
CHAPTER 51B**CLIFTON HERITAGE AUTHORITY**

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CHAPTER 51B

CLIFTON HERITAGE AUTHORITY

An Act to provide for the establishment of a body corporate to be known as the Clifton Heritage Authority to have responsibility for managing and preserving that area known as Clifton Heritage as a national park and historical site and for matters incidental. *3 of 2004*

[Assent 24th June, 2004]
[Commencement 12th April, 2005] *S.I. 25/2005*

- 1.** This Act may be cited as The Clifton Heritage Authority Act. Short title.
- 2.** In this Act — Interpretation.
- “antiquity” has the meaning ascribed to it in the Antiquities, Monuments and Museum Act; Ch. 51.
- “artifact” has the meaning ascribed to it in the Antiquities, Monuments and Museum Act; Ch. 51.
- “Clifton Heritage” means the property known as Clifton Cay and more particularly described in the First Schedule;
- “Minister” means the Minister responsible for Antiquities, Monuments and Museums.
- 3.** (1) There is hereby established a body corporate to be known as the Clifton Heritage Authority to which shall be transferred the property specified in the First Schedule. Establishment of Clifton Heritage Authority.
- (2) Clifton Heritage is hereby declared an inalienable part of the national patrimony of The Bahamas to be held in trust by the Clifton Heritage Authority for the use and benefit of the people of The Bahamas.
- (3) The Second Schedule has effect with respect to the constitution and proceedings of the Clifton Heritage Authority and otherwise in relation thereto. Second Schedule.
- 4.** The functions of The Clifton Heritage Authority are — Functions of the Clifton Heritage Authority.

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- (a) to hold, manage, maintain, preserve, promote and develop Clifton Heritage as a national park and historic cultural heritage site;
 - (b) to preserve, construct, manage and maintain buildings, parks, waterways, nature reserves and nature trails at Clifton Heritage;
 - (c) to establish and implement a policy and plan for the management and development of Clifton Heritage;
 - (d) to conserve, restore, present and display the monuments and archaeological sites of Clifton Heritage and its collections of antiquities and artifacts;
 - (e) to interact with national and international organizations concerned with setting standards in the management and operation of national parks and cultural heritage sites;
 - (f) to conduct archaeological investigations, explorations and excavations of Clifton Heritage utilizing methods and techniques of the highest standards and to employ best practices in the conduct of all archaeological activities;
 - (g) to establish and implement a strategic business plan to identify and seek dedicated and sustainable funding for Clifton Heritage and to allocate the financial and other resources necessary for its management and development;
 - (h) to foster and encourage public interest in the history, archaeology, antiquities and artifacts of Clifton Heritage through exhibitions, guided tours, nature trails, lectures, seminars, research programs, school programs and other educational activities and services;
 - (i) to document the significance of Clifton Heritage and maintain proper inventories and records of all of its antiquities and artifacts;
 - (j) to promote Clifton Heritage as a national and world heritage resource and as a cultural tourism destination; and to liaise with relevant government and non-government agencies in that regard;
 - (k) to utilize technology and media to facilitate the execution of its functions;

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- (l) to establish a cultural resource center at Clifton Heritage with a Clifton Heritage shop to promote the display and sale of souvenirs, books, pamphlets, prints, posters, audio-visual aids, and reproductions of original antiquities and artifacts of Clifton Heritage;
 - (m) to license the execution of all molds and models of antiquities discovered at Clifton Heritage and to authorize all reproductions of artifacts using print and other media.

5. (1) The Clifton Heritage Authority has the power to do all such acts as are incidental to the proper discharge of its functions and duties or as appear to it to be requisite, advantageous or convenient for or in connection with the execution of its functions and duties and may carry on any activities in that behalf either alone or in association with any other person.

Powers of the
Clifton Heritage
Authority.

- (2) Without limiting the generality of subsection (1), the Clifton Heritage Authority has the power —
 - (a) to acquire all interests and liabilities held by the Government of The Bahamas with respect to that land specified in the First Schedule;
 - (b) to open bank accounts in its name and to prepare budgets;
 - (c) to raise funds and invite and receive contributions and gifts from any person or organization by way of donation, loan or otherwise for the enrichment, management and development of Clifton Heritage;
 - (d) to launch appeals to the public for financial or other support for Clifton Heritage;
 - (e) to enter into archaeological and other joint ventures with persons and entities of international and unimpeachable repute;
 - (f) to control access by the public to Clifton Heritage including the movement of pedestrian or vehicular traffic and to regulate, as the Clifton Heritage Authority considers necessary in the public interest and for the preservation and management of Clifton Heritage, the passage of any person or type or class of vehicular traffic;
 - (g) subject to the approval of the Minister, by order in the Gazette, to impose charges or fees for the use of the facilities.

Funds and
revenue.

6. (1) The funds, revenues and resources of the Clifton Heritage Authority shall consist of —

- (a) any moneys as from time to time are provided by Parliament;
- (b) any moneys as from time to time accrue to the Clifton Heritage Authority from the management of Clifton Heritage;
- (c) any moneys as from time to time are borrowed by the Clifton Heritage Authority or raised by the Clifton Heritage Authority pursuant to section 10;
- (d) any moneys as from time to time are advanced to the Clifton Heritage Authority pursuant to section 10;
- (e) all other moneys or property which may in any manner become payable to or vested in the Authority in respect of any matter incidental to its functions.

(2) Funds and revenues of the Clifton Heritage Authority shall be applied in the discharge of all expenditure properly incurred in the carrying out of its functions in the repayment of any sums borrowed under section 10, and any interest payable in respect of those sums, in the payment of interest on bonds and dividends on shares and stock issued under section 10, for the disbursements towards the remuneration and allowances to the officers, employees and members of the Clifton Heritage Authority, to capital improvements, including restoration, modifications, repairs and renovations, to repayment of any advance made under section 11 and the payment of any sums issued in fulfillment of any guarantee given under section 11 as determined by the Clifton Heritage Authority.

General Account.

7. (1) All moneys received by the Clifton Heritage Authority pursuant to section 6 shall be deposited into an account (to be known as “the General Account”) to be maintained by the Clifton Heritage Authority as the Clifton Heritage Authority may determine.

(2) The Clifton Heritage Authority shall keep in respect of the General Account two separate accounts —

- (a) an account to be known as “the General Current Account” in which shall be recorded all deposits into and withdrawals from the General Account

for application towards defraying current expenditure; and

- (b) an account to be known as “the General Capital Account” in which shall be recorded all deposits into and withdrawals from the General Account for application towards defraying capital expenditure.

8. At the end of each financial year any moneys standing to the credit of the Clifton Heritage Authority and not required for any current purposes shall, after consultation with the Minister of Finance, be paid into the reserve fund established under section 9. Surplus funds.

9. (1) The Clifton Heritage Authority shall establish a reserve fund. Reserve fund.

(2) The management of the reserve fund, the sums to be carried from time to time to the credit thereof, and the application thereof, shall be as the Clifton Heritage Authority may determine, but no part of the reserve fund shall be applied otherwise than for the purposes of the Clifton Heritage Authority.

10. (1) The Clifton Heritage Authority may, with the prior approval of the Minister after the Minister has consulted with the Minister of Finance, borrow or raise capital required by it for meeting any of its obligations or discharging any of its functions and may in respect of any borrowing issue debentures, debenture stock or raise capital by the issue of bonds, shares or stock of such class and value upon such terms as the Clifton Heritage Authority may deem expedient. Borrowing and raising capital.

(2) An approval given for the purposes of subsection (1) may be either general or limited to a particular borrowing or otherwise and may be either unconditional or subject to conditions.

(3) The Clifton Heritage Authority may, with the prior approval of the Minister, make regulations to provide for such matters in connection with bonds, shares, stocks, debentures or debenture stock issued under this Act as may appear necessary or expedient to the Clifton Heritage Authority, and, in particular, for regulating the method of issue, transfer, redemption, or other dealing with such bonds, shares, stocks, debentures or debenture stock.

11. (1) Subject to subsection (3) the Minister of Finance may make advances to the Clifton Heritage Advances and guarantee of borrowings.

Authority for the purposes of enabling the Clifton Heritage Authority to defray expenditure properly chargeable to its account, including provision of working capital.

(2) Subject to subsection (3) the Minister of Finance may guarantee, in writing on any such condition as he thinks fit, the repayment of the principal of, and the payment of interest and other charges on, any borrowings of the Clifton Heritage Authority pursuant to section 10.

(3) No advances shall be made and no guarantee shall be given under this section unless prior approval thereof has been signified by the House of Assembly in accordance with section 17 of the Financial Administration and Audit Act.

(4) Where a sum is paid pursuant to a guarantee given under this section, the Minister of Finance shall as soon as possible after the end of each financial year beginning with that in which the sum is issued and ending with that in which all liability in respect of the principal of the sum and in respect of interest thereof is finally discharged, lay before the House of Assembly a statement relating to that sum.

(5) A sum required by the Minister of Finance for making an advance and discharging a guarantee under this section shall be charged on and issued out of the Consolidated fund.

12. (1) The Clifton Heritage Authority shall make to the Minister of Finance at such times and in such manner as the Minister of Finance may direct payments of any amount as may be so directed in or towards repayment of an advance made to the Clifton Heritage Authority under section 10 and of any sums issued in fulfillment of a guarantee given under section 11 and payments of interest on what is outstanding for the time being on any sums so issued at such rate as the Minister of Finance may direct, and different rates of interest may be directed with respect to different periods.

(2) The Minister of Finance shall lay before the House of Assembly a statement of any payments due from the Clifton Heritage Authority under subsection (1) that is not duly paid to him as required thereunder.

13. (1) Subject to subsection (2), where any gift, grant or other property is received by the Clifton Heritage Authority for the benefit of Clifton Heritage, the Clifton

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Payment of, and interest on advances and sums issued to meet guarantee.

Gifts and grants.

Heritage Authority shall inform the Minister of the receipt of that gift, grant or other property and that gift, grant or other property shall be utilised in such manner as the Clifton Heritage Authority may determine.

(2) Where a stipulation has been attached to any such gift, grant or other property such stipulation shall be given effect.

14. (1) The Clifton Heritage Authority shall prepare for each new financial year an annual budget of revenue and expenditure which shall be submitted to the Minister at least two months prior to the commencement of the financial year.

Accounts and
audit.

(2) The Clifton Heritage Authority shall keep proper accounts and other records in relation thereto and shall prepare in respect of each financial year of the Clifton Heritage Authority a statement of accounts.

(3) The accounts of the Clifton Heritage Authority for each financial year shall in the year following be audited by a public accountant licensed under the Public Accountants Act, and appointed by the Minister.

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(4) Three months after the end of each financial year, the Clifton Heritage Authority shall submit a copy of the audited accounts to the Minister together with a copy of any report made by the auditor.

(5) The Minister shall lay a copy of every such audited accounts before each House of Parliament together with a copy of any report made by the auditor on the accounts.

15. The Clifton Heritage Authority shall, after consultation with the Minister —

Management
and staff.

- (a) appoint on such terms and conditions as it thinks fit, a Director who shall be the managing director of Clifton Heritage and responsible for its day to day administration;
- (b) appoint on such terms and conditions as it thinks fit, a curator who shall be responsible for preserving and exhibiting the monuments, sites and collections of antiquities and artifacts of the Clifton Heritage Authority;
- (c) appoint such other professional, technical, administrative and other staff as appear to the Clifton Heritage Authority to be necessary on such terms and conditions (including salaries,

allowances and other remuneration and disciplinary control) as the Clifton Heritage Authority may determine.

Directions.

16. The Minister may give to the Clifton Heritage Authority directions of a general or a specific nature as to the policy to be followed by the Clifton Heritage Authority in the performance of its functions as appear to the Minister to be in the public interest, and the Clifton Heritage Authority shall give effect to these directions.

Pensions.

17. (1) Where any public officer holding a pensionable office under the Government ceases to be the holder of such office by reason of his transfer with his consent to the service of the Clifton Heritage Authority and such person subsequently retires from the service of the Clifton Heritage Authority in such circumstances that, had he remained a public officer, he would have been eligible for pension under the provisions of the Pensions Act, then, in any such case, the provisions of subsections (2) and (3) shall have effect.

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(2) Any pension payable to any such person as is mentioned in subsection (1) by the Clifton Heritage Authority to whose service he has been transferred, shall be calculated and granted to him in respect of his total service under the Government and with the Clifton Heritage Authority taken together, and such service shall be reckoned as continuous for pension purposes.

(3) There shall be payable out of the Consolidated Fund upon the warrant of the Minister of Finance to the Clifton Heritage Authority as contribution to every pension paid in accordance with subsection (2) such amounts as would have been payable to the person concerned by way of pension under the Pensions Act, if any such person had retired from the public service and if he had been granted a pension under the Pensions Act upon the date of his ceasing to be a public officer.

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Power to grant gratuities, etc.

18. (1) The Clifton Heritage Authority may, as regards any officer, employee or agent in whose case it may be determined with the approval of the Minister of Finance to make provision for the payment, on the death, injury or retirement of that officer, employee or agent, of pension, gratuity or other like benefit, pay or provide for the payment of that pension, gratuity or other like benefit to the officer, employee or agent or to others by reference to their service as may be determined.

(2) Provisions for pensions, gratuities or other like benefits under this section may be either by contributory or non-contributory arrangements or partly by the one or by the other.

19. The Clifton Heritage Authority is exempt from the payment of all customs duties under the Tariff Act, all stamp duties under the Stamp Act and all taxes under the Real Property Tax Act.

Exemptions.
Ch. 295.
Ch. 370.
Ch. 375.

20. The Minister may, after consultation with the Clifton Heritage Authority, make regulations providing for —

Regulations.

- (a) the regulation of the conduct of excavations and searches for antiquities at Clifton Heritage;
- (b) the preservation, conservation, restoration, analysis, documentation and presentation of antiquities discovered or excavated at Clifton Heritage;
- (c) the prohibition and control of access to excavations, monuments, sites and collections and for the payment, restriction and regulation of entrance fees thereto;
- (d) the making of appeals to the public for financial or other support for Clifton Heritage;
- (e) generally, for the better carrying into effect of the purposes of this Act and the furtherance of the functions and duties of the Clifton Heritage Authority.

21. (1) The movable and immovable property comprising Clifton Heritage and more particularly described in the First Schedule, and any undertakings in relation thereto, owned by the Government immediately before the date of commencement of this Act shall by virtue of this Act be transferred to and vested in the Clifton Heritage Authority.

Transfer and vesting of assets.

(2) The transfer and vesting aforesaid shall extend to the whole of such movable and immovable property and undertakings and shall include assets, powers, rights and privileges and all things necessary and ancillary thereto which are held or enjoyed in connection therewith or appertaining thereto, as well as all obligations affecting or relating to any of the aforesaid movable or immovable property or undertakings.

22. (1) Where anything has been commenced by or under the authority of the Government prior to the date of

Transitional provisions.

commencement of this Act and such thing relates to any movable or immovable property or undertaking or any right or liability transferred to the Clifton Heritage Authority by or under this Act, such thing may be carried on and completed by or as authorized by the Clifton Heritage Authority.

(2) Where immediately before the date of commencement of this Act any proceedings are pending to which the Government is or is entitled to be a party and such proceedings are related to any movable or immovable property or undertaking, or any right or liability transferred by or under this Act, the Clifton Heritage Authority shall, as from the date, be substituted in such proceedings for the Government or shall be made a party thereto in like manner as the Government could have become, and such proceedings shall not abate by reason of the substitution.

Offences.

23. (1) A person who —

- (a) refuses to pay an entrance fee or other charge imposed by the Clifton Heritage Authority for access to Clifton Heritage and any of its monuments, sites and collections;
- (b) fails to heed any prohibition by the Clifton Heritage Authority of vehicular or pedestrian traffic over any portion of Clifton Heritage;
- (c) removes or damages or causes to be removed or damaged any part of Clifton Heritage or any of its monuments sites and collections,

commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars.

(2) Where a person commits an offence under subsection (1) such offence shall be deemed without the requirement of further proof to result in damage to or loss by the Clifton Heritage Authority and the court may upon conviction, in addition to any other penalty, order the offender to pay the Clifton Heritage Authority such sum as the court sees fit and the sum awarded shall be without prejudice to any other remedy provided by any other law and may be recovered by the Clifton Heritage Authority as a civil debt in a court of summary jurisdiction notwithstanding the amount.

FIRST SCHEDULE**(Section 2)**

All that certain lot, piece of land containing by admeasurement two hundred eight acres and forty-one hundredths of an acre or thereabouts being a lot of land on a plan recorded in the Department of Lands and Surveys as Plan Numbered 1327 of New Providence situated between Southwest Bay Street and Clifton Point in the constituency of Delaporte in the Island of New Providence in the Commonwealth of The Bahamas abutting and bounding toward the NORTH partly by the Sea partly by a Public Road Reservation, toward the EAST on Public Road known as Southwest Bay Road, toward the SOUTH partly by the Sea and partly by lands said to be the property of The Bahamas Government, and toward the WEST by the Sea. The property is irregular in shape, contains elevations up to forty (40') feet and forms the peninsula known as Clifton Point. The western section of the shoreline is generally rocky and contains bluffs with caves. The northeastern section and the Clifton Bay section of the shoreline are rocky interspersed with sandy beach areas generally considered substandard compared to average beaches in The Bahamas. A portion of land in the northeastern area of the parcel is swamp wet land. The shoreline is estimated to be approximately 1.70 miles in length.

SECOND SCHEDULE (Section 3(3))

1. (1) The Clifton Heritage Authority shall be a body corporate having perpetual succession and a common seal with power to purchase, lease or otherwise acquire and hold and dispose of land and other property of whatsoever kind:

Provided however, the Clifton Heritage Authority, may not dispose of any land without the prior approval of the House of Assembly signified by resolution thereof.

(2) The Clifton Heritage Authority may sue and be sued in its corporate name and may for all purposes be described by such name, and service upon the Clifton Heritage Authority of any document of whatsoever kind must be made by delivering the document or sending it by prepaid registered post addressed to the Secretary of the Clifton Heritage Authority at the office of the Clifton Heritage Authority.

(3) The Clifton Heritage Authority shall be capable of doing or performing all other such things or acts for the performance of its functions under, and for the furtherance of the provisions of, this Act which may lawfully be done or performed by a body corporate.

2. (1) The common seal of the Clifton Heritage Authority shall be kept in the custody of the Chairman or the Secretary or otherwise as the Clifton Heritage Authority directs and shall be affixed to instruments requiring the seal pursuant to a resolution of the Clifton Heritage Authority and in the presence of the Chairman or a member of the Clifton Heritage Authority duly authorized by the Clifton Heritage Authority and the Secretary.

(2) The common seal of the Clifton Heritage Authority shall be authenticated by the signatures of the Chairman of the Clifton Heritage Authority or any other member of the Clifton Heritage Authority duly authorized by the Clifton Heritage Authority in that behalf, and by the Secretary.

(3) The common seal of the Clifton Heritage Authority when affixed to any document and duly authenticated under this section shall be judicially and officially noticed, and, unless and until the contrary is proved, any necessary order or authorization of the Clifton Heritage Authority under this section shall be presumed to have been duly given.

(4) All documents, other than those required by law to be under seal, made by, and all decisions of, the Clifton Heritage Authority may be signified under the hand of the Chairman of

the Clifton Heritage Authority or any other member duly authorized by the Clifton Heritage Authority in that behalf.

CHAIRMAN AND MEMBERS

3. (1) The Clifton Heritage Authority shall consist of twelve members appointed by the Governor-General of whom —

- (a) one shall be the Director of the National Museum *ex officio*;
- (b) one shall be the President of the College of The Bahamas or his representative;
- (c) one shall be the Director-General of Tourism or his representative;
- (d) one shall be a member of the Council of The Bahamas National Trust;
- (e) one shall be the Director of the Archives *ex officio*; and
- (f) seven shall be appointed by the Governor-General, after consultation with the Minister, from among qualified persons who have wide experience, knowledge and capacity in the areas of culture, education, history, finance, law, environment, commerce and tourism.

(2) In exercise of the Governor-General's powers of appointment under paragraph (1), the Governor-General shall ensure that, after the initial constitution of the Clifton Heritage Authority, the members of the Clifton Heritage Authority shall not consist entirely of persons previously appointed to membership of the Clifton Heritage Authority at the same time.

4. The Governor-General shall appoint from among the Clifton Heritage Authority three members to be respectively Chairman, Deputy Chairman and Secretary of the Clifton Heritage Authority. If the Chairman is absent or unable to act, the Deputy Chairman shall act as Chairman during the time such absence or inability continues.

5. Subject to paragraphs 8 and 9, a member of the Clifton Heritage Authority shall hold office for such period, not exceeding three years, as the Governor-General may direct in the instrument appointing such member, but such member shall be eligible for reappointment.

6. (1) The Governor-General may by instrument in writing appoint a suitable person as a member of the Clifton Heritage Authority to act temporarily in the place of any member in the case of temporary absence or inability or such member to act.

(2) If any vacancy occurs in the membership of the Clifton Heritage Authority, such vacancy shall be filled by the appointment of another member who shall, subject to the provisions of this schedule, hold office for the remainder of the period for which the previous member was appointed, so however, that such appointment shall be made in the same manner and from the same category of persons, if any, as the appointment of the previous member.

7. (1) A member of the Clifton Heritage Authority other than the Chairman may at any time resign his office by instrument in writing addressed to the Chairman who shall forthwith cause it to be forwarded to the Governor-General and, from the date of the receipt by the Governor-General of the instrument, the member shall cease to be a member or office-holder of the Clifton Heritage Authority.

(2) The Chairman of the Clifton Heritage Authority may at any time resign his office by instrument addressed to the Governor-General and, from the date of the receipt by the Governor-General of the instrument, the Chairman shall cease to be Chairman or a member of the Clifton Heritage Authority.

8. The Governor-General may by instrument in writing revoke the appointment of the Chairman, the Deputy Chairman, the Secretary, or any member of the Clifton Heritage Authority if the Governor-General thinks it expedient to do so.

9. The appointment, removal, death or resignation of any member of the Clifton Heritage Authority shall be notified in the Gazette.

10. There shall be paid from the funds of the Clifton Heritage Authority to the Chairman and other members of the Clifton Heritage Authority such remuneration, if any, whether by way of honorarium, salary or fees, and such allowances, if any, as the Minister may determine.

PROCEEDINGS

11. (1) The Clifton Heritage 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 Chairman may determine, PROVIDED THAT, the Clifton Heritage Authority shall meet not less than six times in any year.

(2) The Chairman, or in his absence, the Deputy Chairman, shall preside at all meetings of the Clifton Heritage Authority and, in the case of the absence of the Chairman and

the Deputy Chairman from any meeting, the members present and constituting a quorum shall elect a Chairman from among their number to preside at the meeting.

(3) A quorum of the Clifton Heritage Authority shall consist of five members.

(4) The decisions of the Clifton Heritage Authority are by a majority of votes and, in addition to an original vote, in any case in which the voting is equal, the Chairman or other person presiding at the meeting has a casting vote.

(5) Minutes in proper form of each meeting are to be kept by the Secretary or any officer appointed for that purpose, and confirmed by the Clifton Heritage Authority at the next meeting and signed by the Chairman or the Deputy Chairman as the case may be.

(6) The Clifton Heritage Authority may co-opt any one or more persons to attend any particular meeting of the Clifton Heritage Authority for the purpose of assisting or advising the Clifton Heritage Authority in any matter with which the Clifton Heritage Authority is dealing but no co-opted person has the right to vote.

(7) Provided a quorum is present, the validity of any proceedings of the Clifton Heritage Authority shall not be affected by any vacancy among the members thereof or by any defect in the appointment of a member thereof.

12. Subject to this Schedule, the Clifton Heritage Authority has the power to regulate its own proceedings.