



ST. CHRISTOPHER AND NEVIS

CHAPTER 6.05 (N)

AMENITIES FOR TOURISTS ORDINANCE and Subsidiary Legislation

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.

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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
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CHAPTER 6.05 (N)

AMENITIES FOR TOURISTS ORDINANCE

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CHAPTER 6.05 (N)

AMENITIES FOR TOURISTS ORDINANCE

AN ORDINANCE TO MAKE PROVISIONS FOR THE LAW RELATING TO AMENITIES FOR TOURISTS AND FOR RELATED OR INCIDENTAL MATTERS.

Short title.

1. This Ordinance may be cited as the Amenities for Tourists Ordinance.

Interpretation.

2. In this Ordinance—

“High Court” means the High Court of St. Christopher and Nevis;

“hotel” means a building or a group of buildings in Nevis occupied together comprising not less than five (5) bedrooms and used in connection with the trade or business of a hotel or guest house for the purpose of providing accommodation for reward;

(Inserted by Ordinance 12 of 2011)

“hotel accommodation” means sleeping accommodation, food and beverage provided in a hotel, guest house or similar establishment for the residence of guests;

(Inserted by Ordinance 12 of 2011)

“inspector” means any police or customs officer or any other person appointed as such under section 12;

“licensee” means the holder of a vendor’s licence;

“Minister” means the Minister for the time being charged with the responsibility of tourism in the Nevis Island Administration;

“Ministry” means the Ministry of Tourism;

“prescribed area” means any area designated as a prescribed area under section 3;

“restaurant” means any premises the proprietor of which is required to obtain a restaurant licence under the Liquor Licences Act, Cap. 18.21, or under the Licences on Business and Occupations Act, Cap. 18.20 or both or any Ordinance;

(Inserted by Ordinance 12 of 2011)

“vendor” means any person who—

- (a) sells or offers for sale, rents or offers for rent to members of the public, any goods or services;
- (b) solicits orders for, invites attention to, advertises or promotes in any manner whatsoever, any goods or services;

“vendor’s licence” means a licence granted under section 5.

Designated area.

3. The Minister may, by Order, designate any area in Nevis as a prescribed area.

Requirement for licence.

4. (1) Subject to this section, no person shall engage in any activities as a vendor—

- (a) in or on any street, sidewalk, park, beach or area of water adjacent to a beach;
- (b) in any other public place, within a prescribed area, unless that person is the holder of a licence granted under this Ordinance and such activities are carried out in accordance with the terms and conditions of that licence.

(2) Any person who contravenes the provisions of subsection (1) commits an offence and shall be liable, on summary conviction, to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding ninety days or to both such fine and imprisonment.

Application for Licence.

5. (1) Any person desiring to operate as a vendor in a prescribed area shall apply in writing to the Minister for a vendor's licence.

(2) A vendor's licence may be granted on such terms and subject to such conditions and for such period as the Minister may specify in the licence.

(3) Every application for renewal of a vendor's licence shall, unless the Minister otherwise permits, be delivered to the Ministry not later than twenty-one days before the expiry of the licence.

(4) Every application for the grant or renewal, as the case may be, of a vendor's licence shall be accompanied by a fee of one hundred and fifty dollars.

(5) The Minister shall cause to be kept a list of all persons to whom a licence is granted under this Ordinance.

Refusal of licence.

6. (1) The Minister may in his discretion, refuse to grant or renew a vendor's licence.

(2) Where the Minister decides not to grant or renew a vendor's licence the Minister shall, in writing, notify the applicant of his decision and of the right of appeal conferred by section 8.

(3) Minister shall give reasons in writing for his refusal.

Revocation or suspension of licence.

7. (1) Where—

- (a) it appears to the Minister that a licensee has contravened any provision of this Ordinance or of any licence thereunder;
- (b) a licensee is convicted of any offence involving fraud or dishonesty,

the Minister may, by notice in writing, require the licensee to show cause within such time as may be specified in the notice, why the licence should not be revoked or suspended.

(2) Where—

- (a) the licensee fails to comply with a requirement pursuant to subsection (1) to show cause within the time specified in the notice or if the cause shown is inadequate in the opinion of the Minister; or
- (b) after due enquiry by the Minister in respect of any allegation made against the licensee and after giving the licensee an opportunity to make representations, the Minister is satisfied that the nature of the facts established consequent on the enquiry is detrimental to the tourist industry, the Minister may by notice in writing to the licensee suspend the licence for such period as he may consider necessary or desirable, or, as the case may be, revoke the licence from such date as he may specify.

(3) All rights and privileges enjoyed under any licence that is revoked or suspended pursuant to subsection (2) shall cease to have effect upon such revocation or for the period of suspension, as the case may be, but such revocation or suspension shall not in any way affect the liability of any person in respect of any contravention of this Ordinance or of the licence that may have occurred prior to the revocation or suspension.

Right of Appeal.

8. Any person aggrieved by a decision of the Minister—

- (a) granting, refusing to grant, renewing or refusing to renew a licence; or
- (b) revoking or suspending a licence may, within fifteen days of the date of service of the notification required under subsection (2) of section 6 or within fifteen days of the receipt of the notice under subsection (2) of section 7, as the case may be, apply to the Magistrate's Court for redress.

Requirements of licensee.

9. Every licensee whose operations are carried out in any vehicle, on any premises, or who operates a stall, booth or other structure, in a prescribed area shall—

- (a) comply with such requirements as may be prescribed by the Minister in relation to the vehicle, premises, stall, booth or structure;
- (b) maintain such vehicle, premises, stall, booth or structure in a safe and sanitary condition;
- (c) take such steps as may be necessary to ensure that such premises and the area immediately surrounding such stall, booth or structure is reasonably free from litter.

Decal.

10. (1) The Minister shall issue to each licensee a decal to be known as the Tourist Decal.

(2) Every licensee shall display such decal in a conspicuous position in his place of business or on his vehicle in a prescribed area.

(3) The Tourist Decal shall remain the property of the Ministry and may be withdrawn by the Minister at any time if, in the opinion of the Minister, the standards of the licensee do not justify the display by him of such decal.

(4) Where a vendor's licence is suspended or revoked, as the case may be, the licensee shall forthwith return the decal to the Ministry.

(5) In the event of any loss or damage to a decal, the Minister may replace the decal on payment by the licensee of a fee of thirty dollars or such amount as may be required to cover the actual cost of replacement.

Identification card.

11. (1) The Minister shall issue to each licensee an identification card which shall be worn by the licensee whenever he is carrying on business in a prescribed area.

(2) The provisions of subsections (3), (4) and (5) of the preceding section shall apply in like manner to an identification card issued under this section.

Inspectors.

12. (1) Every police officer, customs officer and any other person appointed in writing by the Minister shall be an inspector for the purposes of this Ordinance.

(2) An inspector may, at any reasonable time—

- (a) enter any premises in which he reasonably believes a licensee is carrying on business in a prescribed area;
- (b) inspect any vehicle or premises, or any stall, booth or structure operated by a licensee, in order to ascertain whether the requirements of this Ordinance are being complied with;
- (c) examine any goods displayed or being offered for sale by a licensee;
- (d) make such other examination and enquiry as may be necessary to ascertain whether the provisions of this Ordinance have been or are being complied with.

Offences.

13. (1) Any person who, with intent to deceive—

- (a) forges or uses or lends or allows to be used by any person any licence or identification issued under this Ordinance;
- (b) makes or has in his possession any document so closely resembling such licence or identification, as to be calculated to deceive, commits an offence and shall be liable, on summary conviction, to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(2) Every person who—

- (a) obstructs or hinders any inspector in the performance of his duties;
- (b) bribes or attempts to bribe any inspector in connection with the performance of any of his functions;
- (c) knowingly gives false or misleading information to any inspector;
- (d) produces or furnishes, or causes or knowingly allows to be produced or furnished, any document or information which he knows to be false in a material particular;
- (e) being an inspector accepts any bribe,

commits an offence and shall be liable, on summary conviction, to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(3) If any person is found guilty of any contravention of, or non-compliance with, any of the requirements of this Ordinance for which no penalty is provided, he shall for each offence be liable, on summary conviction, to a fine not exceeding five hundred dollars and in default thereof to imprisonment for a term not exceeding two months.

Imposition of a tax on proceeds of charges for villas.

*14. (1) In this section, unless the context provides otherwise, the following words have the following meanings—

“House of Assembly” means the Nevis Island Assembly as established under section 101 of the Constitution of St. Christopher and Nevis;

“Operator” means a person who, either by himself or through an agent or servant, carries on the trade or business of operating a villa or similar establishment;

“villa” means any property not being a hotel, guest house, cottage or condominium rented by an operator for any period up to three months.

(2) There shall be charged, levied and collected on the proceeds of charges for villas a tax at a rate of nine per centum or at such other rate as the Minister prescribes by Order published in the *Gazette*.

(3) An Order made under subsection (2) shall be subject to the approval of the House of Assembly.

Imposition of Hotel and Restaurant Tax.

15. There shall be charged, levied and collected on the proceeds of—

(a) charges for hotel and guest house accommodation; and

(b) charges for sale of food or beverage or both at every restaurant,

a tax at the rate of two per centum.

(Inserted by Ordinance 12 of 2011)

Collection and recovery of tax.

16. (1) The Deputy Comptroller of Inland Revenue shall be responsible for the collection and recovery of the tax.

(2) Any function conferred under this Ordinance on the Deputy Comptroller of Inland Revenue may be exercised as may be necessary by any officer authorised by him and references in this Ordinance to the Deputy Comptroller for Inland Revenue shall be construed accordingly.

Amendment to the Hotel Accommodation and Restaurant Tax (Amendment) Ordinance, 2001.

17. (1) The Hotel Accommodation and Restaurant Tax (Amendment) Ordinance, 2001 in section 4 is hereby amended by deleting the word “eight” and substituting the word “nine” wherever it may appear.

* Sections 14, 16 and 17 inserted by Ordinance 5 of 2004. Note: Sections 16 and 17 have been renumbered accordingly.

(2) The provisions of the Hotel Accommodation and Restaurant Tax Act as amended for the Island of Nevis shall apply *mutatis mutandis* to the payment, collection and recovery of the tax imposed under this Ordinance.

Delegation by Minister.

18. The Minister may delegate any of his responsibilities under this Ordinance.

Regulations.

19. The Minister may make regulations for the better carrying out of the provisions of this Ordinance and for prescribing anything that needs to be prescribed.

SCHEDULE

(Section 3)

PRESCRIBED AREAS (NEWCASTLE AIRPORT) ORDER

1. This Order may be cited as the Prescribed Areas (Newcastle Airport) Order.
2. The area known as the "Newcastle Airport," as more fully described in the Schedule hereto, is hereby declared to be a prescribed area for the purposes of the Amenities for Tourists Ordinance.

SCHEDULE

ALL THAT portion of land situate at Newcastle in the parish of St. James bounded and measuring as follows:

On or towards the North by lands of sundry owners, 2,467 feet; On or towards the East by Crown Lands, 188 feet and lands of sundry owners 200 feet and 162 feet; On or towards the South by lands of sundry owners 1,317 feet, the Island Main Road 90 feet and 122 feet and Crown lands 122 feet and 940 feet; and On or towards the West by Crown lands 100 feet, 200 feet and 196 feet.
