



## ST. CHRISTOPHER AND NEVIS

### CHAPTER 20.51

## ISLAND ENHANCEMENT FUND ACT

### Revised Edition

showing the law as at 31 December 2017

This is a revised edition of the law, prepared by the Law Commission under the authority of the Law Commission Act, Cap. 1.03

This edition contains a consolidation of the following laws—

#### ISLAND ENHANCEMENT FUND ACT

**Act 5 of 2003** ... in force 10th April 2003

Amended by: Act 16 of 2011

Act 20 of 2011

Amended by: S.R.O. 15/2014

Page

3

Published in  
2019  
Consolidated, Revised and Prepared under the Authority of the Law Commission Act,  
on behalf of the Government of Saint Christopher and Nevis  
by  
The Regional Law Revision Centre Inc.,  
P.O. Box 1626, 5 Mar Building,  
The Valley, AI-2640, Anguilla,  
West Indies.

Available for purchase from—

Attorney General's Chambers,  
Government Headquarters, P.O. Box 164,  
Church Street, Basseterre, St. Kitts,  
West Indies

Tel: (869) 465-2521

Ext. 1013

Tel: (869) 465-2127

Fax: (869) 465-5040

Email: [attorneygeneral@gov.kn](mailto:attorneygeneral@gov.kn)

© Government of Saint Christopher and Nevis  
All rights reserved. No part of this publication may be reproduced in any form or by any means  
without the written permission of the Government of Saint Christopher and Nevis except as  
permitted by the Copyright Act or under the terms of a licence from  
the Government of Saint Christopher and Nevis.

**CHAPTER 20.51**

**ISLAND ENHANCEMENT FUND ACT**

ARRANGEMENT OF SECTIONS

1. Short title
  2. Interpretation
  3. Establishment of Fund, etc.
  4. Resources of the Fund
  5. Regulations
  6. Offences and penalties
- SCHEDULE: Resources of the Fund



## CHAPTER 20.51

### ISLAND ENHANCEMENT FUND ACT

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A FUND TO BE USED FOR THE MARKETING, PROMOTION AND DEVELOPMENT OF THE TOURISM SECTOR IN THE ISLAND OF SAINT CHRISTOPHER; AND TO PROVIDE FOR RELATED OR INCIDENTAL MATTERS.

#### Short title.

1. This Act may be cited as the Island Enhancement Fund Act.

#### Interpretation.

2. In this Act, unless the context otherwise requires—

“Act” means the Island Enhancement Fund Act, Cap. 20.51;

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

*(Inserted by Act 20 of 2011)*

“Authority” means the Saint Christopher Tourism Authority established by the Saint Christopher Tourism Authority Act, Cap. 20.36;

“Fund” means the Island’s Enhancement Fund established by section 3;

“general aviation flight” means a flight other than a commercial air transport operation or aerial work operation;

*(Inserted by Act 20 of 2011)*

“IATA” means the International Air Transport Association;

*(Inserted by Act 20 of 2011)*

“Minister” means the Minister responsible for Finance;

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

*(Inserted by Act 20 of 2011)*

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

*(Inserted by Act 20 of 2011)*

“Schedule” means the Schedule to this Act;

“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.

*(Inserted by Act 20 of 2011)*

#### Establishment of Fund, etc.

3. (1) There is established a Fund to be known as the Island Enhancement Fund, which fund shall be managed in accordance with the provisions of this Act.

(2) The Fund is established for the purposes of developing, promoting, marketing and sustaining tourism in the island of Saint Christopher, and without prejudice to the generality of the foregoing, the Fund is particularly established for the following purposes—

(a) to provide sustainable marketing funding;

(b) to influence and fund destination marketing activities;

- (c) to sustain marketing in established markets;
- (d) to create and develop new markets; and
- (e) to carry out any other activity, which in the opinion of the Authority, is in the best interest of tourism in the island of Saint Christopher.

#### **Resources of the Fund.**

4. (1) The moneys or resources that are to constitute the Fund are to be generated from the fees that are levied, paid and collected in accordance with the provisions of—

- (a) the Schedule; and
- (b) section 30 of the Saint Christopher Tourism Authority Act, Cap. 20.36.

(2) The Minister may, by Order, vary or replace the Schedule, except that an Order made under this section shall be subject to negative resolution of the National Assembly.

(3) The fees that are paid and collected under this Act shall be paid into the Consolidated Fund, and thereafter shall, from time to time, upon the order or warrant of the Minister, be transferred into the Fund.

#### **Regulations.**

5. The Minister may, in consultation with the Minister responsible for Tourism, generally make regulations to give effect to the provisions of this Act, and without prejudice to the generality of the foregoing or the provisions of the Schedule, the Minister shall, in particular, make regulations relating to the manner in which the Fund shall be managed.

#### **Offences and penalties.**

6. (1) A person who fails or refuses to pay the fees referred to in paragraphs 1, 2 and 5 of the Schedule commits an offence and is liable, on summary conviction, to a fine not exceeding two hundred dollars.

(2) A person who fails or refuses to pay the fees referred to in paragraphs 3 and 4 of the Schedule commits an offence and is liable, on summary conviction, to a fine not exceeding ten thousand dollars.

(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.

*(Inserted by Act 20 of 2011)*

**SCHEDULE***(Section 4)***RESOURCES OF THE FUND**

1. \*Every person who hires a car from an enterprise in St Kitts that offers vehicles for rental shall pay a fee of US\$1.50 per day in respect of the vehicle so rented to the enterprise, and the enterprise shall, on a quarterly basis, that is on or before the 15th day of the months of March, June, September and December each year for the quarter preceding those months, pay the fees to the Inland Revenue Department.

*(Amended by S.R.O. 15/2014)*

2. In addition to the tax payable under section 4 of the Hotel Accommodation and Restaurant Act, Cap. 20.20 as amended, there shall be charged, levied and collected on the proceeds of—

- (a) charges for hotel accommodation;
- (b) every restaurant from the sale of food and beverage,

an additional two and half per centum (2.5%) tax on the charges for hotel accommodation and restaurant and paid to the Inland Revenue Department on a quarterly basis, that is on or before the 15th day of the months of March, June, September and December each year for the quarter preceding those months.

*(Amended by S.R.O. 15/2014)*

3. Every passenger in relation to land and marine based tours and activities in St Kitts shall pay a fee of US\$1.50 to the tour operator, and the operator shall, on a quarterly basis, that is on or before the 15th day of the months of March, June, September and December each year for the quarter preceding those months pass over the fees collected to the Inland Revenue Department.

*(Amended by S.R.O. 15/2014)*

4. Every person who purchases a vehicle or vessel (whose c.i.f. value is not less than EC\$80,000) for private use (over land, sea or air) shall pay a fee of EC\$500.00 to the Inland Revenue Department.

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).

*(Substituted by Act 20 of 2011)*

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 traveling on a military, scientific or meteorological flight and to whom no ticket has been issued;

---

\* The original paragraph 1 was deleted by Act 20 of 2011 and the following paragraphs renumbered.

- (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 traveling 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 this paragraph and paragraphs 7 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 due 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—
- (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.

*(Inserted by Act 20 of 2011)*

---