

OBJECTS AND REASONS

ANGUILLA AIR AND SEA PORTS AUTHORITY BILL, 2009

The purpose of the Bill for the Anguilla Air and Sea Ports Authority Act is to provide for coordinated and integrated systems of airports, seaports and port services; to transfer to and vest in the Authority the relevant assets, liabilities and functions of the Ministry of the Government of Anguilla with responsibility for airports and seaports, and for other connected and related matters.

PART 1 sets out the definitions used in the Bill.

PART 2, sections 2 to 15, establishes the Authority and deals with its composition and operations.

The Authority is established under section 2 and its general powers are outlined in sections 3. The powers of the Authority include the exclusive right to manage the ports of Anguilla. Contracts and instruments made by the Board, other than those required by law to be under seal, and resolutions of the Board may be authenticated under the hand of the Chairperson or Deputy Chairperson.

The Board is constituted in section 3 and consists of not more than 10 members who are appointed by the Governor in Council from among persons experienced or engaged in business management, industrial relations, engineering, shipping, airport management, import and export operations, tourism or law; areas such as shipping, airlines, labour relations, community services, finance, law, trade, science and tourism but no more than 2 members shall be public officers.

The members are appointed for terms not exceeding 3 years. Section 3(3) sets out a series of persons who are disqualified from being appointed to or remaining members.

Section 5 deals with the designation of a Chairperson, Deputy Chairperson or interim chairperson.

Section 6 provides for the payment of remuneration and the reimbursement of expenses or payment of allowances.

Section 7 deals with the resignation of members, with the removal of members by the Governor in Council and with related matters.

Under section 9, members of the Board are exempted from liability for damages for things done or not done in good faith.

Section 8 specifies that Schedule 2 applies to the procedures of the Board and provides among other things for the establishment of committees and a quorum a majority of the number of Board members appointed at any particular time.

Sections 10 to 15 deal with a variety of matters regarding the engagement of officers and employees including the secondment of public officers and the preservation of pensions, allowances and other benefits of public officers transferred to the Authority.

PART 3, Sections 16 to 20 elaborate on the objects, powers and duties of the Authority, and provisions relating to land, property and undertakings of the Authority.

The objects of the Authority are to engage in activities to manage and operate the ports of Anguilla, and related facilities so that the public has access to services that are reliable, efficient, safe and economic; maintain and from time to time to repair, alter or replace, in whole or in part, the ports of Anguilla, and related facilities; and, upgrade and extend the ports and related facilities in all parts of Anguilla to the extent that it is reasonable for the Authority to do so.

Section 17 provides a list of the general powers of the Authority including powers to coordinate systems, levy charges, manage facilities in the best interests of the public, hold a bank account, write off debts, and make reasonable contributions to charitable causes,

Section 18 provides immunity from distress of property of the Authority on premises registered in the name of a person other than the Authority.

Under the provisions of section 19 property that was vested in the Crown or Government before the coming into force of this Anguilla Air and Sea Ports Authority Act, remains vested in the Crown or Government. However section 19(2) states that, “Any wharf, dock, or other public work constructed by the Government along, across or *extending out from the foreshore within the limits of a port and the land on which the same is constructed, any land reclaimed from the sea, and any part of the foreshore situate within these limits, may be vested in the Authority by the Governor in Council upon such terms and conditions as he or she may determine.*” Vesting of property relating to the Authority does not derogate or interfere with the use of private rights and the payment of adequate compensation.

Subsection 20(1) provides for the Authority to address malicious interference with the rights of the Authority without payment of compensation; but also provides for the Minister to make an order as he sees fit, after consultation with the Executive Council, to reinstate land or pay compensation in response to a disagreement under section 20(2). A person aggrieved by an order of the Minister made under section 19 has a right to have the order reviewed by the High Court.

According to section 21, a person aggrieved by an order of the Minister made under section 20 has a right to have the order reviewed by the High Court.

PART 4 sets out the financial provisions respecting the Authority in sections 22 to 33. Section 22 sets out the contents of the annual business plan, which is the most important mechanism for financial management of the Authority, as well as the way in which it is approved and amended. According to section 21(2) the Authority shall in each financial year set aside in a fund, to be called the Expansion Reserve Fund, an amount that is not less than 1% of the gross recurrent revenue of the Authority in the previous financial year and not more than the amount, if any, set by the Minister.

Section 21(11) provides for an interim business plan if the approval of the annual business plan is likely to be delayed. Section 22(12) obliges the Authority to implement the annual business plan.

Section 23 sets out the funds and resources of the Authority and obliges the Authority to apply them to the purposes of the Authority.

The Authority may recover sums as a civil debt, in addition to other remedies given under this Act, according to provision of section 24.

Application of revenue of the authority is specified in section 25. Revenue shall be applied to re-pay loans; remunerations, fees and allowances payable under this Act; salaries, remuneration, allowances, pensions, gratuities, provident fund and other superannuation benefits of the officers and staff, employed in or in connection with the activities carried on by the Authority; payment of the working and establishment expenses of, and the expenditure on, or provision for the maintenance of the property and installations of the Authority, and the discharge of the functions of the Authority properly chargeable to revenue account; such sums as the Authority may consider appropriate to set aside in respect of obsolescence and depreciation or renewal of the property or installations of the Authority; the cost, or any portion of any new works, plant, or appliances not being a renewal of property of the Authority, which the Authority may determine to charge to revenue; sums to be appropriated to the Expansion Reserve Fund established under section 22(2); and, any other expenditure authorised by the Authority and properly chargeable to revenue.

Sections 26 and 27 provide for borrowing by the Authority.

Section 28 states that all fines, compensation, damages, costs or other sums directed to be paid in respect of any offence, proceeding or matter arising out of the performance of the duties powers and functions of this Act or any regulations shall be paid into the account of the Authority.

Section 29 provides for investments of surplus funds of the Authority, by the Authority.

Section 30 provides for the keeping of accounts and for audit of the accounts by an independent auditor.

Section 31 provides for the audit of those accounts by the Chief Auditor or the acceptance of the audit of the independent auditor by the Chief Auditor.

Section 32 provides for the tabling of the audited accounts, the report of the Chief Auditor and an annual report of the Authority's operations before the House of Assembly.

Section 33 provides that the Authority is exempt from all taxes, duties, fees and rates.

PART 5, sections 34 to 37, deals with the various rights and responsibilities of the Authority as a Warehouser.

The Authority is not liable for the loss, misdelivery or detention of, or damage to goods according to section 34(1) except in cases caused by lack of reasonable foresight and care of a person employed by (or on behalf of) the Authority; or in cases when the goods are accepted by the Authority for carriage or warehousing. Exceptions to liability of the

Authority are listed in section 34(1)(b) and include misdelivery, detention or damage through acts of God; war; omissions of the consignor, consignee depositor, or servants of agents of these persons; inherent defects or natural deterioration; deficiency in contents of unbroken packages; unprotected cargo, improper packing and leakage from defective containers.

The Authority may give general security by bond or otherwise for the payment of the customs duties payable in respect of goods stored in such bonded warehouse, or for the due exportation of such goods, under section 35(1). This provision shall not absolve any person who is liable to pay duties from paying such duties under Section 35(3). When security has been given by the Authority under section 34, no further security shall be required by the Comptroller of Customs from any person.

PART 6 describes the procedures regarding ship and aircraft dues and charges and the Tariff Book in sections 38 to 52.

Every ship and aircraft which uses a port shall pay to the Authority – upon demand or within a prescribed period of time -- dues and charges for services and facilities under section 38 and 39.

Every ship and aircraft which uses a port shall appoint an agent who shall be responsible for paying the dues and charges under section 40.

According to Section 43 - If dues and charges are owing to the Port, and the agent has not made provision to guarantee payment under section 40, then any officer authorised by the CEO of the Authority may arrest the ship or aircraft or the furniture, fixtures and equipment and detain it until the sums are paid. These arrested effects may be sold, if the sums owing remain unpaid for 7 days, and the proceeds of the sale applied to meet expenses of the sale and detention and make payments for the amounts owing.

Section 43 states that a certificate must be obtained from an officer authorised by the CEO of the port, by a person in charge of a ship or aircraft, before outward clearance from the port is obtained. This certificate states that all dues and charges have been paid and secured to the satisfaction of the Authority, and legal provisions of the Act and regulations have been observed.

Despite any provisions that may be enacted in the Customs Act, section 44 states that all goods shall on importation or exportation be considered to be in the custody of the Authority, except goods mentioned in provision 137 of the Customs Act – that is goods that are being reconsidered by the Comptroller of Customs, upon appeal, with respect to the amount of duty that has been paid on these goods.

The Authority has the power to levy charges re all goods in the custody of the Authority under section 44, according to section 49.

The Authority may determine conditions upon which goods may be carried or warehoused, and charges for carrying and warehousing and other services provided by the Authority according to section 45.

Section 46 provides for retention of goods by the Authority until Freight is paid.

The consignor or consignee is responsible for delivering documentation prescribed in the regulations re description of goods (section 48) and also responsible for payment of dues relating to carriage or warehousing (section 47).

The Authority may order the removal of goods within a period of 15 days from the time when the goods were placed in the custody of the Authority, by way of a notice that is served on the owner (Section 50). If the owner cannot be found or the notice cannot be served then the Authority may publish a notice in the Gazette 7 days before the goods are offered for sale. Goods may be offered for sale within a reasonable time -- not less than 6 weeks after the goods were placed in the custody of the Authority (section 50(2)). Perishable goods may be sold or removed within a shorter period (not being less than 24 hrs after the goods are landed) and without giving notice. The owner of perishable goods may be informed of their sale or disposal as soon as practicable. (section 50(3)). Proceeds of the sale in Section 49 shall be applied by the Authority to meet payments of dues and charges as set-out in Section 50.

Section 52(1) and 52(4) respectively states that,

‘Subject to the provisions of this Act, the dues, charges and conditions for any service or facility performed or provided by the Authority when determined, shall be in the form of regulations, and shall be first submitted to and approved by the Minister after consultation with the Governor in Council.’

and,

‘The Authority shall cause to be prepared and published in such manner as it may think fit— a “Tariff Book” containing all matters which under this Act or any regulation are required to be contained therein, together with such other matters as the Authority may determine.’

PART 7 deals with Pilotage which is compulsory unless ships are exempted. Sections 53 to 62 give provisions related to pilotage.

Section 53 states that all ships shall be under the pilotage of an Authority pilot unless they are exempted because they are ships belonging to Her Majesty; owned or operated by the Authority; pleasure yachts or fishing vessels; ferry boats working exclusively within the confines of a port; less than 100 tons gross register; trading between seaports and other parts of Anguilla; tugs, dredges, barges or similar vessels whose ordinary course does not extend beyond the limits of Anguilla – or exempted by the CEO of the Authority for a particular case.

The Authority may employ the number of pilots it considers necessary. Each Authority pilot must possess a valid pilot’s licence under Section 54.

Section 55 states that the Authority shall appoint a Pilotage Committee. Main purposes of this Committee are to hold examinations and issue licences; hold inquiries concerning conduct of Authority pilots; arrange training; and, investigate and advise on matters referred by the Authority.

The Constitution of the Pilotage Committee is outlined in section 56.

Section 57 provides for the Authority to make, vary or revoke rules that regulate the meetings and proceedings of the Pilotage Committee.

Section 58 stipulates that the Pilotage Committee will examine candidates for Authority pilots and issue licences when candidates are considered competent and physically fit. Authority pilots may be re-examined, and their licences returned or cancelled depending on the results of their examinations.

The Pilotage Committee may, and when directed by the Authority, hold an inquiry into the conduct of an Authority pilot where it appears that he or she commits misconduct affecting his or her capability or has failed in or neglected his or her duty or has otherwise become incompetent to act as an Authority Pilot. (section 59). The Pilotage Committee may submit findings and recommendations in a report to the Authority which may, after consideration, suspend or cancel the licence of an Authority pilot (section 60)

Section 61 states that the owner and person in charge of a ship are liable for damages caused while navigating in circumstances when Authority pilotage is compulsory; and section 62 states that the Pilotage Committee and Authority are not liable for loss or damage occasioned by Authority pilots.

PART 8 describes general rules and emergency provisions in sections 63 to 77.

The person in charge of any ship or aircraft arriving in, or departing from, a port shall supply documents and information to the Authority as the Authority may reasonably require. (Section 63).

According to Section 64(1), the CEO of the Authority possesses the power within a port and the approaches to a port, to: direct where any ship or aircraft shall be berthed, moored, anchored or parked and the method of anchoring of ships and parking of aircraft; direct the removal of any ship or aircraft and the time within which such removal is to be effected; and regulate the moving of ships and aircraft.

Disorderly conduct, gambling, littering and dumping of garbage, and unsanitary use of sanitary conveniences at a port, are subject to fines and or imprisonment upon conviction under the provisions of sections 65, 66 and 67, respectively.

Section 68 deals with preservation of property. Offences include: destruction, damage, defacing or disturbing any building, sign, equipment, structure or other public property at a port; obstructing any person acting in the execution of his or her duty in relation to any port; smoking or otherwise bringing any naked light into any place where any such act is prohibited by notice; lighting any fire elsewhere than in a place provided for that purpose; and, throwing, leaving or dropping anything capable of causing injury or damage to any person or property; climbing on walls, fences or barriers; walking on flower beds; and removing, disturbing or damaging trees or plants growing at a port. These are far-reaching provisions that can be applied to addressing negative behaviour relating to environmental management, safety and security.

Possession of firearms, explosives and inflammable material are prohibited in a port except by customs or immigration officers, or police officers on official duty or other persons who are permitted in writing by the CEO of the Authority (section 69).

Section 70 gives the CEO the power to remove any wreck or obstruction in a port or its approaches. This section also gives the CEO the power in cases of urgent necessity to take

any action in a port which in his or her opinion may be necessary to prevent any danger to life or limb or damage to goods or premises; and, to enter upon any ship or aircraft in the performance of any duty under this Act if there is reasonable grounds for believing that an offence is being or is about to be committed. However, this section does not apply to accidents to aircraft in a port. Section 70(2) states that the owner is liable to pay for removal of a wreck in a port and also for other related charges. If the owner does not pay within 7 days of removal then the CEO may cause the wreck or obstruction to be sold to meet expenses.

Section 71 gives the CEO the power to board a ship or aircraft that is on fire, and to take appropriate action. Expenses incurred as a result of such action shall be recoverable as a civil debt from the owner or person in charge of the ship at the time of the fire.

Any lessee or occupier of any premises at a port where a fire has occurred shall, within 24 hours of its occurrence, submit to the Chief Executive Officer a report in writing, stating the circumstances of the fire (section 72). Failure to comply with this section is an offence.

Section 73 deals with accidents in ports.

The Authority shall, as soon as practicable, give notice of the occurrence of the accident to the Governor and Minister (section 73(1c)). Without prejudice to the right of the Governor to appoint the Investigator in Charge of an air accident occurring in Anguilla pursuant to the Civil Aviation (Investigation of Air Accidents and Incidents) Regulations 2005 the Authority may undertake such enquiry into any accident which occurs in any port as it may think fit and shall order an enquiry into any such accident when so required by the Governor in Council (section 73(2)). Other provisions of this section set-out the procedure that the Authority is to follow in the event of an accident.

Section 73(5) makes special provision for implementation of articles relating to recorders and reporting of accidents pertaining to aircraft specified in the Air Navigation (Overseas Territories) Order 2007 No. 3468. These articles are reproduced in Schedule 3 of the Act, Sections 1 to 5, entitled, "*Use of Flight Recording Systems and Preservation of Records*"; "*Mandatory Reporting*"; "*Mandatory Reporting of Bird-Strikes*"; "*Mandatory Reporting of Accidents Involving Dangerous Goods*" and "*Occurrence Reporting*", respectively.

The Authority is not liable for any demurrage or other charge which may occur or be due on any ship or aircraft, howsoever such charge may have been caused (Section 74).¹

Section 75 states that it is lawful for any police officer or any other person authorised in writing on that behalf by the Chief Executive Officer to destroy by shooting any animal found trespassing on any port.

Delegation of authority under this Act may be done in writing by the CEO, or by someone who has in turn been delegated in writing by the CEO (section 75).

¹ Demurrage Charge or fees to be paid by a charter to the owner of a vessel, for the period during which the charterer remains in possession of a vessel after the period of time normally given to him to charge and discharge the cargo (lay time).

The authority is not liable for any *mala fide*² act, omission or default of the Chief Executive Officer. (section 77).

PART 9 sets out provisions re Motor Vehicles at the Ports in Sections 78 to 84.

According to section 78, the Chief Executive Officer may authorise traffic signs to be placed, erected or displayed at a port for the proper control and regulation of vehicular traffic. It is an offence to operate a vehicle contrary to the direction of such signs.

Only holders of permits that are granted by the CEO may offer vehicles for hire (section 79 (1)). Such permits might be refused by the CEO, cancelled or suspended if the holder commits an offence under the Act or regulations.

Only persons who are under the direction of the CEO may operate any taxi, bus or other passenger vehicle at a port (section 80); and a carrier by motor omnibus for hire shall not load or unload passengers in a port at any place other than that designated by the Chief Executive Officer (section 84).

Provisions relating to public service vehicles are given in section 81. These shall be parked in areas provided for that class of vehicle, or under direction from the CEO or a police officer. Drivers of public service vehicles shall remain with their vehicles in the place where such vehicles are parked or in the area designated for them when passengers are passing through immigration and customs. Drivers of public service vehicles shall not pick up or set down passengers or passengers' baggage except at such place and in such manner as the Chief Executive Officer or a police officer may direct.

Section 82 deals with motor vehicles generally. Offences include leaving a vehicle at a port longer than is reasonably necessary without permission of the CEO or police officer; picking up or setting down passengers or baggage elsewhere than at such places as the Chief Executive Officer or a police officer may direct; and, driving or placing a vehicle carelessly or dangerously or without due consideration for other persons using the port.

It is against the law for a person to operate a vehicle of any kind at the port while that person is under the influence of liquor or narcotic drugs (Section 83).

PART 10, sections 85 and 86, provide for returns of information and regulations.

The Authority shall without delay furnish the returns of information that the Minister may, by written notice to the Authority, require (section 85).

The Governor in Council may make regulations for the better carrying out of this Act (section 86(1)).

The Governor in Council may by regulation: amend, add to, or repeal and replace Schedule 1 of the Act which defines the boundaries of the ports (section 86(2)).

² A *mala fide* act is defined as a n act undertaken “in bad faith”, with a malicious motive

The Governor in Council may, on the recommendation of the Authority, make regulations generally with respect to the maintenance, supervision, control and management of the ports and the approaches, and the services performed and the communication, navigation and other facilities provided by the Authority and for the maintenance of order on any premises or in any ship, aircraft or vehicle in a port and the approaches and for the carrying out of the provisions of this Act (section 86(3)).

The Governor in Council will, on the recommendation of the Authority, make regulations generally for the conveyance, loading, unloading and storage of dangerous goods within the limits of the ports (section 86(4)).

Regulations made under section 86 in relation to the use of roadways in any port, shall take effect although such roadways may be roads which are subject to the Vehicles and Road Traffic Act, and regulations.

All regulations made under this Act shall be subject to negative resolution of House of Assembly within 6 weeks (section 86(8)).

PART 11, sections 87 to 107, relates to offences.

Offences include the following: damaging property likely to endanger life; endangering safety of other persons; failure to employ Authority pilot; offence where authorised officer refused entry; false returns; evasion of dues and charges; defrauding or demanding improper amount; refusal to give contact details when asked by an authorised officer; unlawfully discharging a firearm; contravention of direction of any officer authorised by the CEO; defacing the writing on any board or notice at the port; damaging or interfering with property; wilfully obstructing or impeding any person in the discharge of duties at the port; or, giving or inducing payment in cash or otherwise for the purpose of avoiding payment of any sum due to the Authority.

Any provision of or regulation made under this Act, and any vehicle, animal or thing found in the area in contravention of any such provision or regulation, may be removed from the area to which the provision or regulation applies by a police officer or by any other person authorised in that behalf in writing by the Chief Executive Officer; and upon conviction for any such contravention before a magistrate, the owner or person in charge of any such vehicle, animal or thing may in addition to any other penalty be ordered by the magistrate to pay the cost of such removal (Section 97)..

Section 98 the 'Chief Executive Officer may issue a fiat to institute legal proceedings subject to the consent of the Attorney General.

Section 99 means that a positive assertion that an offence was committed within the boundaries of a port shall be taken to mean that the offence was indeed committed within the port, unless proven otherwise.

An officer authorised by the CEO, or a police officer, may arrest a person without a warrant under section 100(1) if that person is suspected of damaging property likely to endanger life, endangering safety of other persons, refuses to give contact details when asked by an authorised officer; unlawfully discharges a firearm; contravenes direction of any officer

authorised by the CEO; defaces the writing on any board or notice at the port; damages or interferes with property; wilfully obstructs or impedes any person in the discharge of duties at the port; or, gives or induces payment in cash or otherwise for the purpose of avoiding payment of any sum due to the Authority.

Any person who commits any offence against this Act or regulations other than an offence mentioned (in section 100 (1) above, may be arrested by any officer authorised by the Chief Executive Officer or a police officer if there is reason to believe that such person will abscond. However, where there is reason to believe that such person will not abscond, if his or her true name and address are ascertained, then that person may be released on executing a bond for his or her appearance before a magistrate when required (section 100(2))

The Chief Executive Officer may, by notice in writing authorise any officer of the Authority to maintain order upon any premises used by the Authority or on any ship, aircraft or vehicle, in a port. Any officer so authorised shall, in the performance of such duty, have all the powers, rights, privileges and protection of a police officer (section 102).

No person shall obstruct a person authorised by the Authority during the performance of their duties (section 103).

When the Authority commits an offence under this Act, any director, officer or agent of the Authority who directed, authorised, assented to, acquiesced or participated in the commission of the offence is guilty of the offence and is liable to the punishment provided for the offence, whether or not the Authority has been prosecuted for or convicted of the offence (section 104).

Section 105 states that any person who commits an offence under this Act or the regulations is liable on the conviction for that offence—

- on indictment, to a fine not exceeding 200,000 dollars or to imprisonment for a term of not more than 5 years, or to both; or
- on summary conviction to a fine not exceeding 50,000 dollars or to imprisonment for a term of not more than 2 years, or to both.

Any person who commits an offence under this Act or the regulations is liable on the second or any subsequent conviction for that offence—

- on indictment, to a fine not exceeding 400,000 dollars or to imprisonment for a term of not more than 5 years, or to both; or
- on summary conviction to a fine not exceeding 100,000 dollars or to imprisonment for a term of not more than 2 years, or to both.

The ten offences and penalties provisions at sections 125 to 134 inclusive of the Air Navigation (Overseas Territories) Order 2007 No. 3468 as stated in Schedule 4 of this Act shall be enforced to the extent that said regulations are applicable in Anguilla. These provisions pertain to: Endangering Safety of Aircraft; Endangering Safety of any Person or Property; Drunkenness in Aircraft; Smoking in Aircraft; Authority of Pilot-in-Command and Members of the Crew of an Aircraft; Acting in a Disruptive Manner; Obstruction of Persons; Enforcement of Directions; Stowaways; and, Penalties (Section 105(3)).

Section 106 makes provision for notices to be given to the Minister, the Authority, Commissioner of Police, owner of land, or a customer of the Authority.

Appeals regarding summary conviction may be made from the Magistrate to the Court of Appeal in accordance with the provisions of the Magistrate's Code of Procedure Act (section 107).

A person is not entitled to compensation or damages from the Authority unless that person has submitted a written claim giving particulars to the Authority (section 108).

Any legal proceeding shall not be commenced until at least one month after written notice containing the particulars of the claim, and of the intention to commence legal proceeding, has been served upon the Chief Executive Officer by the plaintiff or his or her agent (section 109); *and*, the legal proceeding shall not lie or be instituted unless it is commenced within 12 months next after the act, neglect or default or damage complained of, or in the case of a continuing injury or damage within 6 months next after the cessation.

Section 110 states that if the Authority has a judgement against it, then its property shall not be seized by any person having by law the power to attach or distrain property. The Authority must however, make payment, from its funds, to the person entitled.

A person is not entitled to a refund for overpayment from the Authority unless that person has submitted a written claim giving particulars to the Authority (section 111).within 6 months after the goods were accepted or the services rendered.

PART 13 deals with citation, commencement, repeal, transitional provisions and consequential amendments.

Section 112 provides for the citation and commencement of the Act.

Section 113 repeals the:

- Ports, Harbour and Piers Act, Revised Statutes of Anguilla, Chapter P55
- Aerodromes Act; Revised Statutes of Anguilla, Chapter A40 and
- Road Traffic in Blowing Point Regulations R.R.A. V10-6.

A number of transitional provisions follow—

- the Governor in Council is given the power to make regulations on transitional issues;
- the rates for service and the terms and conditions of service and the charges imposed by the Government or existing regulatory agencies for the ports and the interest rate charged on late accounts immediately before the coming into force of this Act remain in force until altered by the Authority subject to the approval of the Minister (section 115(1));
- The Authority is the successor to the rights of the Government (section 115(2));
- agreements and arrangements entered into by the Government before the Act comes into force are grandfathered (section 115(4));

□ the transfer of a leasehold interest in the land occupied by the existing ports to the Authority, the vesting in the Authority of the personal property of the Government or the existing ports and the assignment of certain contracts of the Government to the Authority are provided for, and provision is made for the preparation of an inventory of the personal property and contracts above-mentioned (section 116).