



BERMUDA

HOTELS CONCESSION (FAIRMONT HAMILTON PRINCESS) ORDER 2013

BR 68 / 2013

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WHEREAS Hamilton Properties Ltd. has by application dated 10 April 2013 applied for a hotel concession order under section 3 of the Hotels Concession Act 2000 in respect of the Fairmont Hamilton Princess redevelopment;

WHEREAS the Minister responsible for Tourism, having considered the application, is satisfied that the hotel redevelopment is in the national economic interest of Bermuda;

The Minister responsible for Tourism, with the agreement of the Minister of Finance, in exercise of the powers conferred upon him by section 4 of the Hotels Concession Act 2000, makes the following order:

[NB formerly "Hotels Concession (Fairmont Hamilton) Order 2013". Title amended by BR 65 / 2014 para. 5]

Citation

1 This Order may be cited as the Hotels Concession (Fairmont Hamilton Princess) Order 2013.

[Paragraph 1 amended by BR 65 / 2014 para. 5 effective 9 August 2014]

Interpretation

2 In this Order—

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“Act” means the Hotels Concession Act 2000;

“hotel” means the Fairmont Hamilton Princess as redeveloped by the hotel developer;

“hotel developer” means Hamilton Properties Ltd., a company incorporated in Bermuda on 10 January 1984;

“hotel redevelopment” means Phase 1 of the Fairmont Hamilton Princess redevelopment described in the hotel developer’s application submitted under section 3 of the Act;

“opening date” means the date on which the hotel redevelopment is certified by the Minister to be complete.

[Paragraph 2 amended by BR 65 / 2014 para. 5 effective 9 August 2014]

Concessions

3 (1) Subject to paragraph 4, the hotel developer shall in respect of the hotel redevelopment be entitled to the following concessions—

- (a) for a period beginning with the opening date and ending on the fifth anniversary of that date, full exemption from land tax otherwise payable in respect of the hotel;
- (aa) full relief from customs duty until a year after the hotel’s opening date in respect of any building materials, furnishings, fixtures and equipment which are necessary for the building, furnishing and equipping of the hotel redevelopment;
- (b) for a period beginning with the opening date and ending on the fifth anniversary of that date, full exemption from hotel occupancy tax (Hotel Occupancy Tax I) otherwise payable in respect of the hotel, for an amount equal to the sum expended by the hotel developer on marketing the hotel;
- (c) for a period beginning with the opening date and ending on the fifth anniversary of that date, full exemption from hotel occupancy tax (Hotel Occupancy Tax II) otherwise payable in respect of the hotel, for an amount equal to the sum expended by the hotel on entertainment provided by Bermudian entertainers;
- (d) for a period beginning with the opening date and ending on the fifth anniversary of that date, full exemption from the employer’s share of the payroll tax otherwise payable in respect of persons employed by the hotel.

(2) For the purposes of subparagraph (1)(d), the employer’s share of payroll tax means that portion of payroll tax which the employer is not entitled to deduct from an employee’s wages under section 19 of the Payroll Tax Act 1995.

[Paragraph 3(1)(aa) inserted by BR 65 / 2014 para. 5 effective 9 August 2014]

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Terms and conditions

4 (1) To qualify for the full exemption from hotel occupancy tax (Hotel Occupancy Tax I) under paragraph 3(1)(b) the hotel developer must, for the relevant period—

- (a) show to the satisfaction of the Minister that sums equal to the amount of the exemption claimed have been expended by the hotel developer on the marketing of the hotel;
- (b) comply with guidelines on the marketing of the hotel issued by the Minister; and
- (c) provide an annual audited statement of accounts showing the amounts expended on such marketing.

(2) To qualify for the full exemption from hotel occupancy tax (Hotel Occupancy Tax II) under paragraph 3(1)(c) the hotel developer must, for the relevant period—

- (a) show to the satisfaction of the Minister that entertainment has been provided at the hotel by Bermudian entertainers in accordance with guidelines issued by the Minister; and
- (b) provide an annual audited statement of accounts showing the amounts expended on such entertainment.

(3) To qualify for the full exemption from the employer's share of the payroll tax under paragraph 3(1)(d) the hotel developer must, for the relevant period—

- (a) comply with guidelines on the training of Bermudian employees issued by the Minister;
- (b) satisfy the Minister that appropriate training has been provided in accordance with the guidelines; and
- (c) provide an annual audited statement of accounts showing the amounts expended on such training.

(4) In this paragraph, "relevant period" means the period for which the exemption is claimed.

Made this 22nd day of July 2013

Minister of Tourism Development and Transport

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[Amended by:

BR 65 / 2014]