

CHAPTER 8.13

SAINT LUCIA AIR AND SEA PORTS AUTHORITY

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CHAPTER 8.13

SAINT LUCIA AIR AND SEA PORTS AUTHORITY ACT

(Acts 10 of 1983, 17 of 1985, 15 of 1997, 4 of 1999, 15 of 2000, 8 of 2006 and 11 of 2006 and S.I. 66/1994)

AN ACT to establish an Authority to be known as the Saint Lucia Air and Sea Ports Authority, to provide for co-ordinated and integrated systems of airports, seaports and port services, to transfer to and vest in the Authority the assets, liabilities and functions of the Saint Lucia Port Authority and the assets, liabilities and generally the functions of the Airport Division of the Ministry of Communications and Works and for other connected matters.

Commencement [1 July 1983]

PART 1 PRELIMINARY

1. SHORT TITLE

This Act may be cited as the Saint Lucia Air and Sea Ports Authority Act.

2. INTERPRETATION

In this Act—

“**aircraft**” means any machine for flying, whether propelled by mechanical means or not, and includes any description of balloon;

“**airport**” means the airport of George F. L. Charles or the airport of Hewanorra described respectively in Parts 1 and 2 of the Schedule;

“**animal**” means any animate thing of any kind except a human being;

“**Authority**” means the Saint Lucia Air and Sea Ports Authority established under section 3;

- “**Authority pilot**” means a person licensed to act as an Authority pilot under section 60 and employed by the Authority under section 55;
- “**beacon**” means any light, mark or sign used as an aid to navigation other than a buoy, and includes aeronautical beacons and such other aids as are commonly used in aviation;
- “**buoy**” means any anchored float and includes any floating light, mark or sign used as an aid to navigation;
- “**chairperson**” means the chairperson of the Council and includes any person performing the functions of chairperson;
- “**charges**” mean any charges or rates levied by the Authority under this Act;
- “**Council**” means the Council of the Authority appointed under section 4;
- “**dues**” include pilotage dues, port dues and tonnage dues levied under this Act;
- “**financial year**” means such period of 12 months as the Authority with the approval of the Minister may determine to be its financial year, so however that the first financial year shall be the period commencing with the commencement of this Act and ending with such day as shall be fixed by the Authority;
- “**General Manager**” means the General Manager of the Authority appointed under section 12 and includes any person performing the functions of the General Manager and any person authorised by the General Manager to perform any of the functions of the General Manager;
- “**goods**” means all kinds of movable property including animals;
- “**local authority**” means the Castries Corporation constituted under the Castries Corporation Act, 1967; or any town, village or district council constituted under the Local Authorities Act;

“**member**” means a member of the Council and when used in relation to the constitution of the Council includes the chairperson;

“**Minister**” means in relation to—

- (a) any matter concerning finance or the public service the Minister responsible for finance; and
- (b) any other matter the Minister responsible for communications and works;

“**owner**” when used in relation to—

- (a) goods, includes any consignor, consignee, shipper or agent of the owner for the sale, custody, loading, handling, unloading or delivery of such goods;
- (b) any ship or aircraft, includes any part owner, charterer, operator, consignee or mortgagee in possession thereof or any duly authorised agent of such person;

“**perishable goods**” mean goods liable to rapid deterioration and, in particular, includes fish, fruit, vegetables, meat, poultry, game, butter, eggs, milk, cheese, plants, small animals or any other thing which the Authority may by notice published in the Gazette declare to be perishable goods;¹

“**person in charge**” in relation to an aircraft means the pilot or other person having charge, command or control of the aircraft, and in relation to a ship the master or other person (other than an Authority pilot) having charge, command or control of the ship;

“**Pilotage Committee**” means the Pilotage Committee appointed under section 56;

“**port**” means an airport or a seaport;

“**premises**” include any immovable property whether open or enclosed, whether built on or not, whether public or private and whether maintained or not under statutory authority;

“**regulations**” mean the regulations made under this Act;

¹ *Editor’s note:* Gazette notice 322/1972 declares certain goods perishable.

“**seaport**” means the Seaport of Castries or the Seaport of Vieux-Fort described respectively in Parts 3 and 4 of the Schedule and includes any other place that may be declared by the Minister by order as a seaport;²

“**secondary asset**” means any asset declared to be a secondary asset by the Minister by notice published in the Gazette in accordance with subsection 28(4);

“**ship**” includes any ship, vessel, tug or boat of any kind whatsoever whether the same is propelled by steam or otherwise or is towed;

“**Tariff Book**” means the Tariff Book prepared and published under section 53;

“**vehicle**” means any vehicle towed or propelled by any means whatsoever for the portage of goods or persons otherwise than by sea or air.

(Amended by Acts 17 of 1985, 15 of 1997 and 8 of 2006)

PART 2

ESTABLISHMENT, CONSTITUTION, MANAGEMENT AND STAFF

3. ESTABLISHMENT OF AUTHORITY

- (1) There is hereby established for the purposes of this Act a body corporate to be called the Saint Lucia Air and Sea Ports Authority.
- (2) Subject to this Act, section 19 of the Interpretation Act applies to the Authority.

4. CONSTITUTION OF COUNCIL

- (1) The Authority shall be administered by a Council which shall consist of the Permanent Secretary of the Ministry of Finance And Planning, the permanent secretary of the Ministry responsible for communications and works and not more than 8 other persons whom the Governor General shall appoint and who shall be—

² *Editor's note:* Rodney Bay and Marigot Bay are established as seaports in Gazettes 151 and 152/1986 and Soufrière, by Gazette 507/1986.

- (a) an officer from the Department of Planning;
 - (b) an officer from the Attorney General's Chambers;
 - (c) a person engaged in the business of shipping agents;
 - (d) a person engaged in the business of airline representatives;
 - (e) a person engaged in the business of importing and exporting goods;
 - (f) a person engaged in the tourist industry; and
 - (g) two other persons.
- (2) Every member appointed by the Governor General shall hold office for such period not exceeding 3 years as the Governor General may direct and shall on ceasing to be a member, be eligible for re-appointment.

However, where a member ceases to be a member for any reason, the Governor General may appoint another member, subject to the provisions of this section, in his or her place for the remainder of the time for which the former member would have served but for his or her ceasing to be a member.

- (3) The Director of Finance and Planning and the permanent secretary of the Ministry responsible for communications and works is the chairperson and deputy chairperson respectively. The chairperson shall preside over the meetings of the Council and in his or her absence the deputy chairperson shall preside. In the absence of both the chairperson and deputy chairperson the members present may elect one of their number to preside over the meeting.
- (4) In the event of incapacity from illness or other temporary cause or of the temporary absence from the State of any member the Governor General may, subject to this section, appoint some other person to act as a temporary member during the time such incapacity or absence continues.
- (5) The Governor General may at any time revoke the appointment of any member if he or she considers it expedient so to do.
- (6) The appointment of any member and the termination of office of any person as a member whether by death, resignation or effluxion of time or otherwise shall be notified in the Gazette.
- (7) A member of Parliament is disqualified from being a member.

(Amended by Acts 4 of 1999 and 8 of 2006)

5. SEAL OF THE AUTHORITY

- (1) The seal of the Authority shall be kept in the custody of the chairperson or of the General Manager and may be affixed to instruments under a resolution of the Authority and in the presence of the chairperson or deputy chairperson and the General Manager.
- (2) The Seal of the Authority shall be authenticated by the signature of the chairperson or deputy chairperson and the General Manager, and such seal shall be officially and judicially noticed.
- (3) All deeds, instruments, contracts and other documents, other than those required by law to be under seal, made by, and all decisions of, the Authority may be signified under the hand of the chairperson, the deputy chairperson or the General Manager.

6. SERVICE OF NOTICE

- (1) Service of any notice, order or other document required or authorised under this Act or any regulation to be served on any person by the General Manager may be effected by—
 - (a) delivering it to the person;
 - (b) leaving it at the usual or last known place of abode of the person; or
 - (c) sending it by registered post addressed to the person at his or her usual or last known address.
- (2) Service of any notice, order or other document required or authorised under this Act or any regulation to be served on the General Manager may be effected by—
 - (a) delivering it to the General Manager;
 - (b) leaving it at the office of the General Manager; or
 - (c) sending it by registered post addressed to the General Manager at the office of the Authority.

7. PROCEDURE AND MEETINGS OF THE COUNCIL

- (1) The Council shall meet at such times as may be necessary or expedient for the transaction of business, and such meetings

shall be held at such place and time and on such days as the Council may determine.

- (2) Six members constitute a quorum at any meeting of the Council.

However, where any member is disqualified from taking part in any deliberation or decision of the Council with respect to any matter, he or she shall be disregarded for the purpose of constituting a quorum for deliberating on or deciding that matter.

- (3) The chairperson may at any time call a special meeting of the Council and shall call a special meeting of the Council within 7 days of a requisition for that purpose addressed to him or her by any 3 members to consider the matters contained in such requisition.
- (4) The chairperson shall call a special meeting of the Council if directed by the Minister to do so.
- (5) The decision of the Council with regard to any question shall be determined by vote of the majority of the members present at the meeting of the Council and in any case when the votes of the members present in regard to any question shall be equally divided, the chairperson presiding at the meeting has a casting vote in addition to his or her own vote.
- (6) Minutes of the proceedings of each meeting of the Council shall be kept in such manner as the Council may determine and shall be confirmed by the chairperson as soon as practicable thereafter at a subsequent meeting.
- (7) The Council may co-opt any one or more persons to attend any particular meeting of the Council for the purpose of assisting or advising the Council, but no such co-opted person shall have any right to vote.
- (8) A member appointed by the Governor General who absents himself or herself without the leave of the chairperson from 3 consecutive meetings of the Council ceases to be a member.
- (9) Subject to the provisions of this section, the Council has power to regulate its own proceedings.

8. DISCLOSURE OF INTEREST AND ABSTAINING FROM VOTING

- (1) It is the duty of a member who is in any way, whether directly or indirectly, interested in an application to the Authority for a contract or proposed contract with the Authority, to declare the nature of his or her interest at the first meeting of the Authority at which it is practicable for him or her to do so.
- (2) A member shall not vote in respect of any contract or proposed contract with the Authority in which he or she is in any way interested, whether directly or indirectly.

9. APPOINTMENT OF COMMITTEES

- (1) The Council may appoint a committee of the Council to examine and report to it on any matter whatsoever arising out of or connected with any of its functions under this Act.
- (2) Any such committee shall consist of at least one member together with such other persons, whether members or not, whose assistance or service the Council may desire.
- (3) The Council may by resolution reject the report of any such committee or adopt it either wholly or with such modifications, additions or adaptations as the Council may think fit.

10. POWER TO DELEGATE

Subject to the provisions of this Act, the Council may delegate to any member or committee of the Council the power and authority to carry out on its behalf such duties as the Council may determine.

11. REMUNERATION OF MEMBERS

- (1) There shall be paid from the funds of the Authority to the chairperson, and other members such remuneration, fees or allowances as the Governor General may determine.
- (2) Where persons, other than members, are members of a committee appointed under section 9, or where any person is co-opted under the provisions of section 7(7), the Authority may with the approval of the Minister by resolution declare any remuneration, fees or allowances of such persons, and such sums shall properly be payable out of the funds and resources of the Authority.

12. APPOINTMENT OF GENERAL MANAGER

- (1) The Authority shall with the approval of the Minister and at such salary and upon such terms and conditions as it may determine, appoint a General Manager who shall be the chief executive officer of the Authority and shall exercise all the functions entrusted to him or her by this Act and any regulations and be present at all meetings of the Council unless he or she is instructed by the chairperson to withdraw from any meeting or he or she has obtained leave of absence from the chairperson or is incapacitated by illness or other cause from attending any meeting.
- (2) In the event of the absence of the General Manager, the Authority may by instrument in writing and with the approval of the Minister, appoint any person to act as General Manager during the period of such absence upon such terms and conditions as it may determine.

13. APPOINTMENT OF OFFICERS AND STAFF

- (1) The Authority may appoint at such remuneration and on such terms and conditions as it thinks fit such officers and staff as it considers necessary for the proper carrying out of its functions under this Act.
- (2) The persons so appointed shall perform such duties as may be assigned to them by the General Manager.

14. PUBLIC OFFICIALS

The members of the Council and the officers and staff of every description are public officials within the meaning of the Criminal Code.

15. ESTABLISHMENT AND MAINTENANCE OF PENSION SCHEME

- (1) Subject to the provisions of the National Insurance Corporation Act the Authority may, with the approval of and subject to such terms and conditions as may be imposed by the Minister, provide for the establishment and maintenance of a pension scheme for the benefit of its officers and staff.

- (2) Without prejudice to the generality of subsection (1), the pension scheme may enable the Authority to—
- (a) grant gratuities, pensions or superannuation allowances to, or to the widows, families or dependents of, its officers and staff;
 - (b) establish contributory and superannuation schemes, and establish and contribute to superannuation funds for the benefit of its officers and staff;
 - (c) enter into and carry into effect agreements with any insurance company or other association or company for securing to any such officers or staff such gratuities, pensions or allowances as are by this section authorised to be granted.

16. PROTECTION OF AUTHORITY

The validity of any act done or proceedings taken under this Act shall not be questioned on the ground of—

- (a) the existence of any vacancy in the membership of, or any defect in the constitution of, the Council;
- (b) the contravention by a member of the provisions of section 8; or
- (c) any omission, defect or irregularity not affecting the merits of the case.

17. PROTECTION OF MEMBERS

Personal liability shall not attach to any member in respect of anything done or suffered in good faith under the provisions of this Act, and any sums of money, damages or costs which shall be recoverable against any such member in respect of any act or thing done in good faith for the purpose of carrying this Act into effect shall be paid out of the funds and resources of the Authority.

18. POLICY

- (1) The Minister may, in consultation with the chairperson, give to the Authority directions of a general character as to the policy to be followed in the performance of its functions in relation to matters appearing to him or her to concern the public interest.

- (2) The Authority shall furnish the Minister with such returns, accounts and other information as he or she may require with respect to the property and activities of the Authority, and shall afford to him or her facilities for verifying such information in such manner and at such times as he or she may reasonably require.

PART 3

DUTIES AND GENERAL POWERS, PROVISIONS RELATING TO LAND, PROPERTY AND UNDERTAKINGS OF THE AUTHORITY

19. POWERS AND DUTIES

- (1) Subject to the provisions of this Act, the Authority is hereby empowered to provide in accordance with the provisions of this Act and any regulations co-ordinated and integrated systems of airports, seaports and port services and to levy charges and dues for the use of the facilities and services provided.
- (2) Subject to the provisions of this Act, the Authority may for the purpose of performing any of its functions under this Act, do anything and enter into any transaction which in the opinion of the Authority, is necessary to ensure the proper performance of its functions.
- (3) In particular and without prejudice to the generality of the provisions of subsection (1) and (2), it is the duty of the Authority to—
 - (a) operate the ports as appears to it best calculated to serve the public interest;
 - (b) regulate and control navigation within the limits of such ports and their approaches;
 - (c) maintain, improve and regulate the use of such ports and the services and facilities therein as it considers necessary or desirable;
 - (d) provide for such ports and the approaches thereto such pilotage services, air traffic control services, beacons, buoys and other navigational services and aids as it considers necessary or desirable;
 - (e) exercise the duties and functions in any enactment relating to shipping, aviation and navigation formerly

exercisable by the Saint Lucia Port Authority and the Airport Division of the Ministry responsible for Communications and Works;

- (f) carry out exclusively the loading, unloading, landing and carrying of all goods to and from all ships and aircraft in a Port.

However, the Authority may, with the approval of the Minister, authorise in writing any person, corporation or other body to carry out the functions stated in this paragraph subject to such conditions and restrictions as the Authority may consider desirable.

- (g) administer the Shipping Act.

(Added by Act 15 of 2000)

20. COMPULSORY ACQUISITION AND VESTING OF LANDS

- (1) The Governor General, when and as often as land is required for the purposes of this Act, may acquire under the provisions of the Land Acquisition Act any lands, and may exercise all powers under the Act in relation to any acquisition or intended acquisition of such lands.
- (2) The Governor General may by order, vest any lands so acquired in the Authority. Any such order shall be published in the Gazette and shall vest the lands absolutely in the Authority as from its date, free from any encumbrances of any nature whatsoever.
- (3) This section does not prejudice the right of any person who has an interest in any lands acquired.

However, compensation for any lands acquired under this section is determined in accordance with the provisions of section 19 of the Land Acquisition Act save that the date at which such compensation is to be assessed is the date from which the declaration under section 3 of the said Act is published.

- (4) The Governor General may by order vest in the Authority any lands owned by the Crown upon such terms and conditions as he or she may consider fit.

- (5) With the approval of Cabinet the Authority may by order vest any lands owned by it in the Crown or any statutory authority.

21. POWER TO VEST RECLAMATIONS IN AUTHORITY

- (1) Any wharf, dock or other public work constructed by the Government along, across or extending out from the foreshore within the limits of a port and the land on which the same is constructed, any land reclaimed from the sea, and any part of the foreshore situate within these limits, may be vested in the Authority by the Governor General upon such terms and conditions as he or she may determine.
- (2) This section does not derogate from or interfere with the use of private rights and the payment of adequate compensation under any enactment providing for compensation.

22. APPARATUS NOT SUBJECT TO DISTRESS

When any apparatus, fixture or fitting is placed in or upon any premises which is not in the possession of the Authority for the purposes of carrying out the functions of the Authority, such apparatus, fixture or fitting shall not be subject to distress or be taken in execution under process of any court or any proceedings in bankruptcy against the person in possession.

PART 4 FINANCIAL

23. REVENUE OF AUTHORITY

- (1) The Revenue of the Authority shall consist of—
- (a) the sums received by the Authority in respect of dues and charges levied and payable under the provisions of this Act and any regulations; and
- (b) all other sums other than loans that may become payable to or vested in the Authority in respect of any matter incidental to its powers and duties.

- (2) All sums referred to in subsection (1) and all loans shall be paid into and placed to the credit of an account at a bank approved by the Minister.

24. APPLICATION OF REVENUE OF AUTHORITY

The revenue of the Authority in any financial year shall be applied in payment of the following charges—

- (a) the interest and other charges on, and provisions for repayment of, any loan payable by the Authority;
- (b) the sums required to be paid towards the repayment of any loan made to the Authority;
- (c) the remuneration, fees and allowances payable under this Act;
- (d) the salaries, remuneration, allowances, pensions, gratuities, provident fund and other superannuation benefits of the officers and staff, employed in or in connection with the activities carried on by the Authority;
- (e) the working and establishment expenses of, and the expenditure on, or provision for the maintenance of the property and installations of the Authority, and the discharge of the functions of the Authority properly chargeable to revenue account;
- (f) such sums as the Authority may consider appropriate to set aside in respect of obsolescence and depreciation or renewal of the property or installations of the Authority;
- (g) the cost, or any portion thereof, of any new works, plant, or appliances not being a renewal of property of the Authority, which the Authority may determine to charge to revenue;
- (h) sums to be appropriated to the Reserve Fund established under section 29;
- (i) any other expenditure authorised by the Authority and properly chargeable to revenue.

25. TEMPORARY INVESTMENT OF FUNDS

- (1) The Authority may temporarily invest any of its funds not required to be expended in the meeting of its obligations or in the discharge of its functions.
- (2) All income from such investment shall be paid to the credit of the Authority's account as provided in section 23(2).

26. POWER TO BORROW

- (1) Subject to the provisions of this Act the Authority may for the purposes of this Act raise loans—
 - (a) from the Government; or
 - (b) with the consent of the Minister from any other source.
- (2) The power to borrow under this section may be exercised—
 - (a) to borrow and reborrow moneys by the creation, issue and sale of debentures or debenture stock or other security for the purpose of raising funds for the Authority for the effectual exercise by it of the powers conferred by this Act;
 - (b) to create and issue debentures or debenture stock or other security for any debentures or debenture stock or other security respectively issued in respect of moneys previously borrowed by the Authority, and not repaid;
 - (c) to create, issue and sell debentures or debenture stock or other security for the purpose of borrowing money for redeeming any loans owing by the Authority and for paying the expenses incurred in the creation and issue of the debentures or debenture stock or other security and otherwise carrying out the provisions of this Act;
 - (d) to effect any conversion authorised by this section either by arrangement with the holders of the existing debentures or debenture stock or other security, or by the purchase of the debentures or debenture stock or other security out of moneys raised by the sale of the debentures or debenture stock or other security or partly in the one way or partly in the other.

- (3) Without prejudice to the next following section, the power of the Authority to borrow under this section shall not be exercised unless a proposal in writing showing—
- (a) the amount and particulars of the proposed loan;
 - (b) the rate of interest to be paid on the loan;
 - (c) the source or sources from which the loan is to be obtained;
 - (d) the purposes to which the money proposed to be borrowed is to be applied; and
 - (e) the manner in which the loan is to be repaid; is first submitted to and approved by the Minister.

27. TEMPORARY BORROWING

The Authority may with the consent of the Minister, borrow by way of a temporary loan or overdraft from a bank or otherwise, any sum which it may temporarily require—

- (a) for the purpose of defraying expenses pending the receipt of revenues recoverable by it in respect of the period of account in which those expenses are chargeable; or
- (b) for the purpose of defraying, pending the receipt of money due in respect of any loan authorised to be raised under section 26(1), expenses intended to be defrayed by any such loan.

28. GUARANTEE OF BORROWING OF AUTHORITY

- (1) With the approval of Parliament the Minister may guarantee, in such manner and on such conditions as he or she may think fit, the repayments of the principal of and the payments of interest and other charges on any authorised borrowing by the Authority.
- (2) Where the Minister is satisfied that there has been default in the repayment of any such principal or the payment of any such interest or other charges guaranteed under the provisions of this section he or she shall direct the payment out of the Consolidated Fund of the amount in respect of which there has been such default.

- (3) The Authority shall make to the Accountant General at such times and in such manner as the Minister may direct, payments of such amounts as may be so directed in or towards repayment of any sums issued in fulfilment of any guarantee given under this section, and payments of interest on what is outstanding in respect of any sums so issued at such rate as the Minister may direct, and different rates of interest may be directed as regards different sums and as regards interest for different periods.
- (4) Subject to subsection (5), the Minister may, by notice published in the Gazette, on the recommendation of the Authority, declare any asset of the Authority, not critical to the daily operations of the airports and seaports, to be a secondary asset.
- (5) An asset shall be deemed to be a secondary asset 7 days after the date of publication of the notice under subsection (4).
- (6) The Minister may, by notice published in the Gazette, on the recommendation of the Authority withdraw an asset as a secondary asset.
- (7) Where a secondary asset is withdrawn pursuant to subsection (6), sufficient alternative guarantee or security must be provided by the Authority to a party in whose favour a guarantee or hypothec against the secondary asset has been affected, prior to the withdrawal of that asset as a secondary asset.
- (8) Despite the provision of subsection (1), the Authority may effect a guarantee or hypothec against a secondary asset of the Authority, without requirement for Parliamentary approval of such guarantee or hypothec, in such manner and on such terms as may be required in the circumstances and otherwise in accordance with this Act.

(Amended by Acts 8 of 2006 and 11 of 2006)

29. RESERVE FUND

The Authority shall establish and maintain a Reserve Fund which shall be dealt with and applied as the Authority may determine.

30. APPLICATION OF SURPLUS

Any balance at the end of the financial year resulting from the activities carried on by the Authority under this Act which is available after making full allowance for the matters enumerated in section 24 shall be paid to the credit of the Consolidated Fund.

31. BUDGET IN RESPECT OF FINANCIAL YEAR

- (1) The Authority shall cause to be prepared and shall adopt every year a budget in respect of the ensuing financial year.
- (2) The Authority may revise the budget so adopted at any subsequent meeting.
- (3) A copy of every budget and revised budget shall after adoption by the Authority be sent to the Minister.

32. ACCOUNTS

- (1) The Authority shall keep proper books of account in which shall be recorded all its transactions to the satisfaction of the Minister and shall prepare and retain financial statements in respect of each financial year.
- (2) The financial statements shall present a true and fair view of the financial position of the Authority and of the results of the operations of the Authority.

33. AUDIT

- (1) The accounts of the Authority shall be audited in each financial year by an independent qualified and experienced accountant appointed by the Authority.
- (2) The Council, officers and staff of the Authority shall grant to the Accountant appointed to audit the accounts under subsection (1) all books, deeds, contracts, accounts, vouchers or other documents which he or she may consider necessary to call for, and may require any person holding or accountable for any such document to appear before him or her and make a signed statement in relation thereto and may require from such person such information as he or she considers necessary.

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- (3) Any person to whom a request to produce a document or to enter an appearance and make and sign a statement or furnish information, who fails without reasonable excuse, to comply with such requisition, commits an offence under this Act and is liable on summary conviction to a fine not exceeding \$500 or to a term of imprisonment not exceeding 3 months.

34. ACCOUNTANT'S REPORT

Such accountant shall as soon as practicable and not later than 3 months after the end of each financial year send copies of the audited financial statements and the report thereon to the Authority.

35. REPORT TO THE MINISTER

- (1) The Authority shall as soon as practicable and not later than one month of the receipt of such financial statements and report as provided in section 34 submit a report to the Minister containing—
 - (a) such audited financial statements and report thereon; and
 - (b) a review of the activities of the Authority during the preceding financial year in such form as the Minister may direct.
- (2) The Minister shall cause a copy of the review together with a copy of the audited financial statements and the auditors' report to be tabled in Parliament within one month of receipt.

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PART 5

RESPONSIBILITY OF THE AUTHORITY AS A WAREHOUSER

36. LIABILITY FOR LOSS OF GOODS

Subject to the provisions of this Act or any regulations or of any contract, the Authority is not liable for the loss, misdelivery or detention of or damage to goods—

- (a) delivered to or in the possession of the Authority, otherwise than for the purposes of carriage and warehousing except where such loss, misdelivery, detention or damage is caused by want of reasonable foresight and care on the part of any person employed by or on behalf of the Authority;
- (b) accepted by the Authority for carriage or warehousing where such loss, misdelivery, detention or damage occurs otherwise than while the goods are intransit or being warehoused and is not caused by the want of reasonable foresight and care on the part of any person employed by or on behalf of the Authority.

However, the Authority shall in no case be liable for such loss, misdelivery, detention or damage arising from—

- (i) act of God,
- (ii) act of war or the Queen's enemies,
- (iii) arrest or restraint of princes or rulers, or seizure under legal process,
- (iv) act or omission of the consignor, consignee, or depositor, or of the servant or agent of any such person,
- (v) fire, flood, tempest, riots, civil commotion, strikes, lockouts, stoppage or restraint of labour from whatever cause, whether partial or general,
- (vi) inherent liability to wastage in bulk or weight, latent or inherent defect, vice or natural deterioration or vermin,
- (vii) deficiency in the contents of unbroken packages,

(viii) unprotected cargo, insufficiency or improper packing or leakage from defective drums, containers or packages.

Further, where such loss, misdelivery, detention or damage occurs in relation to goods accepted by the Authority for carriage or for warehousing the limitation contained in section 37 shall apply. Any claim in respect of a single package shall not exceed \$1,000.

37. LIMITATION OF LIABILITY FOR LOSS

The liability of the Authority in respect of any goods accepted by the Authority for carriage or warehousing and in relation to which an account false in any material particular has been given under section 49, shall not in any case exceed the value of the goods as calculated in accordance with the description contained in such false account.

38. BURDEN OF PROOF IN PROCEEDINGS UNDER SECTION 36

In any proceedings to which the provisions of section 36 apply, it shall not be necessary for the person claiming damages or compensation to prove how the loss, misdelivery, detention or damage to goods was caused.

PART 6

SHIP AND AIRCRAFT DUES AND CHARGES, TARIFF BOOK

39. DUES AND CHARGES

Subject to the provisions of this Act and the regulations—

- (a) every ship which enters a port for the purpose of loading or unloading cargo or embarking or disembarking passengers or which occupies an anchorage or berth within a port; and
- (b) every aircraft which uses a port,

shall pay to the Authority the dues and charges in respect of such ship or aircraft and for any service performed or facility provided in respect of such ship or aircraft in accordance with the regulations under this Part.

40. PAYMENT OF DUES AND CHARGES

- (1) All dues and charges payable under this Part shall be paid at the prescribed time, and where no such time is prescribed such dues and charges shall be paid on demand.
- (2) All dues and charges payable under this Part shall be deemed to have been demanded when they become payable.
- (3) Any dues and charges, being in whole or in part, not paid to the Authority at the prescribed time or on demand, shall bear interest, after the expiration date when the payment is due and payable, at the rate of one percent per month or part thereof, or such other rate as may be prescribed by the Minister by order published in the Gazette.

(Substituted by Act 8 of 2006)

41. APPOINTMENT OF AGENT

Every ship and aircraft shall appoint an agent who shall be responsible for the payment of the dues and charges without prejudice to the recovery by the agent from the owner or person in charge of the ship or aircraft of such sums paid on behalf of any such ship or aircraft.

42. SECURITY FOR CHARGES

An agent who intends to incur a liability in respect of any of the sums mentioned in section 39 may deposit with the Authority, or guarantee such sums as are in the opinion of the Authority reasonable, having regard to the amount or probable amount of the sums which such agent is liable to pay to the Authority.

43. DETENTION BY AUTHORISED OFFICER

- (1) Where any sums mentioned in section 40 are owing in respect of any ship or aircraft, any officer authorised by the General Manager may with such assistance as he or she considers necessary enter such ship or aircraft and may arrest the ship or aircraft and the furniture, fixtures and equipment, and may detain it until the said sums are paid.
- (2) Where, after such arrest, such sums remain unpaid for a period of 7 days an officer authorised by the General Manager may

cause the ship or aircraft and the furniture, fixtures and equipment thereof arrested to be sold, and out of the proceeds of such sale he or she shall retain the amount necessary to meet the expenses of the detention and sale and shall after paying the amount of any sums which are owing to the Authority, deliver the balance to the agent.

- (3) Where any ship or aircraft in respect of which the sums mentioned in section 40 are owing and have not been secured as provided in section 42 leaves a port and enters or is in any other port, then such ship or aircraft may be dealt with as if such sums so owing and not secured as aforesaid were sums owing in respect of such other port.

44. CERTIFICATE OF AUTHORISED OFFICER REQUIRED BEFORE CLEARANCE REQUESTED

Before the person in charge of a ship or aircraft in a port shall obtain outward clearance from that port he or she shall first obtain from an officer authorised by the General Manager a certificate stating that—

- (a) all dues and charges in respect of the ship or aircraft and all penalties and expenses to which the ship or aircraft and the person in charge are liable under this Act or regulations have been paid or secured to the satisfaction of the person authorised by the General Manager; and
- (b) he or she has complied with the provisions of this Act and the regulations.

45. ALL GOODS CONSIDERED TO BE IN CUSTODY OF AUTHORITY

Despite anything enacted in the Customs (Control and Management) Act or in any other enactment all goods except the goods mentioned in section 136 of that Act shall on importation or exportation by sea or air be considered to be in the custody of the Authority.

46. POWER TO DETERMINE CONDITIONS, AND CARRIAGE OR WAREHOUSING OF GOODS OR OTHER SERVICE OR FACILITY

The Authority may subject to the provisions of this Act and any regulations determine—

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- (a) the conditions upon which goods shall be carried or warehoused and different conditions may be determined in different cases;
- (b) the charges for the carriage or warehousing of goods by the Authority and for any other service or facility performed or provided by the Authority.

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47. THE AUTHORITY MAY RETAIN GOODS UNTIL FREIGHT IS PAID

- (1) Where the agent of a ship or aircraft from which any goods have been landed at a port and accepted by the Authority for carriage or warehousing or for delivery to the consignee, notifies the General Manager in writing that the freight or other charges in respect of such goods remain unpaid, the General Manager shall retain the goods and refuse delivery of them to the consignee or any other person until—
 - (a) the payment of such freight or other charges in respect of such goods; or
 - (b) the production of a receipt for, or a release from, the payment of such amount signed, or purporting to be signed by or on behalf of the agent.
- (2) Where the Authority causes to be delivered any goods in respect of which a notice is given under subsection (1) to a person making such payment or producing such receipt or release as is referred to in paragraphs (a) or (b) of that subsection, the Authority shall be freed from all liability to any person in respect of the goods.
- (3) This section shall not be construed as requiring any person to take into the custody of the Authority any goods which would not otherwise be receivable by the Authority under the provisions of this Act or any regulation or as requiring the Authority to inquire into the validity of any claim made for freight or any other sums mentioned in any notice given by an agent under subsection (1).

48. CONSIGNOR OR CONSIGNEE LIABLE FOR PAYMENT OF CARRIAGE OR WAREHOUSING

The consignor of or the person tendering any goods for carriage or warehousing by the Authority, or the consignee of or person receiving any goods which have been carried or warehoused by the Authority, is liable in accordance with the regulations under this Part for the charges of such carriage or warehousing and any other services performed or facility provided by the Authority in respect of the goods.

49. DUTY TO DELIVER DESCRIPTION OF GOODS

- (1) The consignor of or the person tendering any goods for carriage or warehousing by the Authority, and, on request by the General Manager, the consignee of or person receiving any goods which have been carried or warehoused by the Authority, shall deliver to the General Manager the documents as prescribed in the regulations under this Part to enable him or her to determine the charges payable in respect of the carriage or warehousing or any other service performed or facility provided in respect of the goods.
- (2) The General Manager may, for the purpose of verifying the documents delivered under subsection (1) require such consignor, person or consignee, as the case may be, to permit him or her to examine such goods.
- (3) If such consignor, person or consignee fails to deliver the documents referred to in subsection (1) or to permit such goods to be examined as required in subsection (2), the General Manager may, in respect of the goods which are tendered for carriage or warehousing by the Authority, refuse to accept the goods for such carriage or warehousing unless in respect thereof a charge not exceeding the highest payable for any class of goods is paid.
- (4) If in respect of goods which have been carried or warehoused by the Authority, any document delivered under subsection (1) is found to be false in any material particular with respect to the description of any goods to which it purports to relate, the General Manager may refuse to deliver such goods unless in respect of warehousing or carriage of the goods, a charge not exceeding double the highest charge payable for any class of goods is paid without prejudice to any penalty that may be imposed under any other section of this Act.

50. POWER TO LEVY CHARGES

In respect of all goods in custody of the Authority under section 45, the General Manager is entitled to levy such charges as may be determined in accordance with the regulations made under this Act, and he or she may do all such reasonable acts and incur such reasonable expenses as are necessary for the proper custody and preservation of the goods, and the Authority shall have a lien on the

goods for such charges and any other expenses and shall be entitled to seize and detain the goods until such charges are fully paid.

51. EFFECT OF NON-REMOVAL OF GOODS

(1) Subject to the provisions of this section and without prejudice to the provisions of section 50 where any goods in the custody of the Authority and on any premises of the Authority are not removed therefrom within a period of 15 days from the time when the goods were placed in or on such premises the General Manager shall cause a notice to be served on the owner requiring him or her to remove the goods.

(2) Where—

- (a) the owner of any goods in the possession of the Authority is not known;
- (b) the notice referred to in subsection (1) cannot for any reason be served; or
- (c) there has been a non-compliance with the provisions of any notice served under subsection (1),

the General Manager, may within a reasonable time not being less than 6 weeks sell the goods by public auction after giving 7 days notice in the Gazette before the sale.

(3) Where the goods are perishable the General Manager may require their removal within a shorter period, not being less than 24 hours after the landing thereof or he or she may sell the goods without giving the said notice but shall as soon as practicable inform the owner of the action that has been taken.³

52. APPLICATION OF THE PROCEEDS OF SALE

The proceeds of any sale under section 51 shall be applied by the Authority as follows, and in the following order—

- (a) in the payment of any duty payable in respect of the goods;
- (b) in the payment of the expenses of sale;

³ *Editor's note:* Gazette notice 322/1972 declares some goods perishable and is liable to be sold by public auction within 15 days of importation.

- (c) in payment of the sums due to the Authority in respect of the carriage or warehousing and other service performed or facility provided in respect of the goods;
- (d) in payment of freight and other claims of which notice under the provisions of this Act has been given,

and by rendering the surplus, if any to the owner on demand, and if no such demand is made within one year from the date of the sale of the goods, by paying the surplus into the funds of the Authority, whereupon all rights to the same of the owner shall be extinguished.

53. COMPILATION OF DUES AND CHARGES AND TARIFF BOOK

- (1) Subject to the provisions of this Act, the dues, charges and conditions for any service or facility performed or provided by the Authority when determined, shall be in the form of regulations, and shall be first submitted to and approved by the Minister.
- (2) Such regulations shall have effect from the date of their publication or from such later date as may be specified therein.
- (3) Subject to the approval of the Minister, and without prejudice to subsection (1) and (2), the regulations shall be considered to have been made and be embodied in the Tariff Book as provided in accordance with subsection (4).
- (4) The Authority shall cause to be prepared and published in such manner as it may think fit—a “Tariff Book” containing all matters which under this Act or any regulation are required to be contained therein, together with such other matters as the Authority may determine.

PART 7 PILOTAGE

54. COMPULSORY PILOTAGE

- (1) Seaports are compulsory pilotage ports and all ships other than exempted ships, navigating whether by entering, leaving or moving within their limits shall be under the pilotage of an Authority pilot.

- (2) For the purposes of this section the following ships are exempted ships—
 - (a) ships belonging to Her Majesty;
 - (b) ships owned or operated by the Authority;
 - (c) pleasure yachts or fishing vessels;
 - (d) ferrying boats plying as such exclusively within the limits of a port;
 - (e) ships of less than 100 tons gross register;
 - (f) ships trading exclusively between seaports and other parts of the State;
 - (g) tugs, dredges, barges or similar vessels whose ordinary course of navigation does not extend beyond the limits of the State.
- (3) The General Manager may exempt from compulsory pilotage any ship in any particular case.

55. AUTHORITY TO EMPLOY PILOTS

- (1) Subject to the provisions of this Act, the Authority may employ such number of Authority pilots as it considers necessary or expedient for the purpose of providing an adequate and efficient pilotage service.
- (2) A person shall not be employed as an Authority pilot unless he or she is in possession of a valid licence to act as an Authority pilot issued under the provisions of section 60.
- (3) The Authority may require an Authority pilot to give a bond in favour of the Authority for the proper performance of his or her duties in such amount as the Authority determines.

56. APPOINTMENT AND FUNCTIONS OF THE PILOTAGE COMMITTEE

The Authority shall appoint a Pilotage Committee for the purpose of—

- (a) holding examinations and issuing, on behalf of the Authority, licences to act as an Authority pilot;
- (b) holding inquiries concerning the conduct of Authority pilots in the discharge of their duties;

- (c) making such arrangements as may be necessary for the training of persons selected for or in the pilotage service of the Authority;
- (d) investigating and advising on such matters as may be referred to the Committee by the Authority; and
- (e) carrying out such other functions as are conferred on the Pilotage Committee by this Act.

57. CONSTITUTION OF PILOTAGE COMMITTEE

- (1) The Pilotage Committee shall consist of—
 - (a) the General Manager who shall be the chairperson of the Committee; and
 - (b) four other persons who by reason of their knowledge of or experience in nautical matters, are, in the opinion of the Authority, fit and proper persons to be members of the Committee.
- (2) The appointment of a member of the Pilotage Committee shall be for any period not exceeding 3 years but such member shall be eligible for re-appointment on completion of every such period.
- (3) Three members of the Pilotage Committee constitute a quorum at any meeting of the Committee.
- (4) The chairperson of the Pilotage Committee shall preside at all meetings.

However, if the chairperson is absent from a meeting or any part of it, such member as the members of the Pilotage Committee present shall choose, shall preside in his or her place.
- (5) The chairperson or member presiding at any meeting of the pilotage Committee shall have a vote and, in the case of an equality of votes, a second or casting vote.
- (6) Members of the Pilotage Committee who are not employees of the Government or of the Authority may be paid, out of the funds of the Authority, such fees and allowances as the Authority may determine.

58. MEMBERS CONSIDERED TO BE PUBLIC OFFICIALS

The members of the Pilotage Committee are considered to be public officials within the meaning of the Criminal Code.

59. RULES

Subject to the provisions of this Act, the Authority may, make, vary or revoke rules for the purpose of regulating the meetings and proceedings of the Pilotage Committee.

60. EXAMINATION FOR LICENCE

- (1) The Pilotage Committee shall examine candidates for employment by the Authority as pilots and on being satisfied as to a candidate's general fitness and competency, including physical fitness, to act as an Authority pilot may, on behalf of the Authority, issue to him or her a licence to act as such, and such licence may contain such conditions as the Pilotage Committee may consider fit.
- (2) Every Authority pilot shall whenever the Pilotage Committee considers that, owing to changed conditions or for any other sufficient reason, the further testing of the knowledge, efficiency or physical fitness of any such pilot is necessary, present himself or herself for further examination, and shall in every such case first deposit with the Pilotage Committee his or her licence issued by the said Committee on behalf of the Authority to be returned or cancelled by the said Committee on behalf of the Authority as the result of such examination determines.
- (3) The Authority shall not continue to employ as an Authority pilot any pilot whose licence to act as such is cancelled as the result of any examination carried out or held under the provisions of subsection (2).
- (4) Any licence issued under the provisions of this section shall cease to be valid upon the termination of any Authority pilot's employment with the Authority.

61. ENQUIRIES BY PILOTAGE COMMITTEE

- (1) The Pilotage Committee may, and when directed by the Authority shall, hold an inquiry into the conduct of an Authority pilot where it appears that he or she commits misconduct affecting his or her capability or has failed in or neglected his or her duty or has otherwise become incompetent to act as an Authority pilot.
- (2) For the purposes of such inquiry, the Pilotage Committee may summon any person in the State to attend any meeting of the said Committee to give evidence on oath or produce any document or other thing in his or her possession and to examine him or her as a witness or require him or her to produce any document or other thing in his or her possession relative to the matters which are the subject matter of such inquiry.
- (3) Any person who—
 - (a) being summoned to attend any such inquiry, fails to do so;
 - (b) offers any act of disrespect or any insult or threat to the Pilotage Committee or any member during an inquiry; or
 - (c) being required by the Pilotage Committee to give evidence on oath or affirmation or to produce a document or other thing, refuses to do so,commits an offence and is liable on summary conviction to a fine not exceeding \$500 or to a term of imprisonment not exceeding 3 months.

62. SUBMISSION OF PILOTAGE COMMITTEE'S FINDINGS AND RECOMMENDATIONS TO AUTHORITY

- (1) Where the Pilotage Committee, after due inquiry in accordance with the provisions of this Part, and after hearing any statement that may be offered in defence, finds that an Authority pilot commits misconduct affecting his or her capability or has failed in or neglected his or her duty or has otherwise become incompetent to act as an Authority pilot, it shall submit to the Authority a copy of the record of the inquiry and its findings and recommendations in respect of the inquiry.
- (2) The Authority may, after considering the findings and recommendations of the Pilotage Committee, suspend or cancel

the licence of such Authority pilot, or impose such other punishment as the Authority may think fit.

- (3) Any Authority pilot who is aggrieved by any decision of the Authority made under the provisions of subsection (2) may, within 14 days from the date of such decision, appeal to the Minister whose decision shall be final.

63. LIABILITY OF THE OWNER AND PERSON IN CHARGE

The owner and the person in charge of a ship, navigating in circumstances in which pilotage is compulsory shall be answerable jointly and severally for any loss or damage caused by the ship or by any fault of the navigation of the ship in the same manner as it would if pilotage were not compulsory.

64. PILOTAGE COMMITTEE AND AUTHORITY NOT LIABLE FOR LOSS OR DAMAGE OCCASIONED BY PILOTS

- (1) The issue of a licence to an Authority pilot by the Pilotage Committee on behalf of the Authority under section 60 shall not impose any liability on the Pilotage Committee for any loss or damage occasioned by any act, omission or default of such Authority pilot.
- (2) Any Authority pilot whilst engaged in any pilotage act shall, although he or she may be employed at a salary by the Authority, be considered to be the servant only of the person in charge and owner of the ship under pilotage and neither the Authority nor the Authority pilot is liable for any loss or damage occasioned by any act, omission or default of such Authority pilot.

PART 8 SPECIAL PROVISIONS

65. SUPPLY OF INFORMATION

The person in charge of any ship or aircraft arriving in or departing from a port shall produce to the Authority such documents and supply such information in relation to the ship or aircraft, and the persons and goods carried on it, as the Authority may reasonably require.

66. POWER OF GENERAL MANAGER

- (1) Despite the provisions of any regulations made under section 73 the General Manager may—
 - (a) direct where any ship or aircraft shall be berthed, moored, anchored or parked and the method of anchoring of ships and parking of aircraft within a port and the approaches to a port;
 - (b) direct the removal of any ship or aircraft from any berth, station, anchorage or position to another berth, station, anchorage or position, and the time within which such removal is to be effected, within a port and the approaches to a port; and
 - (c) regulate the moving of ships and aircraft within a port and the approaches to a port.
- (2) In case of any refusal or neglect or of any failure to comply with any direction given under subsection (1), the Authority may, without prejudice to any proceedings being instituted against any person, cause to be done all such acts as are in its opinion reasonable or necessary for the purpose of carrying out such direction and may hire and employ such persons as it considers proper and necessary for such purpose.
- (3) All expenses incurred in doing such acts shall be paid and borne by the person or persons so offending.

67. POWER IN RESPECT TO WRECKS

- (1) The General Manager may—
 - (a) remove any wreck in or other obstruction to a port or its approaches, or any timber, raft or other thing floating or lying in a port, which endangers, or obstructs, or is likely to endanger or obstruct, the free navigation of the port or the use of any facility therein;
 - (b) in the case of urgent necessity take any action in a port which in his or her opinion may be necessary to prevent any danger to life or limb or damage to goods or premises;
 - (c) enter upon any ship or aircraft or into any building in a port if it is necessary for him or her to do so in the performance of any duty under this Act or any regulation

or if he or she has reasonable grounds for believing that an offence against this Act or any regulation has been, or is about to be committed.

However, this section shall not apply to accidents to aircraft in a port.

- (2) The owner of any wreck or other thing removed by the General Manager under the provisions of subsection (1)(a), without prejudice to any other action which may be taken against him or her, is liable to pay the reasonable expenses of such removal; such wreck or other thing shall be detained by the General Manager until such expenses and customs duties, dues or charges payable in respect thereof are paid.
- (3) Where any wreck or thing is removed under the provisions of subsection (1)(a) and the expenses of removal have not been paid within 7 days of such removal, the General Manager may cause such wreck or thing to be sold by public auction and shall out of the proceeds of sale retain the amount necessary to meet the expenses of such removal, detention and sale and any customs duties, dues or charges payable and shall retain the balance, if any, for the person appearing to him or her to be entitled.

68. FIRE ON BOARD SHIP OR AIRCRAFT

- (1) In the event of fire breaking out on board any ship or aircraft in a port, the General Manager may proceed on board such ship or aircraft with such assistance and persons as to him or her seem fit, and may give such orders as to him or her seem necessary for scuttling such ship or destroying such aircraft, or for removing such ship or aircraft or any other ship or aircraft, to such place as to him or her seems proper to prevent in either case danger to other ships or aircraft and for the taking of any other measures that appear to him or her expedient for the protection of life and property.
- (2) If such orders are not carried out by the person in charge of such ship or aircraft the General Manager may himself or herself proceed to carry them into effect.
- (3) Any expenses incurred in the exercise of the powers conferred by subsection (1) and (2) shall be recoverable from the person

in charge or the owner of the ship or aircraft concerned as a civil debt.

69. ACCIDENTS IN PORTS

- (1) Where any accident occurs in any port, then if that accident—
 - (a) is attended, or is of a kind usually attended, with loss of human life or with serious injury to person or property;
 - (b) involves any collision between ships or aircraft;
 - (c) is of such other kind as the Minister may specify,the Authority shall, as soon as practicable, give notice of the occurrence of the accident to the Minister.
- (2) The Authority may order such enquiry into any accident which occurs in any port as it may think fit and shall order an enquiry into any such accident when so required by the Minister.
- (3) The Authority shall present a report on any accident inquired into, setting out, inter alia, the probable cause of such accident and the steps if any, which have been taken or it has directed shall be taken with a view to avoiding a repetition thereof.
- (4) The Authority shall make to the Minister a return, in such form and at such intervals as the Minister may direct, of all accidents, occurring in any port, whether or not such accident is attended with injury to any person.

70. LIABILITY FOR DEMURRAGE OR OTHER CHARGES

The Authority is not liable for any demurrage or other charge which may occur or be due on any ship or aircraft, howsoever such charge may have been caused.

71. DELEGATION OF AUTHORITY

- (1) All acts, orders or directions under this Part or regulations under it authorised to be done or given by a particular officer of the Authority may be done or given by any other officer of the Authority authorised in writing on that behalf by the Authority or the General Manager.
- (2) Any person authorised to do any such act may call to his or her aid such assistance as is necessary.

72. NON-LIABILITY OF AUTHORITY

The Authority is not liable for any *mala fide* act, omission or default of the General Manager.

73. REGULATIONS

- (1) The Minister may, on the recommendation of the Authority, make regulations generally with respect to the maintenance, supervision, control and management of the ports and the approaches, and the services performed and the communication navigation and other facilities provided by the Authority and for the maintenance of order on any premises or in any ship, aircraft or vehicle in a port and the approaches and for the carrying out of the provisions of this Act, and without prejudice to the generality of the foregoing, regulations made under this section may contain provisions with respect to—
 - (a) the proper control and management of the foreshores of any port and the entrances thereof, the prevention and removal of obstructions therein and the regulation of any work, service or facility performed or provided thereat;
 - (b) the control of all persons and vehicles on such premises, the maintenance of order thereon and the admission or exclusion of persons therefrom and the charges, if any, to be made for such admission;
 - (c) regulating, controlling and prohibiting the doing or omission of any thing or class of thing within the boundaries of any port or any specified part or parts of any port either at all times and on all occasions or at any time or times or on any occasion or occasions;
 - (d) the regulation, restriction and control (without prejudice to the conduct of navigation) of the depositing of any substance, solid matter, article or thing polluting or likely to cause pollution of the waters of any port;
 - (e) the regulation of traffic and navigation of ships and aircraft within the limits and approaches to any port and all matters relating to the protection of life and property;
 - (f) the regulation of the mode and place of mooring, anchoring and berthing of ships and the parking of aircraft and the removal of ships and aircraft from a mooring, anchorage, berth or position to another mooring,

- anchorage, berth or position and the time within which the removal shall be effected;
- (g) the protection of ships and aircraft and their cargoes and the removal, destruction, sale or abandonment of stranded ships, aircraft and their cargoes and appurtenances which obstruct or are likely to obstruct the fairway or runway of any port, the payment of expenses including salvage incurred in connection therewith and the levy and recovery of a charge for the right of a hulk or wreck or wreckage to lie in any port;
 - (h) the examination, licensing, duties and obligations, and the conduct and discipline of Authority pilots and the charges to be paid for pilotage;
 - (i) the regulating of the times, places, order and mode of loading, unloading, warehousing, storing and the depositing of goods;
 - (j) the fixing of dues and charges payable in respect of any ship or aircraft, with different dues or charges being applicable in respect of different ships or aircraft or classes of ships or aircraft, the exemption or the remission thereof or part thereof;
 - (k) the fixing of the dues and charges payable in connection with the loading, unloading, carrying or warehousing of goods and for any service or facility performed or provided by the Authority including the exemption, refunding or remission of any such charges;
 - (l) the fixing of the dues and charges payable in respect of any other service or facility performed or provided by the Authority;
 - (m) the licensing of shipping agents, customs brokers, landing agents, forwarding agents, baggage and parcel agents, porters, contractors for supplies and victualling, and other persons concerned in or engaged in or performing any service or work in connection with the ports;
 - (n) anything required to be prescribed by this Act and any matter or thing in respect of which it may be necessary or expedient to make regulations to give effect to the purposes of this Act.

- (2) The Minister shall, on the recommendation of the Authority, make regulations generally for the conveyance, loading, unloading and storage of dangerous goods within the limits of the ports, and without prejudice to the generality of the foregoing, may make regulations with respect to—
- (a) the classification of goods as dangerous goods;
 - (b) the regulation of the navigation and place of berthing of ships and parking of aircraft carrying dangerous goods;
 - (c) the regulation and control of loading and unloading dangerous goods;
 - (d) the prohibition or subjection to conditions and restrictions of the conveyance of any kind of dangerous goods with any other kind of goods;
 - (e) the prohibition of the loading or unloading of dangerous goods at places where such loading or unloading appears dangerous to the public;
 - (f) the fixing of places and times at which dangerous goods are to be loaded and the quantity to be loaded or unloaded at any one time;
 - (g) the regulation of the mode and the precautions to be observed in conveying or keeping dangerous goods and in the loading or unloading of the same;
 - (h) the protection, whether by means similar to those abovementioned or not, of persons and property from danger generally.
- (3) Subject to the provisions of any enactment relating to merchant shipping, or air navigation, the Minister may, on the recommendation of the Authority, make regulations with respect to—
- (a) the taking of measures for the prevention of ships or aircraft from leaving any port if overloaded, improperly loaded, found insufficiently manned or without qualified officers or engineers or with a number of passengers in excess of the number that can be carried with reasonable safety; or if otherwise not seaworthy or airworthy, as the case may be;
 - (b) the examination, certification and licensing of masters, mates and engineers of ships and of pilots of aircraft, and the licence fees payable in respect thereof;

- (c) the inspection, licensing, registration or certification of ships and aircraft the charges to be paid therefor and the number of passengers to be carried therein.
- (4) Regulations made under this section in relation to the use of roadways in any port, shall take effect although such roadways may be roads which are subject to the Motor Vehicles and Road Traffic Act, and regulations thereunder.
- (5) Despite anything enacted in the Interpretation Act, regulations may provide that any breach or contravention of any such regulations shall be punishable on summary conviction by a fine not exceeding \$2,000 or by a term of imprisonment not exceeding 6 months or by both such fine and imprisonment.
- (6) All regulations made under this Act shall be subject to negative resolution of Parliament within 6 weeks.

PART 9

THE SAINT LUCIA PORT POLICE

74. CONSTITUTION OF BODY OF PORT POLICE, ITS RESPONSIBILITY AND THE DUTIES OF PORT CONSTABLES

- (1) There is hereby constituted for the purposes of this Act a body of Police to be known as the Saint Lucia Port Police.
- (2) The Saint Lucia Port Police shall be under the general command and superintendence of the Commissioner of Police and shall consist of such number of port constables as may be determined by the Authority.
- (3) It shall be the responsibility of the Saint Lucia Port Police and the duty of every port constable—
 - (a) to prevent crime and maintain order within the ports;
 - (b) to protect and ensure the safety of goods and other property within the ports;
 - (c) to prevent persons from boarding any ship or aircraft without the permission of the person in charge and if necessary to remove any person from such ship or aircraft;
 - (d) to assist in the enforcement of the provisions of any law relating to quarantine and immigration;

- (e) to assist in the detection and prevention of contraventions of the revenue and customs laws; and
- (f) generally to assist in the enforcement of the provisions of this Act and the regulations.

75. APPOINTMENT OF PORT CONSTABLES, STANDING ORDERS, ETC

- (1) The Authority may, after consultation with the Commissioner of Police and subject to standing orders made by the Authority, appoint persons to be port constables.
- (2) Such standing orders shall provide for the terms and conditions, and the suspension and termination, of appointment of persons as port constables.
- (3) Every port constable shall in the execution of his or her duty under section 74, have all the protection, exercise all the powers, and be liable to the same responsibilities and discipline as a police officer.
- (4) Assaulting or obstructing a port constable in the execution of his or her duty shall be punishable in the same way as assaulting or obstructing a police officer in the execution of his or her duty.

PART 10 OFFENCES

76. DAMAGING PROPERTY LIKELY TO ENDANGER LIFE

Any person who unlawfully damages or in any way interferes with any lighthouse, buoy, beacon, ground light or other property of the Authority in such manner as to endanger, or as might endanger, the life of any person, commits an offence and is liable on conviction to imprisonment for a term not exceeding 10 years.

77. ENDANGERING SAFETY OF OTHER PERSONS

Any person, whether on duty or lawfully employed or not, who on any premises of the Authority or upon any ship aircraft or vehicle in a port, endangers the safety of any other person by—

- (a) contravening any of the provisions of this Act or of any regulations;
- (b) contravening any lawful order, direction or rule given to such person, or made in respect of his or her service;
- (c) being under the influence of alcohol or drugs; or
- (d) any rash or negligent act,

commits an offence and is liable on summary conviction to a fine not exceeding \$1,000 or to a term of imprisonment not exceeding 6 months or to both such fine and imprisonment.

78. FAILURE TO COMPLY UNDER DIRECTIONS OF SECTION 66

Any person who, without lawful excuse refuses or neglects to obey any direction given under section 66 or under any regulation made under Part 8 commits an offence and is liable on summary conviction to a fine not exceeding \$500 or to imprisonment for a term not exceeding 3 months or to both such fine and imprisonment.

79. FAILURE TO EMPLOY AUTHORITY PILOT

If any ship is navigated in circumstances in which pilotage is compulsory and such ship is not under the control of an Authority pilot, the person in charge of it commits an offence and is liable on summary conviction to a fine not exceeding \$1,000 or in default of payment to imprisonment for a term not exceeding 3 months.

80. FAILURE TO COMPLY WITH SECTION 65

Any person in charge of a ship or an aircraft who fails to comply with the provisions of section 65 or gives any information which is false in any material particular, commits an offence and is liable on summary conviction to a fine not exceeding \$500 or in default of payment thereof to imprisonment for a term not exceeding 3 months.

81. OFFENCE WHERE AUTHORISED OFFICER REFUSED ENTRY

Any person in charge of a ship or an aircraft who without lawful excuse refuses to allow an officer authorised by the General Manager to enter his or her ship or aircraft in contravention of section 67(1)(c) commits an offence and on summary is liable to a fine not exceeding

\$500 or in default of payment thereof to imprisonment for a term not exceeding 3 months.

82. FALSE RETURNS

Any person who, in any return, claim or other document required or authorised to be made under this Act or any regulations, makes, either knowingly or recklessly, any statement which is false in any material particular commits an offence and is liable on conviction to a fine not exceeding \$3,000 or to imprisonment for a term not exceeding 2 years or to both such fine and imprisonment.

83. EVASION OF DUES AND CHARGES

A person, who by any means whatsoever eludes or evades or attempts to elude or evade any dues or charges leviable under this Act or regulations, commits an offence and is liable on summary conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 6 months or to both such fine and imprisonment.

84. DEMANDING IMPROPER AMOUNT

Any person who, with intent to defraud, demands or receives from any person delivering goods for carriage or warehousing by the Authority, or from any other person making use of the facilities provided by the Authority, any greater or lesser amount than he or she should demand or receive on summary conviction is liable to a fine of \$1,000 or to imprisonment for a term not exceeding 6 months or to both such fine and imprisonment.

85. MISCELLANEOUS OFFENCES

Any person who—

- (a) being on any premises of the Authority or on any ship, aircraft or vehicle in a port—
 - (i) refuses when called upon by an officer authorised by the General Manager, police officer or port constable, to give his or her name and address or gives a false name or address for the purpose of avoiding prosecution,

- (ii) without lawful excuse the proof of which lies on him or her, discharges any firearm or does anything which may cause injury to any person on such premises, or upon such ship, aircraft or vehicle,
- (iii) without lawful excuse contravenes any direction given by any officer authorised by the General Manager;
- (b) defaces the writing on any board or notice authorised to be maintained upon any premises of the Authority or upon any ship, aircraft or vehicle in a port;
- (c) damages or interferes with any property of, or goods in the custody of, the Authority;
- (d) wilfully obstructs or impedes any other person in the discharge of his or her duties arising out of his or her employment with the Authority; or
- (e) gives or offers to any other person any inducement in cash or otherwise for the purpose of avoiding payment of any sum due to the Authority,

commits an offence and is liable on summary conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both such fine and imprisonment.

86. POWERS OF ARREST

- (1) Any person who commits any offence mentioned in sections 76, 77 or 85 may be arrested without warrant by any officer authorised by the General Manager, police officer or port constable.
- (2) Any person who commits any offence against this Act or regulations other than an offence mentioned in subsection (1) may be arrested by any officer authorised by the General Manager, police officer or port constable if—
 - (a) there is reason to believe that such person will abscond;
 - (b) he or she refuses on demand to give his or her name or address; or
 - (c) there is reason to believe that the name or address given by him or her is incorrect.

However, where there is reason to believe that such person will not abscond, he or she shall, if his or her true name and address are ascertained, be released on his or her executing a bond for his or her appearance before a magistrate when required.

87. PLACE OF TRIAL

Any person charged with any offence against this Act other than an offence mentioned in section 76 or 82, may be proceeded against, tried and punished in any place in which he or she may be in custody for that offence as if the offence had been committed in such place; and the offence shall for the purposes incidental to, or consequent upon, the prosecution, trial or punishment thereof, be considered to be committed in that place.

However this section does not preclude the prosecution, trial and punishment of such person in any place in which, but for the provisions of this section, such person might have been prosecuted, tried and punished.

88. GENERAL MANAGER MAY CONFER POWER ON OFFICERS

The General Manager may, by notice in writing authorise any officer of the Authority to maintain order upon any premises used by the Authority or on any ship, aircraft or vehicle in a port and any officer so authorised shall, in the performance of such duty, have all the powers, rights, privileges and protection of a police officer.

PART 11 LEGAL PROVISIONS

89. NOTICE OF CLAIMS

Despite anything contained in any enactment—

- (a) a person is not entitled to compensation or damages for non-delivery of the whole of a consignment of goods, or of any separate package forming part of such consignment, accepted by the Authority for carriage or warehousing unless a claim in writing, giving such particulars as may reasonably be necessary is given to the

General Manager within 6 months of the date upon which such goods were accepted by the Authority;

- (b) a person is not entitled to compensation or damages for any goods missing from a packed or unpacked consignment or for misdelivery or detention of, or damage or delay to any goods accepted by the Authority for carriage or warehousing unless—
 - (i) the General Manager is notified of such fact in writing within 7 days of the date upon which such goods were delivered to the consignee or person entitled to take delivery of them, and
 - (ii) a claim in writing, giving such particulars as may reasonably be necessary, is given to the General Manager within one month of such date.

90. LIMITATION

Where, after the commencement of this Act, any legal proceeding is commenced against the Authority for any act done under, or execution or intended execution of this Act, or regulations or of any public duty or authority imposed or conferred by this Act or any regulations, or in respect of any alleged neglect or default in the execution of this Act, such regulations or of any such duty or authority, the following provisions shall have effect despite anything contained in any enactment, that is to say—

- (a) the legal proceeding shall not be commenced until at least one month after written notice containing the particulars of the claim, and of the intention to commence legal proceeding, has been served upon the General Manager by the plaintiff or his or her agent;
- (b) the legal proceeding shall not lie or be instituted unless it is commenced within 12 months next after the act, neglect or default or damage complained of, or in the case of a continuing injury or damage within 6 months next after the cessation.

91. RESTRICTION ON EXECUTION AGAINST PROPERTY OF THE AUTHORITY

- (1) Despite anything to the contrary in this Act or any regulations or in any other enactment or in regulations made under any other enactment, where any judgment or order of any Court or any award of an arbitration or tribunal has been obtained against the Authority for or in respect of anything done or omitted to be done under the provisions of this Act, and any regulation, any contract or otherwise for or in respect of the Authority or its purposes—
 - (a) execution or attachment or process in the nature thereof shall not be issued against the Authority, but such amounts as may by the judgment or order, be awarded against the Authority shall be paid by the Authority from its funds to the person entitle;
 - (b) property of the Authority shall not be seized or taken by any person having by law power to attach or distrain property.
- (2) The provisions of subsection (1) shall not apply where a guarantee or hypothec is effected against a secondary asset of the Authority.

(Amended by Act 8 of 2006)

92. OVERPAYMENT OR UNDERPAYMENT OF DUES AND CHARGES

Where the amount paid in respect of any dues or charges, is found to be incorrect, then if such amount is—

- (a) overpaid, the person who overpaid any such amount then is entitled to a refund of the amount so overpaid;
- (b) underpaid, the amount of such underpayment may be collected from the person who made such payment.

However, despite anything contained in any enactment such overpayment or underpayment shall not be refunded, or collected, as the case may be, unless notice in writing containing such particulars as may reasonably be given—

- (a) by the person claiming such overpayment, to the General Manager; or

- (b) by the General Manager, to the person against whom the underpayment is claimed,

within 6 months after the goods were accepted or the the services rendered, as the case may be, by the Authority so, however, that where such underpayment is caused by information or description subsequently found to be incorrect, such period of 6 months shall commence from the date of the discovery by the General Manager of the correct information or description.

PART 12

MISCELLANEOUS AND GENERAL

93. TRANSFER OF ASSETS, LIABILITIES, FUNCTIONS, ETC

- (1) Upon commencement of this Act—
- (a) all lands and other property vested immediately before the commencement of this Act in the Saint Lucia Port Authority are hereby transferred to and vested in the Authority without further assurance;
 - (b) all lands of the Crown within the boundaries of the airports and such warehouses, buildings, machinery, plant tools and other property within the boundaries of the airports as were the property of the Crown immediately before the commencement of this Act are hereby transferred to and vested in the Authority without further assurance.
- (2) All rights, privileges and advantages and all the obligations to which, immediately before the commencement of this Act the Saint Lucia Port Authority was entitled or subject to as the case may be, are hereby transferred to and conferred or imposed on the Authority for the purposes of this Act.
- (3) All rights, privileges and advantages and all the obligations to which, immediately before the commencement of this Act the Government was entitled or subject to, as the case may be, in respect of its responsibility for the airports are hereby transferred to and conferred or imposed on the Authority for the purposes of this Act.
- (4) A reference in any deed, contract, bond or security or other document subsisting immediately before the commencement of

this Act against or in favour of the Saint Lucia Port Authority or of the Government in respect of its responsibility for any airport shall have full force and effect against or in favour of the Authority and be enforceable as fully and effectually as if, instead of the Saint Lucia Port Authority or the Government or any person acting on behalf thereof, the Authority had been named therein and had been a party thereto.

- (5) The Authority may, with the approval of the Minister, sell, transfer, or dispose of any secondary asset as it deems necessary.

(Amended by Act 8 of 2006)

94. TRANSFER OF OFFICERS AND SERVANTS

- (1) The Public Service Commission may approve the transfer and appointment of an officer from the Public Service to the Service of the Authority or from the Service of the Authority to the Public Service.
- (2) Where a transfer and appointment has been approved under subsection (1) arrangements shall be made by the Government or the Authority to pay to the Government or the Authority as the case may be, such contributions as may be provided for in the rules made by the Minister in respect of pensions and gratuities and any such rules may make provision in different classes of cases.

95. EXEMPTION FROM DUTIES AND TAXES

Despite the provision contained in any other law the Authority is not liable to pay any import duty, stamp duty, income tax, municipal tax, rate or any other duty or tax whatsoever.

96. SAVINGS, AIRPORT CHARGE

- (1) Despite the repeal by this Act of the Airport Service Charge Act 1969, the provisions of that enactment and of any subsidiary legislation made under it, subject to subsection (2), remains in force as regulations and are subject to modification by regulations under this Act.

- (2) Any airport service charge collected after the coming into operation of this Act shall be paid or caused to be paid by the collector to the Authority as part of the revenue of the Authority under the provisions of section 23(1).

97. OTHER SAVINGS

Despite the repeal by this Act of any other enactment specified in Schedule 2, any subsidiary legislation made under any such enactment remains in force as regulations and are subject to modification by regulations under this Act.

98. LANDING PARKING

Regulation 3(1) of the Air Navigation (Landing and Parking Fees) Regulations, 1973, as amended and in force immediately before the commencement of this Act, shall after commencement of this Act continue in force as if made under this Act and is considered to be part of the Tariff Book prepared and published under section 53.

99. POWER TO KILL ANIMALS FOUND TRESPASSING

Despite any law in force to the contrary, it is lawful for any police officer or port constable or any other person authorised in writing on that behalf by the General Manager to destroy by shooting any animal found trespassing on any port.

100. SUSPECTED PERSONS

Any person suspected of having contravened or of being about to contravene any of the provisions of, or regulations made under this Act shall upon being requested to do so by a police officer or port constable or by any other person authorised on that behalf in writing by the General Manager correctly state his or her name and address and the purpose of his or her being at the port, and upon his or her failure so to do may be removed from the port or any part thereof by such police officer, port constable or person authorised by the General Manager, as the case may be.

101. REMOVAL OF PERSONS AND THINGS

Any person found contravening any provision of or regulation made under this Act, and any vehicle, animal or thing found in the area in contravention of any such provision or regulation, may be removed from the area to which the provision or regulation applies by a police officer or port constable or by any other person authorised in that behalf in writing by the General Manager; and upon conviction for any such contravention before a magistrate, the owner or person in charge of any such vehicle, animal or thing may in addition to any other penalty be ordered by the magistrate to pay the cost of such removal.

102. BONDED WAREHOUSE

- (1) If any warehouse of the Authority is approved and appointed under any enactment relating to customs, the Authority may give general security by bond or otherwise for the payment of the customs duties payable in respect of goods stored in such bonded warehouse or for the due exportation of such goods.
- (2) When such security has been given by the Authority, a further security shall not be required by the Comptroller of Customs from any other person to the same effect.
- (3) This section shall not be taken however to absolve any person who is liable to pay duties from paying any such duty as he or she would be compelled to pay in respect of any such goods.

103. GENERAL MANAGER'S FIAT

Proceedings for offences arising out of the provisions of this Act shall be instituted in writing by the General Manager or by any officer duly authorised by him or her in writing.

104. PROOF

In any proceedings for any offence, the averment that such offence was committed within the limits of a port is sufficient without proof of such limits, unless the contrary is proved.

105. RECOVERY OF SUMS

In addition to any other remedy given under this Act, all dues, charges, compensation, damages, costs, expenses or other sums due to the Authority under the provisions of this Act may be recovered by the Authority as a civil debt.

106. MONIES RECOVERED TO BE PAID INTO ACCOUNT OF THE AUTHORITY

All fines, compensation, damages, costs or other sums directed to be paid in respect of any offence, proceeding or matter arising out of the performance of the duties powers and functions of this Act or any regulations shall be paid into the account of the Authority.

SCHEDULE 1

(Section 2)

PART 1

The limits for George F. L. Charles Airport are defined as follows—

Commencing from a point north of the junction of Gros Islet Road with Nelson Mandela Drive and 95.9 feet from this junction, and proceeding in azimuth 255° for a distance of 155 feet along a parcel belonging to Heirs Thomas Butcher, then (in the same azimuth) for a distance of approximately 50 feet across an inoperative road reserved, then for 674.6 feet along a parcel belonging to E. W. Harris, then along a parcel belonging to Heirs Demile Thomas, then along the northern edge of the continuation of L'Anse Road to within the vicinity of the sea, all in azimuth 255° and for a total distance of 5,800 feet; then in azimuth 345° for a distance of 300 feet; then in azimuth 75° for approximately 250 feet against Vigie Lot No. 47, then for approximately 130 feet against Vigie Lot No. 46, then along the vicinity of Choc Bay, then along the southern side of Vigie Road up to its junction with Choc Cemetery Road all in azimuth 75° and for a total distance of 5,800 feet; then in

azimuth 165° along western edge of Choc Cemetery Road for a distance of 300 feet to the point of commencement which demarcation is described by a wire fence and which encloses an area of approximately 4 acres.

PART 2

The limits of Hewanorra Airport are defined as follows—

Beginning at the junction of the Vieux-Fort—Laborie Road with the Vieux-Fort Village Road and following the Vieux-Fort Village Road in an easterly direction up to where it turns into Dock Road; then continuing along a line still going east, following a channel for part of the way, meeting the Beane Field Road, off Dock Road, in the vicinity of the eastern end of the runway; then following this road round the eastern end of the runway to its junction with the Terminal Building Road; then along the Terminal Building Road in a westerly, then in a north-westerly direction for approximately 3,100 feet; then in azimuth 285° for a distance of approximately 950 feet, then in azimuth 225° for a distance of approximately 3,050 feet to the Vieux-Fort—Laborie Road and then along the Vieux-Fort—Laborie Road in a southerly direction to its junction with the Vieux-Fort Village Road which is the point of commencement; all of which boundary is delineated by a wire fence and encloses an area of approximately 230 acres.

PART 3

The limits of the Seaport of Castries are defined as follows—

From latitude $14^{\circ} 01' 24''$ N longitude $61^{\circ} 00' 05''$ W hence in the true direction of 301° T for one mile, thence in the direction of 211° T for 1.2 miles, thence in the direction of 121° T for .88 miles to La Toc Point at latitude $14^{\circ} 00' 30''$ N longitude $61^{\circ} 00' 46''$ W thence along foreshore at the average high water mark from La Toc Point around La Toc Bay to Tapion Point, thence along to Cocoa Point, thence along to Pointe Bananes, thence along to the Castries River mouth and thence to the opposite bank including all marine works, wharves and property vested in the Crown. All around the bay to Serafin Point, thence all around the bay to Vieille Ville Point, thence to

St. Victor Point and thence all around the shore to Vigie Point and then to latitude $14^{\circ} 01' 24''$ N longitude $61^{\circ} 00' 05''$ W.

Being the area that includes all waters and ocean bed to the average high water mark of Castries Harbour lying within the defined limits so described.

(Substituted by S.I. 66/1994)

PART 4

The limits for the Seaport of Vieux-Fort are defined as follows—

From Mathurin Point Latitude $13^{\circ} 42' 34''$ N Longitude $60^{\circ} 57' 30''$ W hence in the true direction of 319° T for 1.43 miles to Georgia Point Latitude $13^{\circ} 43' 39''$ N Longitude $60^{\circ} 58' 27''$ W, thence along the foreshore at the average high water mark to Battery Point, thence to Noir Point and thence to Mathurin Point being the area that includes all waters and ocean bed up to the average high water mark of Vieux-Fort Harbour and Marine works and upland vested in the Crown for port use lying within the defined limits so described.

SCHEDULE 2

(Section 96)

Airports Act, 1965

Port Authority Act, 1972