

CHAPTER 333

THE PORT AUTHORITY ACT

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 PORT AUTHORITY

(4th July, 1973.)

9/1973.
 1111973.
 1411986.
 1811989.

1. This Act may be cited as the Port Authority Act. **Short title.**

2. In this Act—

Interpretation.

“accountant” means the person appointed by the Authority as accountant under the provisions of the Second Schedule and includes any officer of the

Authority acting under the general or special directions of the accountant;

"animal" means any animate thing of any kind whatsoever except a human being;

"Authority" means the Port Authority established under section 3;

"authorised employee" means a person authorised by the Authority to exercise the powers or perform the duties in respect of which the expression is used;

"basin" means the dredged portion of any harbour abutting on to any wharf operated by or on behalf of the Authority, but does not include any dredged channel to such dredged portion;

"cargo" includes all kinds of goods, wares, minerals, merchandise, and livestock, but does not include fuel or ship's stores loaded in or carried by a vessel for use on board such vessel;

"Chairman" means the Chairman of the Authority appointed by the Governor-General under the provisions of the First Schedule and includes any person for the time being performing the functions of the Chairman;

"charges" means all sums received or receivable, charged or chargeable for or in respect of the carriage or warehousing of goods by means of the Authority or for or in respect of any ship, harbour or other service performed or facility provided by means of the Authority;

"Comptroller" means the Comptroller of Customs and includes any officer of the Customs Division acting under the general or special orders of the Comptroller;

"dangerous goods" means any goods defined as such by regulations made under section 53;

"ferry" means any vessel plying from one side of the waterway to the other for the purpose of the carriage of goods or passengers;

"financial year" means such period of twelve 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 may be fixed by the Authority with the approval of the Minister;

"goods" means all kinds of goods, wares, ~~minerals~~, merchandise and livestock;

"harbour" means any harbour or port specified in the Third Schedule together with all wharves, jetties, slips, docks and the machinery, plants, tools and other property appertaining thereto vested by section 4 in the Authority;

"master" in relation to a ship means any person (other than a pilot) having charge for the time being of that ship;

"Minister" means the Minister responsible for ports and harbours;

"offensive goods" means goods defined as such by regulations made under section 53;

"owner" in relation to goods means any person who is for the time being entitled, either as owner or as agent for the owner, to the possession of these goods;

"perishable goods" means goods liable to rapid deterioration and in particular, includes fish, fruit, vegetables, bread, meat, poultry, game, butter, eggs, milk, cheese, plants, small animals and any other thing which the Minister may prescribe;

"pilot" means a person for the time being authorised in accordance with regulations made under this Act to pilot ships;

"Police Force" means the Royal Antigua and Barbuda Police Force;

"Port Manager" means the officer appointed by the Authority as Port Manager under the provisions of the Second Schedule and includes any officer of the Authority acting under the general or special directions of the Port Manager;

"public officer" shall have the meaning assigned to it by the Constitution;

"rates" includes all sums which may, under the provisions of this Act or regulations made thereunder, be levied for or in respect of the carriage or warehousing of goods by means of the Authority or for or in respect of any ship, harbour or other service performed or facility provided by means of the Authority;

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

"Tariff Book" means the Tarriff Book prepared and published under the provisions of section 27;

"vehicle" includes carriages, wagons, carts, petrol or electrical vehicles, bicycles, tricycles, vans, hand carts, sledges, trucks, barrows and all other machines for the portage of goods or persons;

"warehouse" includes any building or part of a building, place, wagon, ship or vehicle used for the purpose of warehousing or depositing goods by means of the Authority;

"wharf" means any wharf in Antigua and Barbuda controlled and operated by the Authority and includes any basin connected therewith, the quay walls, jetties and piers of such wharf.

(2) A reference in this Act to a Part or section or Schedule shall, unless the contrary intention appears, be read as a reference to a Part or section or Schedule of this Act; and a reference in this Act to a subsection, paragraph or subparagraph shall, unless the contrary intention appears, be read as a reference to a subsection, paragraph or subparagraph, as the case may be, of the section in which the reference appears.

(3) In this Act and in all documents issued under this Act, unless the context otherwise requires, the expression:—

(a) "accepted by the Authority" subject to the provisions of any regulations made under this Act, means accepted by an authorised employee in the course of his duty for carriage or warehousing in accordance with the provisions of this Act or any regulations made thereunder;

(b) "delivered to the Authority", subject to the provisions of any regulations made under this Act, means delivered to an authorised employee in the course of his duty under this Act or any regulations made thereunder;

(c) "the possession of the Authority", subject to the provisions of any regulations made under this Act, means the possession of any authorised employee in the course of his duty under this Act or any regulations made thereunder;

(d) "the purposes of the Authority" means any purpose necessary or desirable for the performance of the services or the provision of any facilities authorised to be performed or provided by means of the Authority under this Act or any regulations made thereunder.

PART I

THE AUTHORITY

3. (1) There is hereby established a body to be called the Port Authority which shall be a body corporate with perpetual succession and a common seal with power to purchase, take, hold and dispose of land and other property, to enter into contracts, to sue and be sued in its said name and to do all things necessary for the purposes of this Act.

**Establishment
and Constitution
of Port
Authority.**

First Schedule.

(2) The provisions of the First Schedule shall have effect as to the constitution, members, committees, operations, procedure and meetings of the Authority and otherwise in relation thereto.

(3) The seal of the Authority shall be authenticated in the manner prescribed in the First Schedule and shall be judicially and officially noticed.

Second Schedule.

(4) The provisions of the Second Schedule shall have effect as to the officers and employees of the Authority their appointment, dismissal and conditions of service and otherwise in relation thereto.

**Vesting of
certain property,
rights and
liabilities in the
Authority.**

4. (1) Upon the date of coming into operation of this Act all lands, buildings, installations, equipment and all other forms of property, whether real or personal, and all interests therein, of whatsoever nature, belonging to the Government in Antigua and Barbuda and used exclusively for the purposes of the Port Department shall become vested in the Authority.

(2) Notwithstanding any of the provisions of this Act, except with the prior written permission—

(a) of the Governor-General acting in accordance with the advice of the Cabinet, the Authority shall not dispose of by sale, lease, sub-lease, mortgage, easement, or otherwise any land or interest in land vested in the Authority;

(b) of the Cabinet, the Authority shall not dispose of by sale, bailment, or otherwise, or turn to account, any personal property or interest therein vested in the Authority.

(3) If any question shall arise under subsection (1) whether any land, building, installation, equipment or other form of property was used exclusively for the purposes of the Port Department a certificate under the hand of the Minister shall be conclusive.

(4) Upon the date of coming into operation of this Act the benefits and burdens of any contract for or in connection with port and harbour services and facilities to which the Government is a party (including the right to recover

and receive all moneys due and payable to the Government) and which subsists or is in force immediately before such date of coming into operation, shall be deemed to have been transferred from the Government to the Authority.

(5) Upon the date of coming into operation of this Act every agreement as respects any land, building, installation, equipment or any other form of property whether real or personal, in connection with port and harbour services and facilities (other than a contract referred to in subsection (4)) whether that agreement is in writing or not, and every deed, bond or other instrument as respects any land, building, installation, equipment or other form of property whether real or personal, in connection with port or harbour services and facilities, to which agreement, deed, bond or other instrument the Government was party or which affected the Government, and whether or not of such a nature that the rights, liabilities and obligations thereunder could be assigned, shall have effect as if the Authority were a party thereto or affected thereby instead of the Government and as if for every reference (however worded and whether expressed or implied) therein to the Government there were substituted in respect of anything to be done on or after such date of coming into operation a reference to the Authority.

(6) Any proceedings upon any contract, agreement, deed, bond or other instrument to which reference is made in subsections (4) and (5) which are pending immediately before the date when this Act comes into operation and to which the Government was a party shall be continued as if the authority was a party thereto in lieu of the Government.

5. (1) It is the function of the Authority—

**Functions of
Authority.**

(a) to develop the harbours of Antigua and Barbuda described in the Third Schedule and such other harbours as may from time to time be vested in the Authority;

(b) to operate port services in accordance with this Act;

(c) to collect the dues and charges authorised by this Act or by any regulations made thereunder; and

(d) generally to be responsible for the carrying out of the provisions of this Act.

(2) The development of the harbours and the operation of the port services include the following—

(a) the provision and maintenance of facilities for the entry and berthing of ships, the landing and embarkation of passengers, the loading, unloading, storage and warehousing of cargo;

(b) the provision and maintenance of equipment for hoisting, lifting and transportation of cargo;

(c) the erection, equipment and maintenance of quays, wharves, jetties, locks, and piers;

(d) the provision of docking facilities, slipways and machine shops;

(e) the provision of lights and beacons, towage services, fire-fighting services, watering services, bunkering services, rescuing services, dredging services, salvage services, repair services and such other services as are ordinarily required by ships coming into port in the course of their voyages.

Powers of Authority.

6. (1) With respect to the carrying out of any duties falling within its function, the Authority may arrange for the duties to be carried out either by the Authority directly through its own officers, servants, and employees, or indirectly through persons with whom the Authority has entered into contract; and for that purpose the Authority may lease any lands, buildings, facilities or equipment.

(2) The Authority may for the purpose of the discharge of its functions:—

(a) carry on all activities the carrying on of which appear to it to be requisite, advantageous or convenient for or in connection with the discharge of its said functions;

(b) promote the carrying on of any such activities by other bodies or persons, and for that purpose may establish or expand, or promote the establishment or expansion of, other bodies to carry on any such activities either under the control or partial control of the Authority or independently, and may give assistance to such bodies or to other bodies or persons appearing

to the Authority to have facilities for the carrying on of any such activities, including financial assistance by the taking up of share or loan capital or by loan or otherwise;

(c) carry on any such activities in association with other bodies or persons including Government authorities or as managing agents or otherwise on its own behalf;

(d) do anything and enter into any transaction whether or not involving expenditure, borrowing, granting of loans or investment of money in accordance with the provisions of this Act in that behalf, the acquisition of any real or personal property or rights, which in its opinion is calculated to facilitate the proper discharge of its functions or is incidental or conducive thereto.

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

Power of Authority delegate. to

8. (1) The Minister may, after consultation with the Chairman give to the Authority such directions as to the policy to be followed by the Authority in the performance of its functions as appear to the Minister to be necessary in the interests of Antigua and Barbuda and the Authority shall give effect to such directions.

Power of Minister to give policy directions.

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

9. The Authority shall provide and maintain from time to time such reasonable office accommodation and facilities as the Comptroller shall require for the carrying out of their duties by the officers of the Customs Division within a harbour.

Accommodation of Comptroller.

PART II

FINANCIAL PROVISIONS

Power to borrow
or raise capital.

10. (1) The Authority may, from time to time, with the approval of the Minister responsible for finance borrow, secure or raise money by the issue of debentures or debenture stock, or other security, for all or any of the following purposes—

(a) the provision of working capital;

(b) the fulfilling of the functions of the Authority under this Act;

(c) the provisions of capital for the expansion of and additions to, its fixed assets;

(d) the redemption of any debenture or debenture stock or other security that the Authority is required or entitled to redeem;

(e) any other expenditure properly chargeable to capital account.

(2) The Authority may, from time to time, borrow by way of overdraft or otherwise for periods not exceeding one year such sums as the Authority may require for meeting its obligations and discharging its functions under this Act.

Powers of the
Authority to
borrow from
Government.

11. (1) The Authority may with the approval of the Minister responsible for finance, from time to time, borrow by way of advances from the Government such sums as may be necessary for carrying out its functions under this Act.

(2) For the purpose of making approved advances to the Authority under this section, the Minister responsible for finance may authorise advances out of the proceeds of any loan raised for the purpose or out of the reserve fund, revenues or surplus balances of Antigua and Barbuda.

(3) Pending the raising of any such loan, the Minister responsible for finance by warrant under his hand may authorise the Accountant-General to make advances out of the revenues of Antigua and Barbuda to the Authority in such sums and on such terms and conditions as the Minister

responsible for finance may think fit for the purposes authorised by this Act.

(4) The repayment of any such advances and the payment of interest thereon shall be made by the Authority in like manner and on like conditions as borrowings by the Authority, subject to any special terms and conditions which may be stipulated with respect to any such advance by the Minister responsible for finance upon the making thereof.

12. (1) The revenue of the Authority for any financial year shall be applied in defraying the following charges— Application of Revenue.

(a) the remuneration, fees and allowances of the members of the Authority or of any committee thereof;

(b) the salaries, fees, remuneration and gratuities, including payments for the maintenance of the Provident Fund or Pension Fund authorised by this Act, of the officers or agents and employees, and technical and other advisers, of the Authority;

(c) working expenses, and expenditures on, or provision for, the maintenance of the property and of any of the works of the Authority, and the insurance of the same and the discharge of the functions of the Authority properly chargeable to revenue account.

(d) interest on any debenture and debenture stock or other security issued, and on any loan raised by the Authority;

(e) sums required to be transferred to a sinking fund or otherwise set aside for the purpose of making provision for the redemption of debentures or debenture stock or other security or the repayment of other borrowed money;

(f) such sums as it may be deemed appropriate to set aside in respect of depreciation on the property of the Authority having regard to the amount set aside out of the revenue under paragraph (e); and

(g) any other expenditures authorised by the Authority and properly chargeable to revenue account.

(2) The balance of the revenue of the Authority shall be applied to the creation of reserve funds to finance future modernisation and expansion.

Authorised investments.

13. Funds of the Authority not immediately required to be expended in the meeting of any obligations or the discharge of any functions of the Authority may be invested from time to time in securities approved by the Minister responsible for finance for investment by the Authority.

Rates, etc. chargeable by the Authority.

14. The rates, dues, charges and fees to be charged by the Authority shall be in accordance with such rates, dues, charges and fees as may, from time to time, be fixed by regulations made under section 53.

Accounting of Authority.

15. (1) All decisions, orders, rules and regulations relating to the financial operations of the Authority and authorised by this Act shall be made by resolution of the Authority at a meeting thereof and shall be recorded in the minutes of the Authority.

(2) The Authority shall keep proper accounts and other records in respect of its operations, and shall cause to be prepared a statement in respect of each financial year.

(3) The accounts of the Authority shall be audited by auditors to be appointed annually by the Authority.

(4) The Authority shall, before the commencement of each financial year, submit to the Minister for the information of Parliament a copy of its income and expenditure budget, in relation to such year. The Minister shall cause copies of such budgets to be laid on the table of each Chamber of the Legislature.

(5) After the end of each financial year, the Authority shall, as soon as the accounts of the Authority have been audited, cause a copy of the statement of accounts to be transmitted to the Minister together with a copy of any report made by the auditors on that statement or on the accounts of the Authority. The Minister shall cause a copy of every statement and report to be laid on the table of each Chamber of the Legislature.

(6) Notwithstanding any power of the Authority conferred by this Act, where the Authority intends to embark upon any programme for expanding its facilities and services that will involve borrowing moneys upon the credit of Antigua and Barbuda or that will require a longer period than one year to complete, the Authority shall obtain the approval of the Minister responsible for finance thereto before incurring any liability in respect thereof.

16. (1) All moneys of the Authority accruing from its operations under this Act shall be paid into some bank or banks appointed by resolution of the Authority, and such moneys shall, as far as practicable, be paid into the bank from day to day, except such sum as the accountant may be authorised by rules made under section 17 to retain in his hands to meet petty disbursements for immediate payments. Cash deposits
and payments.

(2) All payments out of the funds of the Authority except petty disbursements not exceeding a sum to be fixed by rules made under section 17, shall be made by the accountant, or on his behalf by any other officer appointed by the Authority, in accordance with any such rules.

(3) Cheques against any banking account required to be kept or withdrawals from any savings bank account shall be signed by the accountant and countersigned by the chairman of the Authority or any member of the Authority or any officer of the Authority appointed by resolution of the Authority for the purpose, and any such resolution shall be certified by the chairman and forwarded to the bank or banks concerned.

17. The Authority shall by resolution make rules in respect of the following matters— Rules.

(a) the manner in which and the officers by whom payments are to be approved;

(b) the bank or banks into which the moneys of the Authority are to be paid, the title of any account with any such bank, and the transfer of one fund from one account to another;

(c) the appointment of a member of the Authority or an officer of the Authority to countersign cheques on behalf of the chairman or in the absence of the chairman;

(d) the sum to be retained by the accountant to meet petty disbursements and immediate payments and the maximum sum that may be so disbursed for any one payment;

(e) the method to be adopted in making payments out of the funds of the Authority; and

(f) generally as to all matters necessary for the proper keeping and control of the accounts and books and the control of the finance of the Authority.

Annual report.

18. (1) The Authority shall as soon as practicable after the end of each financial year make and transmit to the Minister a report dealing generally with the activities of the Authority during the preceding financial year and containing such information relating to the operations and policy of the Authority as the Minister may from time to time direct.

(2) The Minister shall cause a copy of every such report to be laid on the table of each Chamber of the Legislature.

**Exemption from
customs duty,
consumption tax,
income tax and
property tax.**

19. (1) Notwithstanding anything in any other Act contained, all plant, machinery, appliances, apparatus, equipment and materials of every kind whatsoever imported into Antigua and Barbuda by the Authority for the purpose of carrying out its functions under this Act shall be free of all customs duty and consumption tax or any other tax having a similar effect, whatsoever.

Cap. 212.

(2) Notwithstanding anything contained in the Income Tax Act the income of the Authority shall be wholly exempt from payment of income tax.

Cap. 348.

(3) Notwithstanding anything contained in the Property Tax Act, and all amendments thereto, the property of the Authority shall be wholly exempt from payment of property tax.

PART III

RESPONSIBILITY OF THE AUTHORITY AS A
WAREHOUSEMAN

20. (1) Subject to the provisions of this Act or of any regulations made thereunder, or of any contract, the Authority shall not be liable for the loss, misdelivery or detention of or damage to goods—

Liability for loss
etc. of goods.

(a) delivered to or in the possession of the Authority, otherwise than for the purposes of carriage or warehousing except where such loss, misdelivery, detention or damage is caused by the want of reasonable foresight and care on the part of any person employed in or for the purposes 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 in transit or being warehoused and is not caused by the want of reasonable foresight and care on the part of any person employed in or for the purposes of the Authority.

(2) The Authority shall in no case be liable for such loss, misdelivery, detention or damage arising from—

(a) act of God;

(b) act of war or of the Queen's enemies;

(c) seizure under legal process;

(d) act or omission of the consignor, consignee or depositor, or of the servant or agent of any such person;

(e) fire, flood, hurricane, tempest, earthquake, riots, civil commotions, strikes, lock-outs, stoppage or restraint of labour from whatever cause, whether partial or general;

(f) inherent liability to wastage in bulk or weight, latent or inherent defect, vice or natural deterioration;

(g) deficiency in the contents of unbroken packages;
or

(h) insufficient or improper packing or from leakage from defective drums, containers or packages.

(3) Where any 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 21 shall apply.

Limitation of loss etc. where false account given.

21. 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 subsection (4) of section 24 shall not in any case exceed the value of the goods as calculated in accordance with the description contained in such false account.

Burden of proof in proceedings brought under section 20.

22. In any proceedings brought under the provisions of section 20 against the Authority, it shall not be necessary for the person claiming damages or compensation to prove how the loss, misdelivery, detention or damage of goods was caused.

PART IV

GOODS

Power to determine conditions for carriage and warehousing of goods.

23. (1) The Authority may, subject to the provisions of this Act or of any regulations made thereunder, determine the conditions upon which goods shall be carried or warehoused by means of the Authority and different conditions may be determined in different cases; and such conditions when so determined shall be published in regulations made under this Act and shall, subject as aforesaid, have effect from the date of such publication or from such later date as may be specified therein;

(2) The Minister may, subject to the provisions of this Act and of any regulations made thereunder determine the rates and charges for the carriage or warehousing of goods and for any other service or facility performed or provided by means of the Authority and such rates and charges shall, when so determined, be published in the Tariff Book and shall, subject as aforesaid, have effect from the date of such publication or from such later date as may be specified therein.

24. (1) The consignor of, or the person tendering, any goods for carriage or warehousing by means of the Authority and, on request by an authorised employee, the consignee of, or person receiving any goods which have been carried or warehoused by means of the Authority shall deliver to an authorised employee an account in writing signed by such consignor, person or consignee, as the case may be, containing such descriptions of the goods as may be sufficient to enable such employee to determine the rates and charges payable in respect of the carriage or warehousing thereof by means of the Authority. **Description etc. of goods to be delivered.**

(2) An authorised employee may, for the purpose of checking any accounts delivered under subsection (1) require such consignor, person or consignee, as the case may be, to permit him to examine such goods.

(3) If such consignor, person or consignee fails to deliver the account referred to in subsection (1) or to permit such goods to be examined as required under subsection (2), an authorised employee may, in respect of goods which are tendered for carriage or warehousing by means of the Authority, refuse to accept the goods for such carriage or warehousing and in respect of goods which have been carried or warehoused by means of the Authority refuse to deliver the same unless, in either case, in respect thereof a rate or charge not exceeding the highest rate or charge payable for any class of goods is paid.

(4) If in respect of goods which have been carried or warehoused by means of the Authority an account 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, an authorised employee may refuse to deliver such goods unless in respect of warehousing or carriage of the goods a rate or charge not exceeding double the highest rate or charge payable for any class of goods is paid.

25. (1) Where any goods in the possession of the Authority are not claimed by the owner or any other person appearing to the Port Manager to be entitled thereto, the Port Manager shall, if such owner or person is known, take **Unclaimed goods in the possession of the Authority.**

all reasonable steps to cause a notice to be served upon him requiring him to remove the goods.

(2) If—

(a) the owner of any goods in the possession of the Authority is not known and no person appears to be entitled thereto; or

(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 Port Manager, may within a reasonable time not being less, except in the case of perishable goods, than forty-five days, sell the goods by public auction and after deducting from the proceeds of sale thereof the expenses of such sale shall pay the balance thereof into the funds of the Authority:

Provided that no imported goods shall be sold under this section until they shall have been entered for home consumption in accordance with the provisions of the laws of Antigua and Barbuda relating to customs.

Dangerous or
offensive goods,
etc.

26. (1) No person shall tender to the Authority for carriage or warehousing any goods to which this section applies without giving notice of the nature of such goods—

(a) in the case of goods taken with a person, to the person in charge of the port of embarkation at which such first mentioned person commences his journey; or

(b) in the case of goods tendered to the Authority for carriage or warehousing, to the authorised employee to whom such goods are tendered.

(2) An authorised employee may—

(a) refuse to accept for carriage or warehousing by means of the Authority, goods to which this section applies or may accept them only under and in accordance with any special provisions dealing with the carriage or warehousing of any such goods;

(b) require any such goods to be marked and packed in such manner as may be specified in regulations made under this Act.

(3) Where any authorised employee has reason to believe that any goods to which this section applies are being carried or warehoused by means of the Authority or have been accepted for carriage or warehousing by means of the Authority in contravention of the provisions of subsection (1) or subsection (2), he may examine such goods and, if on examination they are found to be goods to which this section applies, he may upon informing an officer of customs of the place to which the goods are to be removed, order their removal from any premises occupied for the purposes of the Authority.

(4) Goods to which this section applies are any dangerous or offensive goods and any goods which are likely to cause damage to person or property.

(5) Nothing in this section shall—

(a) apply to any goods carried or warehoused by means of the Authority for or on behalf of the Crown in right of its Government of Antigua and Barbuda or of the United Kingdom;

(b) apply to any goods carried by any member of Her Majesty's armed forces, in right of the Government of Antigua and Barbuda or of the United Kingdom or by any member of the Police Force or the Defence Force, in course of his duty.

PART V

GENERAL

27. The Authority shall cause to be prepared and published in such manner as it may think fit— ^{Tariff book etc.}

(a) a 'Tariff Book' containing all matters which under this Act or any regulations made thereunder are required to be contained therein, together with such other matters as the Minister may think fit; and

(b) such other books and other documents as under this Act or any regulations made thereunder are required to be kept.

PART VI
ACCIDENTS

Accidents to be reported.

28. Where any accident occurs in any harbour, 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 of which one is carrying passengers; or

(c) is of such other kind as the Minister may specify,

the Port Manager shall, as soon as practicable, give notice of the occurrence of the accident to the Authority and the Authority shall forthwith report the accident to the Minister.

Inquiries into accidents.

29. (1) The Authority may order such inquiry into any accident which occurs in any harbour as they may think fit and shall order such inquiry as the Minister thinks fit into any such accident when so required by the Minister.

(2) The Authority shall submit to the Minister 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 they have directed shall be taken with a view to avoiding a repetition thereof.

Authority to make a return of accidents.

30. 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 harbour, whether or not any such accident is attended with injury to any person.

PART VII

SPECIAL PROVISIONS RELATING TO HARBOURS

Harbours. Third Schedule.

31. The harbours in the Third Schedule shall be harbours for the purposes of this Act.

Compulsory pilotage harbours.

32. (1) The harbours defined by regulations made under this Act as compulsory pilotage harbours, shall be com-

pulsory pilotage harbours, and all ships, other than excepted ships, navigating whether by entering, leaving or moving within the limits thereof shall be under the pilotage of a pilot.

(2) For the purpose of this section, the following ships shall be excepted ships—

(a) ships belonging to Her Majesty in right of Her Government of Antigua and Barbuda or the United Kingdom;

(b) pleasure yachts or fishing vessels;

(c) ferry boats plying as such exclusively within the limits of a harbour;

(d) ships of less than two hundred tons net register;

(e) ships trading exclusively between harbours of Antigua and Barbuda;

(f) tugs, dredgers, barges or similar vessels whose ordinary course of navigation does not extend beyond the limits of Antigua and Barbuda.

(3) Where any harbour is a compulsory pilotage harbour, the Authority may by regulations prescribe the limits of such harbour for the purposes of compulsory pilotage.

(4) The Authority shall not be responsible for any loss or damage caused through the act, neglect, or default of any pilot.

(5) The owner or master of a ship navigating under circumstances in which pilotage is compulsory shall be answerable for any loss or damage caused by the ship or by any fault of the navigation of the ship in the same manner as he would if pilotage were not compulsory.

33. No ship shall embark or disembark any passenger or goods at any place other than a harbour:

Passengers, etc.
to be embarked
etc. only at a
harbour.

Provided that with the prior agreement of the Comptroller, the Port Manager may authorise the master of any ship to embark or disembark passengers or goods at such place other than a harbour as may be agreed by the Comptroller.

Master to supply information.

34. The master of any ship arriving in a harbour shall produce to an authorised employee—

(a) the ship's register and the ship's papers;

(b) a list of the passengers, if any, showing particulars of their sex and occupation;

(c) a list showing the deaths, if any, which have occurred during the voyage;

(d) a list showing the stowaways, if any, on the ship;

and shall also supply such other information in relation to the ship, passengers and cargo thereof, as such employee may require.

Harbour rates and charges may be levied.

35. (1) There shall be levied upon every ship entering a harbour such harbour rates and charges as the Minister after consultation with the Authority may by regulations prescribe, and different rates and charges may be prescribed for different ships or classes of ships, and any such regulations may provide for the exemption of any ship, or class of ship, from all or any harbour rates and charges or for the remission thereof or any part thereof.

(2) A book specifying all harbour rates and charges shall be available for public inspection at the office of the Port Manager.

Power to arrest ship for harbour rates and charges.

36. (1) Where any harbour rates or charges are owing in respect of any ship, an authorised employee may arrest the ship and the tackle, apparel and furniture thereof, and may detain it until the amount of such rates or charges is paid.

(2) Where, after such arrest, any such harbour rates or charges remain unpaid for a period of seven days, the authorised employee may cause the ship and the tackle, apparel and furniture thereof arrested to be sold, and out of the proceeds of such sale he shall retain the amount necessary to meet the expenses of the detention and sale thereof and shall, after paying the amount of any harbour rates or charges which are owing to the Authority, deliver the balance, if any, to the master of the ship.

(3) Where any ship, in respect of which harbour rates or charges are owing and have not been secured to the satisfaction of an authorised employee, leaves any harbour and enters or is in any other harbour, then such ship may be dealt with as if the harbour rates or charges so owing and not secured were harbour rates or charges owing in respect of such other harbour.

37. Before the master of any ship in a harbour shall request outward clearance from the proper officer of Customs of such harbour, he shall first obtain from an authorised employee a certificate stating that—

Master required to obtain certificate of authorised employee before requesting outward clearance from the Customs.

(a) all harbour rates and charges due in respect of the ship, and all penalties and expenses to which the ship and her master are liable under this Act or any regulations made thereunder have been paid or secured to the satisfaction of the authorised employee;

(b) he has complied with the provisions of this Act and of any regulations made thereunder.

38. (1) An authorised employee may—

Power of authorised employee with respect to wrecks etc.

(a) remove any wreck in, or other obstruction to a harbour or its approaches, or any timber, raft or other thing floating in a harbour, which endangers, or obstructs, or is likely to endanger or obstruct, the free navigation of the harbour or the use of any wharf or dock therein;

(b) in case of urgent necessity take any action in a harbour which in his opinion may be necessary to prevent any danger to life or shipping;

(c) enter upon any ship or into any building in a harbour if it is necessary for him to do so in the performance of any duty under this Act or any regulations made thereunder or if he has reasonable grounds for believing that an offence against this Act or any regulations made thereunder has been, or is about to be committed therein.

(2) The owner of any wreck or other thing removed by any authorised employee under the provisions of paragraph (a) of subsection (1) shall, without prejudice to any other action which may be taken against him, be liable to pay the reasonable expenses of such removal; and such wreck or other thing shall be detained by such employee until such expenses and any customs duties and harbour rates or charges payable in respect thereof shall have been paid.

(3) Where any wreck or other thing is removed under the provisions of paragraph (a) of subsection (1) and the expenses of removal have not been paid within seven days of such removal, the Port Manager may cause such wreck or other 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 and harbour rates or charges payable in respect thereof and shall deliver the balance, if any, to the person appearing to him to be entitled thereto.

Port Manager
may retain goods
until freight etc.
is paid.

39. (1) Where any goods have been landed at a harbour and accepted by the Authority for carriage or warehousing or for delivery to a consignee, the Port Manager shall retain the goods and refuse delivery thereof to the consignee or any other person until—

(a) the payment of any rates, charges and customs duties due in respect of such goods, and

(b) the production of a written authorisation for a release of the goods signed or purporting to be signed by or on behalf of the ship owner.

(2) Where the Port Manager causes to be delivered any goods to a person producing such authorisation as referred to in paragraph (b) of subsection (1), the Authority shall be freed from all liability to any person in respect of the goods.

(3) An authorised employee shall be entitled to levy such charges as may be determined under this Act or any regulations made thereunder in respect of the custody of any goods delivered to him in accordance with this section, and he 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 so incurred.

(4) Nothing in this section shall be construed as requiring any person to take into the custody of the Authority any goods which would not otherwise be receivable under the provisions of this Act or any regulations made thereunder.

40. The Authority shall not be liable for any demurrage which may occur or be due on any ship, however such demurrage may have been caused. **Liability for demurrage.**

41. The master of a ship shall be responsible for the compliance in respect of such ship with the provisions of this Act and any regulations made thereunder and, in the event of a contravention thereof, he may be proceeded against and held responsible for the contravention. **Master responsible for contravention of Act.**

42. The Port Manager shall, on the demand of the master of any ship arriving at any harbour, cause to be delivered to such master on loan for the duration of the visit of such ship a copy of this Act and of any harbour regulations and quarantine regulations. **Delivery to masters of copy of Act.**

PART VIII OFFENCES

43. Any person who unlawfully damages or in any way interferes with any lighthouse, buoy, mark, beacon or other property of the Authority in such manner as to endanger, or as might endanger the life of any person, shall be guilty of an offence and liable on conviction therefor on indictment to imprisonment for a term not exceeding ten years. **Damaging property in a manner likely to endanger life.**

44. Any person who makes, either knowingly or recklessly, any statement which is false in any material particular in any return, claim or other document, which is required or authorised to be made under this Act or any regulations made thereunder, shall be guilty of an offence and liable on conviction therefor on indictment to a fine not exceeding eight thousand dollars or to imprisonment for a **False returns.**

term not exceeding two years, or to both such fine and imprisonment.

Person
endangering
safety of
operations.

45. Any person who while on duty or lawfully employed on any premises of the Authority, or on any ship or vehicle used by or for the purposes of the Authority, endangers the safety of any other person—

(a) by contravening any of the provisions of this Act, or any regulations made thereunder; or

(b) by contravening any lawful order, direction or rule given to such person, or made in respect of his service; or

(c) by being under the influence of alcohol; or

(d) by any rash or negligent act,

shall be guilty of an offence and be liable on summary conviction to a fine not exceeding three thousand dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

Person
demanding
improper
amount.

46. Any person who, with intent to defraud, demands or receives from any other person delivering goods for carriage or warehousing by means of the Authority or from any other person making use of the facilities provided by means of the Authority, any greater or less amount than he should demand or receive shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifteen hundred dollars or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

Miscellaneous
summary
offences.

47. Any person who—

(a) being a trespasser on any premises of the Authority, or upon any ship or vehicle used by or for the purposes of the Authority, refuses to leave such premises, ship or vehicle after being requested to do so by an authorised employee or a member of the Police Force;

(b) being on any premises of the Authority, or upon any ship or vehicle used by or for the purposes of the Authority—

-
- (i) refuses when called upon by an authorised employee or a member of the Police Force to give his name and address, or gives a false name or address, for the purpose of avoiding prosecution; or
 - (ii) is in a state of intoxication or behaves in a violent or offensive manner to the annoyance of any other person; or
 - (iii) discharges any firearm or does anything which may cause injury to any person on such premises or upon such ship or vehicle; or
 - (iv) commits any nuisance or act of indecency, or uses profane, obscene, indecent ~~or~~ abusive language; or
 - (v) without lawful excuse, contravenes any lawful direction given by any authorised employee or member of the Police Force; or
 - (vi) save with the express permission of the Port Manager, hawks, sells or exposes for sale any article or touts, applies for or solicits custom of any description; or
 - (vii) smokes in any part of such premises, ship or vehicle bearing a notice that smoking is not permitted in that part;

(c) writes, draws, or affixes any profane, obscene, indecent or abusive word, matter, representation or character upon any premises of the Authority or upon any ship or vehicle used by or for the purposes of the Authority;

(d) defaces the writings on any board or any notice authorised to be maintained upon any premises of the Authority or upon any ship or vehicle used by or for the purpose of the Authority;

(e) damages or without lawful excuse interferes with any property of the Authority;

(f) without lawful excuse, does any act which obstructs, or is likely to obstruct the free navigation of any harbour or the use of any wharf or dock therein;

(g) being a driver or conductor of any vehicle, disobeys while upon premises of the Authority, any reasonable directions given by any authorised employee or member of the Police Force;

(h) fails to deliver at the earliest possible opportunity to any authorised employee any property, which there is reason to believe has been lost or forgotten, found on any premises of the Authority, or on any ship or vehicle used by or for the purposes of the Authority;

(i) wilfully obstructs or impedes any other person in the discharge of his duties arising out of his employment in or for the purposes of the Authority;

(j) gives or offers to any other person money or money's worth for the purpose of avoiding payment of any sum due to the Authority; or

(k) unlawfully removes any property of the Authority,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding seven hundred and fifty dollars or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment.

Navigating
without pilot in
compulsory
pilotage harbour.

48. If any ship is navigated in circumstances in which pilotage is compulsory and such ship is not under the pilotage of a pilot, the master thereof shall be guilty of an offence and liable on summary conviction to a fine not exceeding three thousand dollars or to imprisonment for a term not exceeding six months.

Offences by
masters.

49. Any master who contravenes any of the provisions of section 33 or section 34 or produces any document or gives any information which is false in any material particular, shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifteen hundred dollars or to imprisonment for a term not exceeding three months.

Power of arrest
or removal.

50. (1) Any person who commits any offence mentioned in section 43, section 45 or section 47 may be arrested without warrant by any authorised employee or member of the Police Force.

(2) Any person who commits any offence against this Act or any regulations made thereunder other than an offence mentioned in subsection (1), may be arrested without warrant by any member of the Police Force if—

(a) there is reason to believe that such person will abscond; or

(b) he refuses on demand to give his name and address; or

(c) there is reason to believe that the name and address given by him is incorrect:

Provided that, save where there is reason to believe that such person will abscond, he shall, if his true name and address are ascertained, be released on his executing a bond without sureties for his appearance before a Magistrate when required.

(3) Any person who commits any of the offences set out in section 47 may be required by an authorised employee or a member of the Police Force to leave the premises, ship or vehicle, as the case may be, in which such person is at the time of the commission of the offence; and if such person fails to comply with such requirement he may be removed therefrom with such force as may be reasonably necessary in the circumstances.

51. Any person charged with any offence against this Act, other than the offences mentioned in section 43, section 44 and section 47 may be proceeded against, tried and punished in the magisterial district in which he may be in custody for that offence as if the offence had been committed in such district; and the offence shall for all purposes incidental to, or consequent upon, the prosecution, trial or punishment thereof, be deemed to have been committed in that magisterial district: Place of trial.

Provided that nothing herein contained shall preclude the prosecution, trial and punishment of such person in any magisterial district in which, but for the provisions of this section, such person might have been prosecuted tried and punished.

Authorised employees to have powers of Police.

52. Any authorised employee who has been given authority under the provisions of this Act or any regulations made thereunder to maintain order upon any premises of the Authority, or in any harbour, ship or vehicle used by or for the purposes of the Authority, shall, in the performance of such duty, have all the powers, rights, privileges, and protection of a member of the Police Force.

PART IX REGULATIONS.

Regulations.

53. (1) The Authority with the approval of the Minister may make regulations for the fixing of rates and other charges for or in connection with the carriage, or warehousing of goods by means of the Authority, or any other service or facility performed or provided by means of the Authority and for the fixing of ships' dues, wharfage charges, harbour rates, fees, dues and charges, and for the payment, exemption from payment, refund or remission thereof; and such regulations may fix different rates or dues, or rates or charges, or fees for different classes of goods, or for different ships or classes of ships or in relation to different circumstances or conditions.

(2) In the making of regulations in respect of the matters specified in subsection (1), the Authority shall ensure that the rates and other charges fixed thereby are adequate to provide sufficient revenue—

(a) to cover operating expenses, including taxes, if any, and to provide adequate maintenance and depreciation, and interest payments on borrowings;

(b) to meet periodic repayments on long-term indebtedness to the extent that any such repayments exceed the provisions for depreciation;

(c) to create reserves to finance a reasonable part of the cost of future expansion.

(3) The Authority after consultation with the Minister may make regulations generally with respect to the services performed, the lighthouses, and other facilities provided by means of the Authority and generally for the maintenance

of order on any premises of the Authority, or in any harbour, ship or vehicle used by or for the purposes of the Authority and, without prejudice to the generality of the foregoing, may—

- (a) make regulations with respect to—
 - (i) the collection, receipt, conditions of carriage or warehousing and delivery of goods or any class of goods to or by means of the Authority and the disposal of perishable or unclaimed goods;
 - (ii) the prohibition of smoking in any portion of any such premises, ship or vehicle;
 - (iii) the proper control and management of foreshores, harbours and entrances thereof, the prevention and removal of obstructions therein, and the regulation of any work, service or facility performed or provided thereat;
 - (iv) the control of all persons and vehicles on any 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;
 - (v) the protection of ships and cargoes and the removal, destruction, sale or abandonment of stranded ships and their cargoes and appurtenances which obstruct or are likely to obstruct the fairway of any harbour, the payment of expenses in connection therewith, and the levy and recovery of a rent for the right of hulk or wreck or wreckage to lie in any harbour;
 - (vi) the examination, registration and licensing of pilots, the charges to be made for pilotage and their duties and obligations, and to limitation of their liability for negligent navigations;
 - (vii) the licensing of ferrymen, boatmen, porters, landing agents, stevedores, forwarding agents, shipping agents, baggage and parcel agents, and contracts for the supply of water or ballast, or other person concerned in harbour work,

and the regulation of charges levied by them and their duties the hours of their attendance at work.

- (viii) the defining of dangerous or offensive goods and the conditions under which they may be carried or warehoused;
 - (ix) the sale of any article on any premises occupied for the purposes of the Authority;
 - (x) any matter required by this Act to be prescribed;
- (b) subject to the provisions of any law relating to merchant shipping, make regulations with respect to—
- (i) the taking of measures for the prevention of ships from leaving any harbour if overloaded, improperly loaded, improperly 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 unseaworthy;
 - (ii) the examination and certification of masters, mates and engineers, of tugs, dredgers, and light craft, and the charges and licence fees payable in respect thereof;
 - (iii) the registration, licensing, inspection and control of ferries, tugs, launches, hulks, fishing or ferry boats, or other craft, the charges to be paid therefor and the number of passengers to be carried therein.

(4) Regulations made under this section may provide that any breach or contravention of any regulation shall be punishable on summary conviction by the imposition of such fine not exceeding one hundred thousand dollars or of such term of imprisonment not exceeding six months or of both such fine and imprisonment.

(5) Regulations made under this Act shall be subject to negative resolution of the House of Representatives.

FIRST SCHEDULE

(Section
3 (2) & 3 (3))

1. The Authority shall consist of seven persons to be designated Commissioners, appointed by the Governor-General from amongst persons appearing to him to be qualified by reason of having had experience of and shown capacity in matters relating to trade, law, finance, science, administration or labour relations.

Appointment of Commissioners.

2. The Governor-General may appoint any person appearing to him to have the qualifications necessary for appointment under the provisions of paragraph 1, to act temporarily in the place of any Commissioner in the case of the absence or inability to act of such Commissioner.

Temporary appointments.

3. (1) The Governor-General shall appoint one of the Commissioners to be the Chairman of the Authority.

Chairman.

(2) The Chairman shall keep the Minister fully informed concerning the activities and business of the Authority; and shall furnish the Minister with such information as the Minister, acting in his discretion, may request with respect to any particular matter relating to the activities and business of the Authority.

(3) The Authority may by instrument in writing direct that subject to such conditions as may be specified in that instrument, such of the functions of the Authority as may be so specified shall (without prejudice to the performance of those functions by the Authority) be performed by the Chairman.

(4) The Governor-General shall appoint one of the Commissioners to be the Deputy Chairman of the Authority.

(5) In the case of the absence or inability to act of the Chairman the Deputy Chairman shall perform the functions of the Chairman.

(6) In the case of the absence or inability to act of the Chairman and the Deputy Chairman the Governor-General may appoint one of the remaining Commissioners to perform the functions of the Chairman.

(7) In the case of the absence or inability to act at any meeting of both the Chairman and the Deputy Chairman the remaining Commissioners shall elect one of their number to act as Chairman at that meeting.

Tenure of office.

4. (1) A Commissioner shall, subject to the provisions of this Schedule, hold office for such period being not less than two nor more than five years as may be specified in the instrument appointing him, and shall be eligible for re-appointment.

(2) The Governor-General may at any time revoke the appointment of any Commissioner if he thinks it expedient so to do.

Resignation.

5. (1) Any Commissioner, other than the Chairman, may at any time resign his office by instrument in writing addressed to the Governor-General and transmitted through the Chairman, and from the date of the receipt by the Governor-General of such instrument such Commissioner shall cease to be a Commissioner of the Authority.

(2) The Chairman may at any time resign his office by instrument in writing addressed to the Governor-General and such resignation shall take effect as from the date of the receipt of such instrument by the Governor-General.

Publication of membership.

6. The names of all Commissioners as first constituted and every change in the membership thereof shall be published in the Gazette.

Oath of Commissioner.

7. Each Commissioner shall make and subscribe an oath before the Governor-General that he will faithfully and to the best of his ability, discharge the trust and perform the duties devolving upon him as such Commissioner.

Authentication of seal and document.

8. (1) The seal of the Authority shall be authenticated by the signatures of the Chairman or one of the Commissioners authorised to act in that behalf.

(2) All 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 Chairman or any member authorised to act in that behalf.

Procedure and meetings.

9. (1) The Authority shall meet at such times as may be necessary or expedient for the transaction of business, and such meetings shall be held at such places and times and on such days as the Authority shall determine.

(2) The Chairman may at any time call a special meeting of the Authority and shall call a special meeting to be held within seven days of a written request for that purpose addressed to him by any two Commissioners.

(3) The Chairman or, in the case of the absence or inability to act of the Chairman, the Deputy Chairman or the Commissioner elected to act as Chairman in accordance with the provisions of sub-paragraph (6) of paragraph 3 shall preside at the meetings of the Authority, and when so presiding the Chairman, Deputy Chairman or the Commissioner elected as aforesaid to act as Chairman, as the case may be, shall have a casting vote only.

(4) The quorum of the Authority shall be three including the Chairman or the Deputy Chairman or the Commissioner elected to act as the Chairman as aforesaid.

(5) The decisions of the Authority shall be by majority vote.

(6) Minutes in proper form for each meeting shall be kept and shall be confirmed by the Chairman or deputy Chairman, as the case may be, as soon as practicable thereafter at a subsequent meeting. Certified copies of such minutes when so confirmed shall be forwarded to the Minister.

(7) The Authority may co-opt any one or more persons to attend any particular meeting of the Authority for the purpose of assisting or advising the Authority, but no such co-opted person shall have any right to vote.

(8) Subject to the provisions of this Schedule the Authority may regulate its own proceedings.

(9) The validity of any proceeding of the Authority shall not be affected on the ground—

(a) of the existence of any vacancy in the membership, or of any defect in the constitution of the Authority; or

(b) of the contravention by a Commissioner of the provisions of paragraph 14; or

(c) of any omission, defect or irregularity not affecting the merits of the case.

10. (1) The Authority may appoint a committee of the Authority to examine and report to it on any matter whatsoever arising out of or connected with any of its powers and duties under this Act. **Power of Authority to appoint committees.**

(2) Any such committee shall consist of at least one member of the Authority together with such other person, whether members of the Authority or not, whose assistance or advice the Authority may desire.

(3) Where persons, not being members of the Authority, are members of a committee appointed under this paragraph, or where any person is co-opted under the provisions of sub-paragraph (7) of paragraph 9 the Authority may with the approval of the Minister by resolution declare the remuneration and allowances of such persons, and such sums shall be payable out of the funds and resources of the Authority.

(4) The Authority may by resolution reject the report of any such committee or adopt it either wholly or with such modifications, additions or adaptations as the Authority may think fit.

Remuneration of Commissioners.

11. There shall be paid to the Chairman and other Commissioners such remuneration if any (whether by way of salaries or travelling or other allowances) as the Governor-General may determine.

Funds of the Authority.

12. The funds of the Authority shall consist of such moneys as may from time to time be placed at its disposition for the purposes of this Act by Parliament and such other moneys as may lawfully be paid to or raised or borrowed by the Authority.

Protection of Commissioners.

13. (1) No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Authority in respect of any act done *bona fide* in pursuance or execution or intended execution of this Act.

(2) Where any member of the Authority is exempt from liability by reason only of the provisions of this paragraph the Authority shall be liable to the extent that it would be if the said member was a servant or agent of the Authority.

Declaration of interest of Commissioners.

14. (1) It is the duty of a Commissioner who is in any way directly or indirectly interested in any contract or proposed contract with the Authority to declare the nature of his interest at the first meeting of the Authority at which it is practicable for him to do so.

(2) A Commissioner shall not vote in respect of any contract or proposed contract with the Authority in which he is in any way interested, whether directly or indirectly.

Office of member of Authority not public office for the purposes of Chapter VII of the Constitution.

15. The office of Commissioner shall not be a public office for the purposes of Chapter VII of the Constitution.

SECOND SCHEDULE

Section 3(4)

1. (1) Subject to the provision of this Act, the Authority may appoint and employ at such remuneration and on such terms and conditions as it thinks fit a Port Manager, an accountant and such other employees as may be necessary and proper for the due and efficient administration, management and performance by the Authority of its functions under this Act.

Appointment of employees and establishment and maintenance of superannuation schemes.

(2) The Authority may, with the approval of and subject to such terms and conditions as may be imposed by the Governor-General, provide for the establishment and maintenance of a Pension Scheme or a Provident Fund Scheme for the benefit of employees of the Authority, and in every such scheme different provisions may be made for different classes of employees.

2. (1) The emoluments of any public officer who is in the Service of the Authority shall, at the end of every month after the commencement of this Act, be paid into the Consolidated Fund by the Authority for the benefit of such public officers.

Payment by Authority to Government in respect of emoluments and pensions, etc.

(2) The sums payable as contributions by Government under the Social Security Act in respect of such public officers shall at the end of every month after the commencement of this Act be paid into the Consolidated Fund by the Authority and such sums shall be paid by Government into the Social Security Fund established under the Social Security Act.

Cap. 408.

(3) The Authority shall, within three months after the end of each financial year, pay to the Government in respect of such public officers as a contribution to the pension and other rights of such public officers under the Pensions Act such sum or sums of money as would have been due by Government in respect of the accruing pension and other rights of such public officers under the Pensions Act had such public officers not been in the service of the Authority.

Cap. 311.

(4) In the event of the winding up or dissolution of the Authority any sums of money due under subparagraph (1), (2) or (3) shall rank as preferred debts.

THIRD SCHEDULE (Section 31)

HARBOURS

1. The Port of St. John's which includes—
 - (a) St. John's Harbour
 - (b) James Bay
 - (c) Runaway Bay
 - (d) Dickenson Bay
 - (e) The landing places at
 - (i) St. John's
 - (ii) Fort James
 - (iii) Runaway Bay
 - (iv) The Sea Island Dock
 - (v) The Deep Water Harbour.
 2. Parham Sound which includes High Point.
 3. Parham Harbour which includes—
 - (a) Parham Town
 - (b) Crabbs Peninsula
 4. Falmouth Harbour and English Harbour including Nelson's Dockyard.
 5. The River at Barbuda.
 6. The remainder of the waters encircling Antigua and Barbuda.
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