
CHAPTER 223**DERELICT MOTOR VEHICLES (DISPOSAL)****ARRANGEMENT OF SECTIONS**

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CHAPTER 223

DERELICT MOTOR VEHICLES (DISPOSAL)

An Act to provide for the removal and disposal of abandoned and disused motor vehicles and for other purposes connected therewith. *11 of 1967
3 of 1968
15 of 1973
5 of 1987*

[Commencement 25th April, 1967]

1. This Act may be cited as the Derelict Motor Vehicles (Disposal) Act. *Short title.*
2. In this Act, unless the context otherwise requires — *Interpretation.*
- “Director” means the Director of Environmental Health Services; *15 of 1973, Sch.*
- “Minister” means the Minister responsible for Environmental Control; *15 of 1973, s. 2.*
- “occupier” in relation to land means the person in actual possession thereof or, if there is no such person, then whoever is entitled to such possession and in the case of land of which no person is currently in actual possession the person in whom the fee simple thereof is vested shall be deemed to be entitled to such possession unless he proves the contrary;
- “owner” means, in relation to a vehicle which has been registered under the Road Traffic Act, the person in whose name or on whose behalf the vehicle was last so registered; *Ch. 220.*
- “road” means any highway or any other road to which the public has access, and includes any part of a road and any bridge over which a road passes;
- “public place” includes any open space to which for the time being the public has access, and includes any public way, wharf or foreshore or the cartilage of any public building;
- “vehicle” means any motor vehicle or motor cycle as these terms are defined in the Road Traffic Act.

Power of
Director to
require removal
of abandoned or
disused vehicle.
15 of 1973. Sch.

3. (1) When it appears to the Director that a vehicle has been abandoned or is disused or in a dangerous or dilapidated condition in or upon any road or public place, the Director may cause a notice in writing signed by him to be served on the owner of such vehicle or, in case the owner is not known or cannot be traced, may cause such a notice to be affixed to such vehicle, requiring that the vehicle be removed within a period of two weeks from the date when the notice is so served or affixed:

Ch. 220.

Provided that in the case of a vehicle bearing a valid current licence issued under the provisions of the Road Traffic Act, if the owner is not served personally with a copy of the notice under the provisions of this subsection, in addition to affixing the notice to the vehicle the Director shall advertise notice of his intention to take action in respect of the vehicle, under the provisions of this Act, in two newspapers circulating in The Bahamas.

(2) If a vehicle to which subsection (1) of this section applies is not removed within the period of two weeks or any extension thereof authorised by the Director in any particular case, the Director may cause the vehicle to be removed to a vehicle pound, to be established for the purpose by the Director, and there kept for twenty-eight days, during which period the Director shall advertise, by not less than two insertions on different dates in each of two newspapers circulating in The Bahamas, the intention to dispose of such vehicle under the provisions of this Act if not claimed and removed within the said period.

(3) The owner of a vehicle removed to the vehicle pound under the provisions of this section may, within the period of twenty-eight days specified in subsection (2) of this section, remove the vehicle therefrom upon payment to the Director of the prescribed charge for the removal of the vehicle to the vehicle pound.

(4) The owner of any vehicle not claimed and removed from the vehicle pound within the time specified in subsection (2) of this section shall be deemed at the expiration of such time to have renounced all right and title to the said vehicle and to any articles in, upon or affixed to the same and the vehicle and all its equipment and any such articles shall be deemed to be *bona vacantia*.

(5) No claim or proceedings or right of action whatsoever by the owner, or former owner, of any vehicle to which the provisions of this section apply shall lie

against the Director or any person acting on his orders in respect of the removal or disposal of such vehicle in accordance with the provisions of this Act.

4. Upon request made by the occupier of any land and upon payment by the said occupier of the prescribed charge therefor the Director may arrange for the removal and disposal of any abandoned dangerous, dilapidated or disused vehicle found on such land:

Removal of abandoned vehicle from private property. *15 of 1973, Sch.*

Provided that if the occupier of the land satisfies the Director that he is not the owner of the vehicle concerned and that it has been placed on his land without his consent he shall not be required to pay the prescribed charge for the removal thereof, but in such case the provisions of section 3 of this Act shall apply as if the vehicle had been found abandoned or disused in a public place.

5. (1) In any case in which any land is used as a place upon which to deposit in the open any abandoned or disused vehicle, which is in a dangerous or dilapidated state, and such use of the land has not been sanctioned under the provisions of the Town Planning Act, the Director may serve a notice upon the occupier of such land requiring that the vehicle be removed within a period of two weeks, or such longer period as the Director may specify, and if the occupier of the land does not comply with the requirement of such notice, the provisions of section 3 of this Act shall apply as if the vehicle had been found abandoned or disused in a public place. For the purpose of the application of section 3 of this Act in a case to which this subsection applies, the occupier of the land shall be deemed to be the owner of the vehicle unless he proves the contrary.

Unauthorised use of land for storage of dilapidated vehicles. *15 of 1973, Sch. Ch. 255.*

(2) In any case to which the provisions of subsection (1) of this section apply and in which the occupier of the land concerned is not known or cannot be found, it shall be sufficient service upon such person if the Director causes copies of the said notice to be affixed to the vehicle concerned and also causes a copy thereof to be affixed in a conspicuous place at or near the apparent entrance to the land.

(3) The provisions of this section shall be in addition to and without prejudice to the provisions of the Town Planning Act, and the removal of any vehicle from any

land under the provisions of this Act shall not prejudice or bar any proceedings against the owner or occupier of the land in respect of any breach of the provisions of that Act.

Appeals.
15 of 1973, Sch.

6. (1) Subject to the provisions of subsection (2) of this section, the owner of any vehicle to which section 3, 4, or 5 of this Act applies may lodge an appeal to the Supreme Court, against any notice served upon him or affixed to any vehicle by the Director under the provisions of any of the said sections, within ten days of the date when such notice is so served or affixed and any such appeal shall be made in such manner as may be provided by rules made under section 76 of the Supreme Court Act.

Ch. 53.

(2) An appeal under the provisions of subsection (1) of this section shall only lie upon the ground that the vehicle has not been abandoned or is not disused, dangerous or dilapidated or, in a case to which the provisions of section 5 of this Act apply, that the vehicle is on land which has been authorised for the storage of disused vehicles under the provisions of the Town Planning Act, and it shall be a condition of lodging such appeal that the appellant shall have given to the Director security for the prescribed charge for the removal and disposal of the said vehicle if the appeal does not succeed, which security shall forthwith be repaid by the Director to the appellant if the appeal is allowed by the Court.

Ch. 255.

(3) The lodging of an appeal under the provisions of this section shall have effect as a stay of all further action by the Director for the removal and disposal of the vehicle concerned until such time as the appeal shall have been determined.

Act not to
derogate from
powers under
other law in
respect of
obstruction.
Ch. 220.

7. Nothing in this Act shall be construed as being in derogation of any powers under the Road Traffic Act, or any rules made thereunder, or any other law for the time being in force relating to roads or vehicles, to bring any proceedings against any person who causes an unnecessary obstruction with any vehicle or for the removal of such obstruction.

Responsibility
and powers of
the Minister.
15 of 1973, Sch.

8. The Minister shall be responsible for ensuring that suitable equipment is made available to the Director to enable him to discharge his duties under the provisions of this Act, and the Minister may give to the Director directions of a general nature for the better carrying out of the purposes of this Act.

9. Any person who, being the owner of a vehicle to which the provisions of section 3, 4 or 5 of this Act apply, fails to remove the vehicle in accordance with the terms of a notice served upon him or affixed to the vehicle under the provisions of this Act shall be guilty of an offence and shall be liable on summary conviction before a magistrate to a fine of eighty dollars; and the court recording the conviction against such person shall order him to pay to the Director the prescribed charge for the removal and disposal of the said vehicle and the payment of such charge, in case of default, may be enforced in like manner to the payment of a fine.

Offences and recovery of charges.
15 of 1973, Sch.

5 of 1987, .s. 2.

10. The Minister may make rules generally for the purpose of this Act and for prescribing anything which is required to be prescribed and without derogation from the generality of the foregoing power such rules may provide

Rules.

- (a) scales of charges for the removal and disposal of vehicles which are removed and disposed of under the provisions of this Act; and
- (b) the procedure to be used for removal and disposal of vehicles.

11. The Minister may by writing under his hand authorise the Commissioner of any Out Island district to exercise within that district all or any of the powers vested in the Director by this Act, and the exercise of those powers by any such Commissioner shall then operate as if the same had been exercised by the Director.

Out Island Commissioners may act for Director.
3 of 1968, s. 2.;
15 of 1973, Sch.