

2022-03-14

OBJECTS AND REASONS

This Bill would provide for the imposition and collection of an airport service charge.

Arrangement of Sections

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BARBADOS

A Bill entitled

An Act to provide for the imposition and collection of an airport service charge.

ENACTED by the Parliament of Barbados as follows:

Short title

- 1.** This Act may be cited as the *Airport Service Charge Act, 2022*.

Interpretation

2.(1) In this Act,

“aircraft” means any machine for flying, whether propelled by mechanical means or not, and includes any description of balloon;

“Airport” means the Grantley Adams International Airport;

“airport service charge” or “charge” means the charge imposed by section 3;

“carrier” means

- (a) a person who transports passengers by aircraft on a flight from the Airport to a place outside Barbados;
- (b) the pilot or other person in command or control of the aircraft;
- (c) the agent in Barbados of the person referred to in paragraph (a); and
- (d) where the person referred to in paragraph (a) or the agent of the person is a corporation, any director or manager of the corporation;

“collector” means Grantley Adams International Airport Inc. or such other person as may be designated under subsection (2);

“Community” means the Caribbean Community established by Article 2 of the Revised Treaty of Chaguaramas and includes the CARICOM Single Market and Economy signed at Nassau, the Bahamas on 5th July, 2001;

“regional destination” means

- (a) a member of the Community;
- (b) Cuba;
- (c) the Dominican Republic;
- (d) the islands of the British Antilles;
- (e) the islands of the Dutch Antilles;
- (f) the islands of the French Antilles;

- (g) the Commonwealth of Puerto Rico;
- (h) the Virgin Islands of the United States.

(2) The Minister may by order, subject to negative resolution, designate a person other than Grantley Adams International Airport Inc. to be the collector for the purposes of this Act.

Airport service charge

3.(1) There shall be imposed on a person who travels from the Airport to a place outside Barbados, a charge to be known as the airport service charge.

- (2) Where a person travels to a place which
 - (a) is a regional destination, the charge shall be \$70;
 - (b) is not a regional destination, the charge shall be \$140.
- (3) Notwithstanding subsection (1), the airport service charge shall not be payable in respect of
 - (a) staff members of international organizations who, in accordance with the terms of the agreement of their respective organizations and the Government of Barbados, are entitled to be exempt from the payment of any charges or taxes on travel undertaken in the performance of their duties;
 - (b) children under the age of 2 years;
 - (c) in-transit passengers remaining in Barbados for a period not exceeding one day; and
 - (d) members of the crew of an aircraft.

Carrier to collect charge

4.(1) A carrier which transports from the Airport to a place outside Barbados, a person by whom the airport service charge is payable shall collect the charge from the person and pay it over to the collector.

(2) A carrier which fails to collect the charge in accordance with subsection (1) shall, notwithstanding the failure, pay to the collector an amount equal to the charge.

(3) An amount which a carrier is required to pay to the collector under subsection (1) or (2) shall, without further demand, upon presentation of an invoice by the collector, be due and payable

(a) within one month after the conclusion of the month to which the invoice relates; and

(b) subject to such conditions as may be determined by the collector generally or in any particular case.

(4) A carrier shall, in relation to the charge

(a) keep such records; and

(b) furnish such returns, in such form and to such persons,

as may be determined by the collector to be necessary for the purposes of this Act.

Collector and others may charge commission

5. The collector and any other person who collects the airport service charge may, with the written approval of the Minister, charge a commission.

Collector to distribute payments

6. Notwithstanding the right of the collector by virtue of section 5(1) (c) of the *Grantley Adams International Airport (Transfer of Management and Vesting of Assets) Act*, Cap. 286 to collect and retain airport charges, all payments received by the collector pursuant to this Act shall be distributed by the collector in accordance with the written instructions of the Minister.

Refund

7.(1) A person who proves to the satisfaction of the collector that he has paid an amount in excess of the amount that he is required to pay under this Act is entitled to have the amount so paid in excess refunded.

(2) No claim for a refund under this section shall be entertained after the expiration of 6 months from the date on which payment of the amount in dispute was made.

Recovery of charge

8. Where any sum, being due and payable pursuant to section 4 remains unpaid, the sum may be recovered as a debt due to the Government of Barbados in civil proceedings in the Magistrate's Court for District "A" notwithstanding that the amount exceeds the normal monetary limit on the civil jurisdiction of the court.

Offence

9. A carrier which fails to pay over to the collector the airport service charge collected in accordance with section 4 or knowingly seeks to retain the charge so collected, is guilty of an offence and is liable upon summary conviction to a fine of \$20,000.

Regulations

10. The Minister may make regulations generally to give effect to this Act.

Repeal of Cap. 59

11. The *Airport Service Charge Act*, Cap. 59 is repealed.

Read three times and passed the House of Assembly this
day of _____, 2022.

Speaker

Read three times and passed the Senate this _____ day of
_____, 2022.

President