, any expenditure incurred in the preparation of plans for the purposes of any work or upon other similar matters preparatory thereto shall be deemed to be included in the expenditure incurred in carrying out the work, but except as aforesaid no compensation shall be paid under this rule in respect of any work carried out before the grant of the consent which is revoked or modified, or in respect of any other loss or damage arising out of anything done or omitted to be done before the grant of the consent.

(3) A claim for compensation under this rule shall be served on the Minister by delivering it at the offices of the Ministry or by sending it by pre-paid post addressed as aforesaid.

## PART V ENFORCEMENT

**15.** (1) If it appears to the Minister that any advertisement has been displayed either on land or otherwise after the coming into force of these Rules without consent required in that behalf, or that any conditions subject to which consent was granted have not been complied with, then the Minister may serve a notice on the owner or occupier of the land where the advertisement is displayed or on any person known to the Minister to be displaying the advertisement without such consent, or to have displayed it in contravention of such conditions, as the case may be.

Provisions as to  
enforcement

(2) Any such notice shall specify the display of advertisements which is alleged to have begun or continued without such consent or as the case may be, the matters in respect of which it is alleged that any conditions have not been complied with, and may require such steps to be taken as may be specified in the notice within such period as may be so specified, and in particular any such notice may require the demolition or alteration of any buildings or works, the discontinuance of the use of land or the carrying out on land of any building or other operations.

(3) Subject to the provisions of paragraph (2) of this rule, an enforcement notice shall take effect at the expiration of such period as may be expressed therein being a period of not less than —

- (a) forty-eight hours where the Minister considers it urgently necessary in the interests of public safety that the advertisement to which the notice relates should be altered or removed; or where the Minister is satisfied that any steps required by the notice to be taken can be taken without the removal or substantial modification of any structure or the carrying out of any building or similar operations on land;
- (b) in any other case fourteen days.

Supplementary  
provisions as to  
enforcement

**16.** (1) If within the period specified in an enforcement notice, or within such extended period as may be allowed by the Minister any steps required by the notice to be taken have not been taken, the Minister may take all necessary action including the entering upon any land, to take such steps and may recover as a simple contract debt in any court of competent jurisdiction from the person who displayed such advertisement any and all expenses reasonably incurred by the Minister in that behalf.

(2) Any expenses incurred by the owner or occupier of any land for the purpose of complying with any enforcement notice served under the provisions of rule 15, and any sums paid by the owner of land in respect of the expenses of the Minister in taking steps required to be taken by such notice, shall be deemed to be incurred or paid for the use and at the request of the person who displayed such advertisement in contravention of these Rules.

## PART VI ILLUMINATED ADVERTISEMENTS

Displayed other  
than in a  
building

**17.** No advertisement displayed anywhere or in any manner other than within a building shall be illuminated without the consent of the Minister and such consent may be granted subject to such conditions and modifications as he may, in his entire discretion, think fit.

## PART VII MISCELLANEOUS

Extension of  
time

- 18.** Subject to the provisions of these Rules —
- (a) the Governor-General may for special reasons, in any particular case, extend the time within which anything required to be done under these

Rules, or within which any objection, representation or claim for compensation may be made thereunder;

- (b) the Minister may, on reasonable cause being shown to him, extend the time within which an application for consent is required to be, or may be, made to him under these Rules, and any such extension may be granted either unconditionally or subject to such conditions as the Governor-General or the Minister, as the case may be, think fit to impose:

Provided that the provisions of this rule shall not apply to the time within which the Minister is required under rule 11 of these Rules to notify an applicant of the manner in which his application has been dealt with save as expressly provided in that rule.

**19.** (1) The amount of the fine to which a person who displays an advertisement in contravention of these Rules is liable on summary conviction is four hundred dollars and, in the case of a continuing offence, twenty dollars for each day during which the offence continues after conviction.

Liability to fine  
*5 cf 1987*

(2) Failure to observe any condition relating to the maintenance of an advertisement or of the site used for the display thereof, or to the satisfactory removal of the advertisement shall only be a contravention of these Rules if, within the time allowed for complying with an enforcement notice served on the person concerned under rule 15 of these Rules, the steps required by the notice to be taken to remedy such failure are not taken.

**20.** The Ministry shall keep records containing the following information —

Record of  
applications

- (a) the particulars of any application made to it for the display of advertisements, including the name and address of the applicant, the date of the application, and brief particulars of the type of advertisements forming the subject of the application;
- (b) the particulars of any direction given under these Rules in respect of the application;
- (c) the decision (if any) of the Minister in respect of the application and the date of such decision; and

- (d) the date and effect of any decision of the Minister in respect of the application, or of the Governor-General on appeal.

Directions and notices.

**21.** (1) Any power conferred by these Rules to give a direction shall be construed as including power to cancel or vary that direction by a subsequent direction.

(2) Except where otherwise stated in these Rules any notice to be served or given under these Rules may be served or given either personally at the address in the application made to the Minister or at the office of the Ministry or sent by pre-paid post addressed as aforesaid.

Other statutory obligations not affected.

**22.** Nothing in these Rules or in a consent granted thereunder shall be taken as operating to discharge an obligation or liability, imposed or incurred under any other enactment in force, in relation to any operation or other matter involved in the display of advertisements.

## PUBLIC PARKS RULES

### (SECTION 6)

*S1 47/1966*  
*S1 67/1967*  
*5 cf 1987*

Citation.

**1.** These Rules may be cited as the Public Parks Rules.

Application and administration of Rules.

**2.** (1) These Rules shall apply to the public lands (any one of which is in these Rules referred to as a park) specified in the Schedule hereto.

(2) Any person who desires to obtain the permission of the Minister for any of the matters or purposes in these Rules hereinafter mentioned shall apply to the Minister at the Ministry of Works.

Permission required for playing organized games, etc.

**3.** (1) No person shall organize or take part in any organized game, pastime or sport in any park except in accordance with the terms and conditions of any prior permission given in that behalf by the Minister.

*5 cf 1987*

(2) Any person contravening the provisions of this rule shall be liable on summary conviction to a fine of twenty dollars.