

PORT AUTHORITIES (AMENDMENT) BILL, 2024

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PORT AUTHORITIES (AMENDMENT) BILL, 2024

A BILL FOR AN ACT TO AMEND THE PORT AUTHORITIES ACT.

Enacted by the Parliament of The Bahamas

1. Short title and commencement.

- (1) This Act shall be cited as the Port Authorities (Amendment) Act, 2024.
- (2) This Act shall come into operation on the 1st day of January, 2025.

2. Amendment of section 40A of the principal Act

The principal Act is amended by the deletion of section 40A and the substitution of the following —

“40A. Jetty fees.

- (1) There shall be charged, levied, collected and paid in respect of the financial year commencing 1st January 2025 and in each succeeding calendar year —
 - (a) upon any of the following categories of jetties situated on the island of New Providence, the following fee —
 - (i) private \$2.40 per linear foot;
 - (ii) commercial \$7.58 per linear foot;
 - (iii) industrial \$4.80 per linear foot; and
 - (b) upon any of the following categories of jetties situated on a Family Island, the following fee —
 - (i) private \$2.33 per linear foot;
 - (ii) commercial \$7.36 per linear foot; and
 - (iii) industrial \$4.66 per linear foot;

(c) upon any of the following groin, mooring, causeway or pipeline structures situated on the island of New Providence, the following fee —

	Groins	Moorings	Causeways	Pipelines
(i) private	\$120.00	\$60.00	\$120.00	\$4.20 per linear ft.
(ii) commercial	\$192.00	\$240.00	\$240.00	\$4.20 per linear ft.

(d) upon any of the following groin, mooring, causeway or pipeline structures situated on a Family Island, the following fee —

	Groins	Moorings	Causeways	Pipelines
(i) private	\$108.00	\$36.00	\$60.00	\$3.60 per linear ft.
(ii) commercial	\$144.00	\$180.00	\$120.00	\$3.60 per linear ft.

- (2) The fee payable under subsection (1) in respect of any private jetty, groin, mooring, causeway or pipeline shall be collected by the Chief Valuation Officer.
- (3) The fee payable under subsection (1) in respect of any private jetty, groin, mooring, causeway or pipeline structures shall be—
 - (a) included in the notice of assessment served in accordance with the Real Property Tax Act (*Ch.375*) on the owner of property adjacent to the private jetty, groin, mooring, causeway or pipeline structure;
 - (b) due and payable as specified in the notice of assessment; and
 - (c) recovered by the Chief Valuation Officer as a tax due and payable.
- (4) The fee payable under subsection (1) in respect of any commercial or industrial jetty shall be collected where the jetty is —
 - (a) situated on the island of New Providence, by the Port Controller; or
 - (b) situated on a Family Island, by the Administrator for that Family Island.
- (5) The fee payable under subsection (1) in respect of any commercial groin, mooring, causeway or pipeline structure shall be collected where the groin, mooring, causeway or pipeline structure is —
 - (a) situated on the island of New Providence, by the Port Controller; or
 - (b) situated on a Family Island, by the Administrator for that Family Island.

- (6) The fees payable under subsection (4) and (5) shall be paid into the Consolidated Fund and, on failure of payment of the same may be sued for and recovered as a debt due to the Government.”

3. Amendment of section 41 of the principal Act.

Section 41 of the principal Act is amended by —

- (a) the deletion of the words “1st day of July, 1994” in the chapeau and the substitution of the words “1st January 2025”.
- (b) the deletion of subsections (2), (3) and (4) and the substitution of the following —

“(2) The tax payable under subsection (1) in respect of any private pier, wharf or abutment shall be collected by the Chief Valuation Officer.

- (3) The tax payable in respect of any private pier, wharf or abutment shall be —

- (a) included in the notice of assessment served in accordance with the Real Property Tax Act (*Ch.375*) on the owner of property adjacent to the private pier, wharf or abutment;
- (b) due and payable as specified in the notice of assessment; and
- (c) recovered by the Chief Valuation Officer as a tax due and payable.”.

- (4) A sum equal to half of the total amount of fees collected pursuant to subsection (3) and paid into the Consolidated Fund in respect of the tax collected in any Family Island shall be paid out of the Consolidated Fund and applied to meet expenditure for public works in any Family Island.”.

4. Insertion of new section 41A in the principal Act.

The principal Act is amended by the insertion immediately after section 41 of the following new section —

“41A. Seabed Lease.

- (1) Subject to subsection (2), any person desiring to construct a private pier, wharf, jetty, groin, mooring, or abutment shall apply to the Minister for the lease of the area of the seabed on which the pier, wharf, jetty, groin, mooring, or abutment is to be constructed.
- (2) When granting a lease under subsection (1), the Minister shall consider the National Environmental Policy Framework

pursuant to the Environment Planning and Protection Act (No. 40 of 2019).

- (3) A lease granted in accordance with this section shall —
- (a) be subject to the terms and conditions stated therein;
 - (b) be subject to the payment of such rents as may be prescribed; and
 - (c) not be transferred except with the written approval of the Minister.”.

OBJECTS AND REASONS

Clause 1 of the Bill sets out the short title and commencement.

Clause 2 of the Bill provides for: (i) the financial year for assessment of fees for jetties, groins, moorings and abutments to be changed to the January to December calendar year, (ii) fees for privately owned jetties, groins, moorings, abutments causeway and pipeline structures to be collected by the Chief Valuation Officer by way of notice of assessment issued under the Real Property Tax Act (*Ch.375*), (iii) fees for commercial and industrial jetties to be collected by the Port Controller and (iv) fees for commercial groins, moorings, abutments causeway and pipeline structures to be collected by the Port Controller.

Clause 3 of the Bill provides for taxes for privately owned piers, wharfs or abutments to be collected by the Chief Valuation Officer rather than the Port Controller.

Clause 4 of the Bill provides for the execution of a lease of the seabed upon application to obtain approval to construct a private pier, wharf, jetty, groin, mooring, quay, or abutment.