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# HARBOUR DUES (AMENDMENT) ACT, 2019

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No. 35 of 2019

## HARBOUR DUES (AMENDMENT) ACT, 2019

### AN ACT TO AMEND THE HARBOUR DUES ACT

[Date of Assent - 11<sup>th</sup> November, 2019]

#### Enacted by the Parliament of The Bahamas

#### 1. Short title and commencement.

- (1) This Act may be cited as the Harbour Dues (Amendment) Act, 2019.
- (2) This Act shall come into force on such date to be appointed by the Minister by Notice published in the *Gazette*.

#### 2. Amendment of section 2 of the principal Act.

Section 2 of the principal Act is amended by the insertion in the appropriate alphabetical order of the following —

“**Comptroller**” means the Comptroller of Customs as defined in the Customs Management Act, 2011 (*No. 30 of 2011*);

“**Cruise Lines**” mean any cruise ship or other vessel operator calling at the Cruise Port that will be liable to pay Passenger Facility Charges and/or Port Facility Charges in order to use the Cruise Port;

“**Cruise Port**” means the area including the inner harbour and facilities at Prince George’s Wharf;

“**Operator**” means an entity who has entered a commercial operation and lease agreement pursuant to which it is vested with the right and privilege to manage and operate the Cruise Port by the Government;

“**Passenger Facility Charges**” means the passenger charges to be collected by the Operator from Cruise Lines for every Passenger Movement;

“**Passenger Movement**” means every embarking and disembarking passenger on a home port operation and/or turnaround operation

and every passenger arriving on a port of call operation or in-transit at the Cruise Port, whether or not such passenger disembarks, which will be based on the Cruise Lines manifest;

**“Port Facility Charges”** means the charges to be collected by the Operator from Cruise Lines alongside Prince George’s Wharf (with respect to pierage and tonnage, and for berthing and mooring services) for every Passenger Movement;

**“Services”** means all the relevant services to be provided by or on behalf of the Operator at and/or within Prince George's Wharf;”.

**3. Amendment of section 4 of the principal Act.**

Subsection 4(1) of the principal Act is amended by the insertion immediately before the words “There shall be charged, levied...” of the words “Except for Cruise Lines,” and the following word “There” will begin with a lower case letter.

**4. Amendment of section 5 of the principal Act.**

Subsection 5(1) of the principal Act is amended by the insertion immediately before the words “There shall be charged, levied...” of the words “Except for Cruise Lines,” and the following word “There” will begin with a lower case letter.

**5. Insertion of new section 5A into the principal Act.**

The principal Act is amended by the insertion immediately after section 5 of the following —

**“5A. Passenger facility charges and port facility charges.**

- (1) There shall be charged, levied, collected and paid to the Operator, on all Cruise Lines for use of the port facilities of Prince George's Wharf, including but not limited to —
  - (a) charges for Services;
  - (b) in relation to each Passenger Movement —
    - (i) Passenger Facility Charges; and
    - (ii) Port Facility Charges.
- (2) The tariff of Passenger Facility Charges and Port Facility Charges in subsection (1) shall be subject to annual review by the Operator and may be varied from time to time.”.

**6. Amendment of section 7 of the principal Act.**

Section 7 of the principal Act is repealed and replaced as follows —

**“7. Collections to be made by Comptroller or Operator.**

- (a) All rates, and other charges, except for those charges in section 5A imposed by this Act, paid to and collected by the Comptroller shall be paid by him to the Treasurer;
- (b) All rates, fees and charges in section 5A imposed by this Act and paid to and collected by the Operator shall be retained by him.”.

**7. Repeal of Act No. 18 of 2018.**

The Harbour Dues (Amendment) Act, 2018, (*No. 18 of 2018*) is hereby repealed.