

## CHAPTER 12

# AIRPORTS AUTHORITY ACT

• Act • Subsidiary Legislation •

### ACT

Act No. 9 of 1985

#### Amended by

Act No. 13 of 1987

SRO 22 of 1987

Act No. 21 of 1990

Act No. 51 of 1991

Act No. 9 of 1998

Act No. 7 of 2008

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**CHAPTER 12**  
**AIRPORTS AUTHORITY ACT**

**An Act to establish the Airports Authority as a body corporate with power to manage, control and supervise airports, and to promote the use of such airports in the national interest.**

[Act No. 9 of 1985 amended by Act No. 13 of 1987, SRO 22 of 1987, Act No. 21 of 1990, Act No. 51 of 1991, Act No. 9 of 1998, Act No. 7 of 2008.]

[17th May, 1985.]

**1. Short title**

This Act may be cited as the Airports Authority Act.

**2. Interpretation**

In this Act—

“authorised officer” means the manager of an airport and other persons authorised in writing by the Minister to perform a function for the purposes of this Act;

“Authority” means the Airports Authority established by section 3;

“business plan”, for a financial year, means—

(a) a business plan approved under section 17A;

(b) all amendments to the business plan approved under that section,

for the financial year;

“financial year” means the financial year referred to in section 17;

“Minister” means the Minister for the time being responsible for civil aviation.

**3. Establishment of the Airports Authority**

(1) The Airports Authority is hereby established as a corporate body with perpetual succession and a Common Seal and with power in that name to sue and be sued and to acquire both moveable and immoveable property in Grenada or any interest therein.

(2) Until a seal is provided in accordance with subsection (1), a stamp bearing the words “Airport Authority” may be used instead of such seal; such stamp and such seal shall be officially and judicially noticed.

(3) The provisions of the First Schedule have effect with respect to the composition and proceedings of the Board of Directors of the Authority.

(4) A director shall not be held personally liable in respect of an act or omission on his or her part occurring in good faith in the performance or purported performance of his or her functions under this Act.

(5) Notwithstanding subsection (4), the liability in tort of the Authority is the same as if every director were an employee.

**4. Functions of the Authority**

The functions of the Authority are—

- (a) to manage, control and supervise the administration of the airports specified in the Second Schedule;
- (b) to build or establish new airports or to rehabilitate any existing airport;
- (c) to promote the use of the airports referred to in paragraphs (a) and (b) in the national interest;
- (d) to do all such things as may be reasonably incidental to the foregoing functions.

**5. Powers of the Minister**

(1) The Minister may, from time to time, by Order, amend the Second Schedule.

(2) The Minister may, from time to time, by Order, transfer to the Authority the ownership of any Government property to the extent that seems to him or her necessary or desirable to enable the Authority to carry out its function, and such property shall thereupon vest in the Authority without further assurance.

(3) The Minister, after consulting with the chairperson of the Board of Directors, may issue directions in writing of a general character concerning matters of policy to be observed by the Authority.

**6. Power of the Board to appoint staff**

(1) Subject to subsection (2) the Board may appoint, on such terms and conditions as it thinks fit, a General Manager and such number of Airport Superintendents and other officers as it considers necessary or appropriate for the efficient performance of the function of the Authority:

Provided that the appointment of the General Manager shall require the prior written approval of the Minister.

(2) The salaries of the General Manager and the Airport Superintendents shall not be fixed by the Board without the prior written approval of the Minister.

**7. General Manager**

(1) The General Manager is the chief executive officer of the Authority and he or she shall attend all meetings of the Board unless he or she has obtained leave of absence from the chairperson or is incapacitated by illness or other cause.

(2) In the absence of the General Manager, the Board may, by instrument in writing and with the prior written approval of the Minister, appoint a person to act as a temporary General Manager during the period of such absence upon such terms and conditions as it may determine.

**8. Transfer of public officers to the service of the Authority**

The Public Service Commission may, subject to such conditions as it thinks fit and with the consent of the Minister, approve the transfer of any public officer to the service of the Authority and any officer so transferred shall, in relation to pension, gratuity or other allowance, and concerning any rights as a public officer, be treated as continuing in the service of the Government.

**9. Establishment of pension schemes, etc.**

The Authority may, with the approval of the Minister, establish schemes for pensions, gratuities and other retiring benefits in respect of employees of the Authority

and such schemes may include provisions for the grant of benefits to the dependants or the legal personal representatives of those employees.

**10. Duty of Authority to provide and maintain emergency, etc., services**

It shall be the duty of the Authority to provide and maintain fire services and emergency services capable of dealing swiftly and effectively with accidents to aircraft occurring on land and at sea, and such other services and facilities as are, in the opinion of the Board, necessary or desirable for the efficient operation of airports and air navigation.

**11. Powers of the Board**

For the purposes of this Act, the Board has power—

- (a) to construct, alter and maintain buildings at airports and elsewhere;
- (b) to grant, on such terms and conditions as the Board thinks proper, leases, sub-leases, licences or concessions in respect of any land or building or part of a building within an airport;
- (c) to carry on such activities as appear to be advantageous, necessary or desirable for or in connection with the function of the Authority.

**12. Financial year**

The financial year of the Authority is the period of twelve months from the 1st January to the 31st December in any year.

**13. Income of the Authority**

The income of the Authority shall include—

- (a) such sums of money as may from time to time be appropriated by Parliament or granted by the Government for the use of the Authority;
- (b) sums from time to time received by or falling due to the Authority in respect of the repayment of any loans made by the Authority;
- (c) the income accruing from sums invested by the Authority;
- (d) sums borrowed by the Authority for the purpose of meeting any of its obligations;
- (e) rents, dues, charges and fees payable to the Authority.

**14. Expenditure of the Authority**

The expenditure of the Authority in any financial year shall include the following outgoings—

- (a) interest and sinking fund payments due and payable by the Authority on any loan;
- (b) sums required to be paid to the Government or any other persons towards the repayment of any loan made by the Government to the Authority;
- (c) the remuneration and allowances of officers and employees of the Authority;

- (d) payments to staff including all kinds of benefits, insurance payments, and other sums allocated from time to time in furtherance of collective agreements;
- (e) sums in payment of the cost of utility services supplied to the Authority including water, electricity, propane, fuel oils and drainage;
- (f) amounts required to meet the expenses of consumable inventory including programmed and breakdown maintenance;
- (g) amounts required for payment of the fees of professional persons for services rendered to the Authority;
- (h) sums required for financial protection including airport insurance;
- (i) sums payable under agreements or memoranda of understanding for the use of joint facilities;
- (j) sums payable to the Government for shared services;
- (k) the cost of providing staff training;
- (l) any sums necessary to maintain the airport in, or to restore the airport after, an emergency;
- (m) other sums which are required from time to time to ensure the safe and efficient operation, maintenance and administration of the airport.

**15. Borrowing power**

(1) Subject to subsection (2), the Authority may borrow money required by it for the efficient exercise of its functions and for meeting its obligations.

(2) Borrowing may be effected only with the approval of the Minister as to the amount, the sources of borrowing and the terms and conditions of the loan.

(3) Approval of the Minister under subsection (2) may be either general or limited to a particular transaction and may be either unconditional or subject to conditions.

**16. Investment permitted**

Money standing to the credit of the Authority and not immediately required to be expended in meeting its obligations or commitments may be invested in such manner as the Minister may approve.

**17. Financial year**

The financial year of the Authority shall be the twelve month period beginning on the 1st day of January and ending on the 31st day of December.

**17A. Annual business plan**

(1) The Board shall, no later than four months before the commencement of each financial year and such form as the Minister requires, prepare in respect of the financial year, and submit to the Minister, a proposal for a business plan for the financial year that shall contain—

- (a) a statement of the Authority's objectives and priorities in carrying out its responsibilities for the financial year and the following two financial years;
- (b) a comprehensive business plan that—