

No. 20 of 2011. *Island Enhancement Fund (Amendment)* Saint Christopher
(No. 2) Act, 2011.
and Nevis.



I assent,

CUTHBERT M SEBASTIAN
Governor-General.

22nd September, 2011.

SAINT CHRISTOPHER AND NEVIS

No. 20 of 2011

AN ACT to amend the Island Enhancement Fund Act No. 5 of 2003.

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BE IT ENACTED by the Queen's Most Excellent Majesty by and with the advice and consent of the National Assembly of Saint Christopher and Nevis, and by the authority of the same as follows:

1. Short title.

This Act may be cited as the Island Enhancement Fund (Amendment) (No. 2) Act, 2011.

2. Interpretation.

In this Act, unless the context otherwise requires, "Act" means the Island Enhancement Fund Act, No. 5 of 2003.

3. Amendment of section 2 of the Act.

The Act is amended in section 2 by inserting the following definitions in the correct alphabetical order:

"air carrier" means a person, or persons jointly, whose business includes the carriage of passengers by air;

"general aviation flight" means a flight other than a commercial air transport operation or aerial work operation.

"IATA" means the International Air Transport Association;

"operating carrier" means the specific air carrier on which a person departs from Saint Christopher;

"SCASPA" means the Saint Christopher Air and Sea Ports Authority established by the St Christopher Air and Sea Ports Authority Act, Cap 8.07;

“ticketing carrier” means an air carrier on whose ticket stock the flight ticket is issued or whose numeric code is included in the ticket number.”.

4. **Amendment of section 6.**

Section 6 of the Act is amended by inserting immediately after subsection (2), four new subsections as follows:

“ (3) An operating carrier that is in default of payment or settlement of fees shall be charged a penalty of twenty percent of the outstanding fee amount for each month or portion of the month that the payment remains outstanding.

(4) Where an operating carrier fails to make a report in accordance with the period specified in paragraph 11 of the Schedule, it shall be liable to pay a penalty of two hundred and seventy dollars per month for each month that the report remains outstanding.

(5) Where a significant discrepancy arises in the reported fees collected in respect of departing passengers, SCASPA shall impose a penalty equal to two hundred percent of the amount in dispute.

(6) For the purposes of this section “significant discrepancy” means a discrepancy of five percent or more in the fees paid by the total number of passengers checked.”.

5. **Amendment of Schedule**

The Schedule of the Act is amended by

- (a) deleting paragraph 1 and renumbering accordingly;
- (b) replacing paragraph 5 as follows

“5. Every air carrier with flights departing from Saint Christopher to any destination outside the Federation, shall pay in respect of each passenger, a fee of XCD\$32.40 (\$USD 12.00).”.

- (c) by inserting immediately after paragraph (5) the following new paragraphs

“ 6. An air carrier shall not be required to pay a fee in respect of the following persons

- (a) a child under the age of twelve years;
- (b) a member of the crew of a departing aircraft;
- (c) a positioning air crew member;
- (d) a person taking part in a training flight;
- (e) a passenger travelling on a domestic flight from Saint Christopher to Nevis or *vice versa*;
- (f) a person travelling on a military, scientific or

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meteorological flight and to whom no ticket has been issued;

- (g) persons on tourism excursions by air within the boundaries of the Federation, provided that the aircraft does not land in another territory;
- (h) passengers on vessels for the purpose of search and rescue;
- (i) passengers in transit for twenty four hours or less;
- (j) a person travelling on a diplomatic passport or such other persons as the Minister may by Order exempt.

7. The fees shall be shown separately from the fare on the ticket if collected at the same time that the ticket is issued and shall be collected by

- (a) the ticketing air carrier or its agent at the time when the ticket is issued; or
- (b) the operating carrier, if not collected prior to the time the passenger boards the flight; or
- (c) in the case of a general aviation flight, the local passenger handling agent at the time of departure from Saint Christopher.

8. (1) An operating carrier shall, pursuant to paragraphs 7, 8 and 9 remit to SCASPA, or to IATA the amount of the fees due for its flight departing from Saint Christopher.

(2) The fees collected shall be accounted for separately from the funds of the operating carrier.

(3) Where the operating carrier is a member of IATA, the operating carrier shall remit the fees to IATA and the fees shall be collected from IATA by SCASPA.

(4) Where the operating carrier is not a member of IATA and the passenger is departing from Saint Christopher, the operating carrier shall remit the fee directly to SCASPA.

(5) An operating carrier shall remit the fee collected to SCASPA or to IATA as the case may be, within thirty days from the date on which a report under paragraph 10 is due.

9. Where any change to the itinerary of a passenger involving a departure from Saint Christopher, requires an adjustment of the amount paid by the passenger, there shall be a collection or refund of the fee, as the case may be, by the operating carrier or agent as appropriate.

10. It shall be the duty of the operating carrier to submit to SCASPA or to IATA as appropriate, a weekly report together with a copy of the passenger manifest for every flight departing from Saint Christopher.

11. Each weekly report submitted by the operating carrier shall contain the following information:

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- (a) name of the operating carrier;
- (b) flight number;
- (c) date of departure;
- (d) type of aircraft used including manufacture and series;
- (e) total number of passengers departing on the flight for whom the fee is payable;
- (f) number of passengers exempted from payment of the fee;
- (g) total fee collected.

12. Every report shall be submitted no later than five days following the departure of the flight from Saint Christopher.

CURTIS A. MARTIN

Speaker

Passed by the National Assembly this 12th day of August, 2011.

JIHAN WILLIAMS

Deputy Clerk of the National Assembly