

CHAPTER 234

PORT ST. CHARLES DEVELOPMENT 1996-18

This Act came into operation on 1st December, 2000 by Proclamation (S.I. 2000 No. 91).

Amended by:

This Act has not been amended

Law Revision Orders

The following Law Revision Order or Orders authorized the insertion and removal of pages as the case may be under the Law Revision Act Cap.2 now repealed:

2002

CHAPTER 234

PORT ST. CHARLES DEVELOPMENT 1996-18

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SCHEDULE

**BARBADOS**

PORT ST. CHARLES DEVELOPMENT

1996-18

An Act to provide for

- (a) *the vesting of reclaimed land in Port St. Charles Development Limited;*
- (b) *the maintenance of the wharf, jetty, slip, dock, bridge, breakwater, works and ancillary facilities constructed at Heywoods by Port St. Charles Development Limited;*
- (c) *the construction of a public access to the beach by Port St. Charles Limited; and*
- (d) *related matters.*

[Commencement: 1st December, 2000]

Short title

1. This Act may be cited as the *Port St. Charles Development Act*.

Interpretation

2. In this Act

“company” means the Port St. Charles Development Limited, a company incorporated under the *Companies Act*, Cap. 308;

“Minister” means the Minister responsible for Port Management and Harbours;

“works” includes any wharf, jetty, slip, dock, pier, quay, bridge, breakwater, workshop, shed, warehouse and any building, plant, machinery and other property appertaining thereto, ancillary facilities or excavation, whether complete or incomplete, on or near the shore or in the sea.

Maintenance of Port St. Charles

3.(1) Pursuant to the permission granted to the company under the *Town and Country Planning Act*, Cap. 240

(a) to construct a marina at Heywoods in the Parish of St. Peter; and

(b) to drive piles in the sea and to construct therein opposite the company’s land at the said Heywoods, the works and ancillary facilities,

the company is hereby authorised, having constructed the works and ancillary facilities, to maintain the same.

(2) The company is hereby authorised and required, at its own expense, to dredge the area around the breakwater regularly and to keep all channels free from silt, flotsam, jetsam and other debris and obstructions to shipping.

Failure to comply

4.(1) Where the company fails to comply with section 3(2), the Harbour Master shall carry out the work required by that subsection and the company shall pay to the Harbour Master the actual costs incurred in carrying out the work.

(2) Where the company fails to pay the costs referred to in subsection (1) the Harbour Master may recover the costs as a debt due to the Crown in civil proceedings before a magistrate for District “A” notwithstanding that the amount exceeds the monetary limit on the jurisdiction of the magistrate’s court.

Use of works, breakwater, jetty, etc.

5. Subject to the rights of the Crown and to this Act, the company is entitled
- (a) to the use of the works, breakwater and facilities constructed thereon by the company; and
 - (b) to the sole use and benefit of the jetty, slip and dock without payment of fees.

Removal or modification of works

6.(1) Where it appears to the Chief Town Planner that any of the works carried on by the company have caused or are likely to cause erosion of or other damage to the foreshore, the Chief Town Planner may order the company to modify or remove such works or cause them to be modified or removed, at its own expense.

(2) Where the company is aggrieved by an order given by the Chief Town Planner pursuant to subsection (1), the company may, within 28 days after the date of the order, request the Chief Town Planner to refer the order for review by the Minister responsible for Town Planning; and subsections (3), (5), (6), (8), (9) and (10) of section 19 of the *Town and Country Planning Act*, Cap. 240 shall apply *mutatis mutandis* as if the order referred to in subsection (1) were a decision given by the Chief Town Planner under section 19 of that Act.

Vesting of reclaimed land

7. The land reclaimed from the sea and more particularly described in the *Schedule* is, without further assurance, hereby vested in the company in fee simple absolute in possession.

Parking area and access to beach

8. The company shall provide at the northern end of the company's land, at its own expense, a public parking area for vehicles and public access to the

beach, which parking area and access are coloured brown on a Plan certified on 16th July, 1996 by Brian A. Hart, Land Surveyor and recorded in the Lands and Surveys Department on 12th August, 1996 as Plan No. 653/96.

Jurisdiction

9. The land reclaimed from the sea and the works shall be within the jurisdiction of the magistrate's court for District "E".

Regulations

10. The Minister may make regulations respecting the use of the breakwater and facilities constructed thereon by the company and generally for giving effect to this Act.

Rights of Crown

11. Nothing in this Act shall affect the rights of the Crown.

SCHEDULE*(Section 7)*

The area at Heywoods, in the Parish of St. Peter in this Island comprising all that portion of land containing by admeasurement 1549 square metres starting at its most southerly point, on the high water mark observed on the 2nd November, 1995, of Barbados Grid Co-ordinates 20787.288 metres Eastings and 84287.131 metres Northings, then along the same high water line to its most northerly point of Barbados Grid Co-ordinates 20790.794 metres Eastings and 84375.127 metres Northings, then in a South westerly direction of bearing 225 degrees 54 minutes at a distance of 7.80 metres, then in a South westerly direction of bearing 203 degrees 43 minutes at a distance of 71.49 metres, then in a South easterly direction of bearing 117 degrees 14 minutes at a distance of 26.44 metres, then in a South easterly direction of bearing 124 degrees 20 minutes at a distance of 8.88 metres back to the starting point as shown bordered green on a survey plan which was certified on 16th July, 1996 by Brian A. Hart, Land Surveyor and recorded at the Lands and Surveys Department on 18th July, 1996 as Plan No. 586/96.