



ST. CHRISTOPHER AND NEVIS

CHAPTER 20.56

PASSENGER FACILITY CHARGE ACT

Revised Edition

showing the law as at 31 December 2009

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This edition contains a consolidation of the following laws—

PASSENGER FACILITY CHARGE ACT

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CHAPTER 20.56

PASSENGER FACILITY CHARGE ACT

AN ACT TO PROVIDE FOR THE IMPOSITION OF A PASSENGER FACILITY CHARGE AND TO PROVIDE FOR RELATED MATTERS.

Short title.

1. This Act may be cited as the Passenger Facility Charge Act.

Interpretation.

2. In this Act, except where the context otherwise requires—

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

“airport” means the Robert Llewellyn Bradshaw International Airport or the Vance Amory International Airport or any other authorised port of entry by air;

“IATA” means the International Air Transport Association;

“Minister” means the Minister responsible for Finance;

“NASPA” means the Nevis Air and Sea Ports Authority established pursuant to the Nevis Air and Sea Ports Authority Act, No. 1 of 1995;

“operating carrier” means the specific air carrier on which a passenger arrives in Saint Christopher and Nevis;

“passenger” means a person on board an aircraft other than the crew;

“SCASPA” means the Saint Christopher Air and Sea Ports Authority established pursuant to the Saint Christopher;

“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;

“weekly” means within the period of seven days commencing on a Monday and ending on the Sunday of that period.

Passenger facility charge.

3. (1) There shall be payable by every air carrier in respect of each passenger arriving in St Christopher and Nevis a passenger facility charge.

- (2) The passenger facility charge payable is as set out in the Schedule.

- (3) The monies paid as passenger facility charge shall form part of the funds of SCASPA and NASPA and shall be used to maintain and upgrade passenger facilities.

Exempt passengers.

4. An air carrier shall not be required to pay the passenger facility charge in respect of the following—

- (a) a child under the age of two years at the time of travel;
 - (b) a member of the crew of an arriving 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 and *vice versa*;
- (f) a person travelling on a military, scientific or meteorological flight and to whom no ticket has been issued;
- (g) a person travelling on a diplomatic passport; or
- (h) such other persons as the Minister may by Order exempt.

Collection of passenger facility charge.

5. (1) The passenger facility charge shall be collected by—
- (a) the ticketing air carrier or its agent at the time of issue of the ticket;
 - (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 arrival in Saint Christopher and Nevis.
- (2) For the purposes of this section, “general aviation flight” means a flight other than a commercial air transport operation or aerial work operation.
- (3) The passenger facility charge amount shall be shown separately from the fare on the ticket if it is collected at the same time that the ticket is issued.

Remittance of passenger facility charge.

6. (1) An operating carrier shall, pursuant to subsection (3), (4) or (5) remit to SCASPA, NASPA or to IATA the amount due for its route sector to Saint Christopher and Nevis.
- (2) The revenue from the passenger facility charge shall be accounted for separately by the operating carrier.
- (3) Where the operating carrier is a member of IATA, the operating carrier shall remit the passenger facility charge to the IATA and SCASPA shall collect the monies from IATA.
- (4) Where the operating carrier is not a member of IATA and the final destination of the passenger is Saint Christopher, the operating carrier shall remit the passenger facility charge to SCASPA.
- (5) Where the operating carrier is not a member of the IATA and the final destination of the passenger is Nevis, the operating carrier shall remit the passenger facility charge to NASPA.
- (6) The monies collected by SCASPA pursuant to subsection (3) shall be divided between SCASPA and the NASPA in such manner as may be agreed having regard to the proportion of passengers arriving into the Federation at the airports for which the two authorities are responsible.
- (7) An operating carrier shall remit the monies collected as passenger facility charge to SCASPA, NASPA or to IATA as the case may be, within thirty days from the date on which a report under subsection (3) of section 8 is due.

Collection and Refund.

7. Where any change to the intended itinerary of a passenger involving an arrival in Saint Christopher and Nevis requires an adjustment of the amount paid by the passenger, there shall be a collection or refund of the passenger facility charge, as the case may be, by the operating carrier or agent as appropriate.

Reporting requirement.

8. (1) It shall be the duty of the operating carrier to submit to the SCASPA, NASPA or to IATA as appropriate, a weekly report together with a copy of the passenger manifest for every flight arriving in Saint Christopher and Nevis.

(2) Each weekly report submitted by the operating carrier shall contain the following information—

- (a) the name of the operating carrier;
- (b) the flight number;
- (c) date of arrival;
- (d) the type of aircraft used including manufacture and series;
- (e) the total number of passengers arriving on the flight for whom the facility charge is payable;
- (g) the number of passengers exempted from payment of the passenger facility charge;
- (h) the total passenger facility charges collected.

(3) Every report shall be submitted no later than fourteen days following arrival of the flight into Saint Christopher and Nevis.

Administration fee.

9. (1) Where any operating carrier has discharged its obligation in the remittance of the passenger facility charge payment to SCASPA, NASPA or to IATA in the time specified, there shall be paid to such operating carrier an administration fee for each passenger facility charge paid by the operating carrier.

(2) The administration fee payable shall be as agreed between the operating carrier and SCASPA or NASPA except that in respect of monies remitted pursuant to section 6(3), the administration fee shall be paid by SCASPA having regard to the proportion of passengers arriving into the Federation at the airports for which the two authorities are responsible.

(3) The administration fee shall be calculated on a quarterly basis and shall only be paid to the operating carrier for any quarter where—

- (a) the passenger facility charge amounts for that quarter have been received within the time specified; and
- (b) the passenger facility charge amounts of the previous quarter have been fully remitted.

(4) For the purposes of this section, the term “quarter” means a period of three calendar months.

Penalties.

10. (1) Any operating carrier which is in default of payment or settlement of the passenger facility charge invoice when due shall be charged a penalty of twenty percent of the passenger facility charge amount for each month or portion of the month that the payment remains outstanding.

(2) An operating carrier that fails to make a report within the period specified in section 8 is liable to pay a penalty of one hundred United States dollars per month or part thereof in respect of the report.

(3) SCASPA or NASPA shall impose a penalty equal to two hundred percent of the deficient passenger facility charge amount where a spot check on the reported arriving passengers reveals significant deficiencies in the reported figures.

(4) For the purposes of this section “significant deficiency” is defined as deficiency of five percent or more of the total number of passengers covered by the spot check.

(5) The right of SCASPA or NASPA to collect the passenger facility charge invoiced amounts is without prejudice to the penalties imposed.

Disputes.

11. Any disputes or differences arising under section 6, 7, 8, 9 and 10 of this Act shall be referred to the Minister for settlement and shall be determined within one (1) month of registering such complaint.

Regulations.

12. The Minister may make Regulations for the better administration of this Act and, in particular without prejudice to the generality of the foregoing, may make Regulations for—

- (a) prescribing all matters which maybe required or permitted to be prescribed;
- (b) regulating the procedure for the settlement of disputes;
- (c) prescribing any forms required under this Act.

Amendment of Schedule.

13. (1) The Minister may by Order amend the Schedule.

(2) Any amendment to the Schedule made pursuant to subsection (1) shall be subject to negative resolution of the National Assembly.

SCHEDULE

(Section 3)

Passenger Facility Charge payable by every Air Carrier in respect of each Passenger arriving in Saint Christopher and Nevis from a place outside Saint Christopher and Nevis.

Description of Passenger	Amount of Passenger Facility Charge
Every Passenger	US 10.00
