



ST. CHRISTOPHER AND NEVIS

CHAPTER 18.17

HOTELS AID ACT and Subsidiary Legislation

Revised Edition

showing the law as at 31 December 2002

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, No. 9 of 1986.

This edition contains a consolidation of the following laws—

HOTELS AID ACT

Act 33 of 1956 ... in force 24th December 1956

Amended by: Act 6 of 1976

Act 7 of 1976

Act 9 of 1976

Act 9 of 1986

Act 19 of 1998

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CHAPTER 18.17
HOTELS AID ACT

AN ACT TO MAKE PROVISION ALLOWING PERSONS WHO WISH TO CONSTRUCT HOTELS, OR TO EXTEND THEIR HOTELS, TO IMPORT INTO THE STATE BUILDING MATERIALS AND HOTEL EQUIPMENT FREE OF CUSTOMS DUTIES; AND TO PROVIDE FOR RELATED OR INCIDENTAL MATTERS.

Short title.

1. This Act may be cited as the Hotels Aid Act.

Interpretation.

2. In this Act—

“articles of hotel equipment” means any of the articles specified in the First Schedule or articles so declared to be by Order of the Minister;

(Amended by Act 7 of 1976)

“building materials” means materials of every description for use in connection with the construction of a hotel and all structures appurtenant thereto;

“construct” includes erect, repairs, alter, reconstruct or extend;

“extension to a hotel” means any enlargement of the accommodation of a hotel whether by means of a newly erected building or by the structural alteration of the existing building;

“hotel” means any building or group of buildings (occupied together) for the accommodation for reward of guests and includes the curtilage thereof and all structures within such curtilage, containing or intended to contain when complete not less than ten bedrooms;

“licence” means a licence under section 3;

“licensee” means the holder of a licence under this Act;

“Minister” means the Minister of Finance.

(Inserted by Act 7 of 1976)

Grant of import licences.

3. (1) Subject to the provisions of section 4, the Minister may grant to every person who desires—

- (a) to construct a hotel or an extension to a hotel a licence to import into the State such building materials for use in the construction of such hotel or extension as may be specified in the licence;

- (b) to equip a newly erected hotel or extension to a hotel a licence to import into the State such articles of hotel equipment as may be specified in the licence.

- (2) Every licence granted under subsection (1) of this section shall be in such form and shall be subject to such terms as may be prescribed.

Procedure on application for grant of licences.

4. Every application for the grant of a licence shall be in such form and contain such information and be accompanied by such documents as may be prescribed.

Free entry of building materials and equipment.

5. Every licensee shall be entitled, upon the production of his or her licence, to the proper customs officer, to import into the State in accordance with the terms thereof free of all customs duties such building materials or articles of hotel equipment as may be therein specified.

(Amended by Act 19 of 1998)

Rates of customs duties.

6. (1) Every licensee who satisfies the Comptroller of Customs—

- (a) that any building materials or articles of hotel equipment were purchased by him or her in the State and that customs duties were paid upon the importation into the State of such building materials or articles of hotel equipment; and
- (b) as to the amount of the customs duties so paid,

shall be entitled to be paid an amount equivalent to the amount of drawback which will have been payable under any regulations for the time being in force in relation to the granting of drawback of customs duties, as the case may be, if such building materials or articles of hotel equipment had been exported from the State:

Provided that no provision of any regulation relating to the grant of drawback, restricting the payment of drawback to cases where the goods in respect of which the payment is made are exported within a specified period, shall apply to any payment under this section.

(Amended by Act 19 of 1998)

(2) Every licensee who satisfies the Comptroller of Customs that any building materials or articles of hotel equipment were purchased by him or her in the State and that—

- (a) customs duties were paid upon the importation into the State of such building materials or article of hotel equipment; and
- (b) he or she is unable to ascertain the amount of the customs duties so paid,

shall be entitled to be paid such sum as the Comptroller of Customs may think fit, so however, that no payment under this subsection shall, in the case of building materials or articles of hotel equipment which are rated goods within the meaning of any Act or regulations for the time being in force in relation to customs duties, exceed the lowest preferential rate that has been in force for that description of goods at any time during the two years next preceding the date of purchase by the licensee, and, in the case of any building materials or articles of hotel equipment liable under any Act for the time being in force relating to customs duties, to an *ad valorem* duty, exceed nine per centum of the purchase price where the lowest preferential *ad valorem* rate that has been in force for that description of goods for a period of two years prior to the date of supply was fifteen per centum and *pro rata* where other *ad valorem* rates have been in force during such period.

(Amended by Act 19 of 1998)

Building materials and hotel equipment not to be used for any purpose other than that for which imported.

7. (1) Subject to the provisions of section 8, where any building materials or articles of hotel equipment have been imported into the State under a licence, or any sum has been paid under section 6 in respect of any building materials or articles of

hotel equipment, such building materials or articles of hotel equipment shall not be sold, exchanged, given away, exported from the State or applied for any purpose other than use in connection with the construction or equipment of the hotel to which the licence in which those building materials or articles of hotel equipment were specified relates, within three years of the date of the importation of such articles or of the making of the payment under section 6.

(2) Every person who contravenes subsection (1) shall, on summary conviction, be liable to a fine not exceeding five thousand dollars or to be imprisoned for a term not exceeding twelve months or to both such fine and imprisonment.

(Amended by Act 9 of 1986)

Comptroller of Customs may permit disposal of materials etc.

8. (1) Where the Comptroller of Customs is satisfied that any building materials or articles of hotel equipment which have been imported into the State under a licence or in respect of which any payment has been made under section 6 are no longer required for the purpose of the hotel in respect of which the import licence was granted, he or she may grant a permit to the licensee to dispose of such building materials or articles of hotel equipment in such manner as he or she thinks fit.

(2) No permit shall be granted under subsection (1) until the licensee has paid to the Comptroller of Customs, or has given security to the satisfaction of the Comptroller of Customs that he or she will so pay, all sums which would have been payable by way of customs duty upon the importation of such building materials or articles of hotel equipment or a sum equivalent to the amount of drawback paid to the licensee in respect of such building materials and articles of hotel equipment under section 6.

(Amended by Act 19 of 1998)

Articles of hotel equipment to be marked.

9. Every article of hotel equipment imported under a licence or in respect of which any sum has been paid under section 6 shall be marked with such mark and in such manner as may be prescribed.

Inventory of hotel equipment to be kept.

10. (1) Where any articles of hotel equipment have been imported under a licence or any sum has been paid under section 6 in relation to any articles of hotel equipment specified in a licence, the proprietor for the time being of the hotel to which the licence relates shall cause an inventory to be kept of all such articles.

(2) Every inventory under this section shall be kept in such form as may be prescribed.

(3) Every inventory kept under this section shall be open to inspection at all reasonable times by any person authorised in writing by the Comptroller of Customs and the person performing such inspection shall be permitted to do all acts or things necessary to satisfy himself or herself that the articles enumerated in the inventory are upon the premises of the hotel at the time of such inspection.

Power to revoke licence.

11. Where the Minister is satisfied that any licensee has—

- (a) obtained the grant of any licence by any false statement;
- (b) abused or mis-used any import licence;

- (c) broken or failed to comply with any condition of such licence; or
- (d) failed to pay any sum payable by him or her under the provisions of this Act,

he or she may either suspend the operation of such import licence for such time and subject to such conditions as he or she may think fit or may revoke such licence.

(Amended by Act 6 of 1976)

Employment of Commonwealth citizens.

12. Except with the consent of the Minister, at least three-fifths of the number of persons employed in the construction and maintenance of, and in any other activity in relation to, any hotel in respect of which a licence has been granted under section 3 shall be Commonwealth citizens.

(Amended by Acts 6 of 1976)

Penalty for refusing accommodation or service.

13. Any person who, without lawful excuse, (the proof whereof shall lie on him or her) refuses accommodation or service to any member of the public who applies to his or her hotel for the same, commits an offence against this Act, and on conviction shall be liable to a fine not exceeding seven hundred and fifty dollars or to imprisonment with hard labour for a term not exceeding two months, or to both such fine and imprisonment, and in addition thereto, any licence granted under section 3 may be cancelled or suspended.

(Amended by Acts 7 of 1976 and 9 of 1986)

Responsibility of employer for act of employee.

14. In the case of proceedings against a person under this Act for or in connection with breaches by an employee of the provisions of the previous section—

- (a) it shall not be a defence that the employee acted without the authority of the employer; and
- (b) any material fact known to the employee shall be deemed to have been known to the employer.

Regulations.

15. (1) The Minister may make regulations for carrying this Act into effect.

(Amended by Act 6 of 1976)

(2) Without prejudice to the generality of the power conferred by subsection (1), regulations may be made under that subsection—

- (a) prescribing the form of, and the information to be contained in, and the documents to accompany, any application for a licence under section 3;
- (b) prescribing the form in which and the terms subject to which any licence may be granted under section 3;
- (c) prescribing the type of mark to be affixed to any article and the manner in which such mark shall be affixed;
- (d) prescribing the form of any inventory kept under this Act.

(3) Unless and until other provisions shall be made under subsection (1) the regulations contained in the Second Schedule shall have effect.

Power to change Schedule.

16. The Minister may, by Order, declare articles to be “articles of hotel equipment” in addition to those set out in the First Schedule.

(Inserted by Act 7 of 1976)

FIRST SCHEDULE

(Section 2)

Bedsteads, bedsprings, chairs, tables, washhand stands, sofas, wardrobes, presses, billiard tables and their appliances, pianos, organs, radios, dynamos, air conditioning apparatus and appliances, refrigerating apparatus and appliances, mirrors, pillows, mattresses, crockery, silver and plated tableware, table glassware, cutlery, kitchen utensils including stoves, iceboxes, bed linen, table linen, towels, rugs, carpets, office equipment and calculating machines including cash registers, sports gear, and bar equipment and appliances.

SECOND SCHEDULE

(Section 15(3))

HOTELS AID REGULATIONS**Citation.**

1. These Regulations may be cited as the Hotels Aid Regulations.

Particulars to be printed.

2. The particulars contained in every form or document prescribed by these Regulations shall be printed, typed or written thereon legibly in ink or some other indelible material.

Form of application for a licence to construct.

3. Every application for a licence to construct or to equip a hotel shall be in the form set forth as Form 1 in Schedule 1 to these Regulations and shall be accompanied by—

- (a) the certificate of incorporation of the Company or an authenticated copy thereof, where a Company is the applicant if so required;
- (b) a plan or diagram drawn to a scale of not less than one inch to every hundred feet of the lands whereon the hotel is built or proposed to be constructed if so required;
- (c) proper plans and drawing on a scale not smaller than one-eighth of an inch to one foot of the hotel to be constructed, together with a specification indicating the dimensions of such hotel and the materials with which the same is proposed to be constructed and the estimated quantities of such of the materials as will have to be imported for such purpose;

- (d) a full descriptive list of the articles of hotel equipment necessary to be imported for the purpose of equipping such hotel and the market value thereof at the port of shipment;
- (e) a statement of the period within which such hotel is to be equipped or such hotel constructed or opened for business and such other particulars and information as the Minister may from time to time by notification in the *Gazette* require for the purposes of these Regulations.

Form of Licence.

4. Every licence shall be in the form set forth as Form 2 in First Schedule 1 to these Regulations.

Form of Inventory.

5. Every inventory required to be kept by section 10 of the above Act shall be in the form set forth as Form 3 in Schedule 1 to these Regulations.

Licensee to make articles of hotel equipment.

6. (1) Every licensee shall, in the manner provided in Schedule 2 to these Regulations, within one month of the date of the importation or purchase, as the case may be, legibly and permanently mark, stamp or engrave every article of hotel equipment imported under a licence granted to him or her or in respect of which any sum has been paid to him or her under section 6 of the above Act.

(2) Every licensee who fails to comply with the provisions of this regulation shall be liable, on summary conviction before a Magistrate, to a fine not exceeding five hundred dollars or to imprisonment with hard labour for any term not exceeding four months.

SCHEDULE 1 TO THE REGULATIONS

FORM OF APPLICATION

FORM 1

Pursuant to sections 3 and 4 of the Hotels Aid Act, I hereby make application to the Minister for a licence to import into this State such building materials or articles of hotel equipment as are specified in the documents accompanying this application and I submit the following particulars:

Surname and christian name of applicant

Address of applicant

Situation of hotel

Where application is in respect of articles of equipment }
the purpose for which they are to be imported should be stated.

Dated this day of 20

.....
Signature of applicant.

FORM OF LICENCE

FORM 2

Whereas due application has been made to the Minister for a licence herein under the Hotels Aid Act by Hotel Proprietor (hereinafter called "the Licensee") NOW THEREFORE I, the Minister by and with the advice of Cabinet under and by virtue of the powers contained in section 3 of the Hotels Aid Act, DO HEREBY GRANT a licence to the Licensee with regard to a certain Hotel situate at being a Hotel as defined in section 2 of the Hotels Aid Act, AND this is to license and permit the Licensee to import between the (date) and the (date) and to land at any port in this State for the construction and/or equipment of the said Hotel the building materials or articles of hotel equipment set out or described in the Schedule hereto and the Licensee shall be entitled on production of this licence to the proper Customs Officer and subject to the terms hereof to import into this State the said goods enumerated or referred to in the Schedule hereto free of all Customs duties.

GRANTED at Basseterre this day of 20

.....
Minister.

FORM OF INVENTORY

FORM 3

Name of Hotel
Situation
Parish
Name of Proprietor

Date of importation
or of local purchase

Articles

Number

Description

I certify that the foregoing is a true inventory of the articles imported or purchased locally for use in connection with the construction or equipment of the above hotel.

.....
Signature.

SCHEDULE 2 TO THE REGULATIONS

Every article shall be marked in such manner so that the mark may be easily recognised and the mark shall consist of the following letters arranged in the following orders:

H O
C N A