

CHAPTER 59**AIRPORT SERVICE CHARGE****ARRANGEMENT OF SECTIONS****SECTION**

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CHAPTER 59

AIRPORT SERVICE CHARGE

An Act to provide for the imposition of an airport service charge on persons travelling out of Barbados from Grantley Adams International Airport, for the collecting of the charge so imposed, and for matters incidental thereto or connected therewith.

1967-58.
1970-30.
1971-43.
1972-24.
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1983-35.
1984-42.
1989-20.
1991-6.
2003-3.

[1st September, 1967] Commence-
ment.

1. This Act may be cited as the *Airport Service Charge Act*. Short title.

2. For the purposes of this Act, Interpretation.

"aircraft" means any machine for flying, whether propelled by mechanical means or not, and includes any description of balloon;

"the Airport" means the Grantley Adams International Airport; 1983-35.

"the Airport service charge" means the charge imposed by section 3;

"carrier" means

- (a) any person (whether incorporated or not) transporting passengers by aircraft on any flight from the Airport to any place outside Barbados;
- (b) the pilot or other person in command or control of the transporting aircraft;
- (c) the agent in Barbados of any person referred to in paragraph (a); and
- (d) if the person referred to in paragraph (a) or the agent referred to in paragraph (c) is a corporation, every director and manager of that corporation;

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2003-3. "Collector" means the Grantley Adams International Airports Inc.;

Cap. 190. "immigration officer" means the Chief Immigration Officer and any immigration officer appointed under the *Immigration Act*;

"traveller" means a person who proposes to travel from the Airport to any place outside Barbados.

Airport
service
charge.
1984-42.
1989-20.
1991-6.

3. (1) Subject to this Act, there shall be paid by a traveller on each occasion that he leaves the Airport for a place outside Barbados a charge of \$25, to be known as the Airport service charge.

- (2) The Airport service charge shall not be payable by
- (a) the Governor-General, his wife or children under the age of 18 years;
 - (b) members of the House of Assembly or the Senate;
 - (c) the wives, husbands or children under the age of 18 years of members of the House of Assembly or Senate when travelling with such members;
 - (d) guests of the Government;
 - (e) persons travelling on Government business;
 - (f) subject to subsection (3), the official representatives of the Government of any country and their wives or children under the age of 18 years when travelling with them;
 - (g) staff members of international organisations who, in accordance with the terms of the agreement of their respective organisations and the Government of Barbados, are entitled to exemption from the payment of any charges or taxes on travel undertaken in the performance of their duties;
 - (h) members of the Police Force, the Barbados Defence Force or the armed forces of any friendly country when travelling on official duty;

- (i) children under the age of 12 years;
- (j) intransit passengers remaining in Barbados for a period not exceeding 1 day;
- (k) members of the crew of any aircraft;
- (l) persons travelling in any aircraft the weight of which is less than 6 000 pounds gross; or
- (m) such other persons or classes of persons as the Minister may by order specify.

(3) The Minister responsible for Finance may, for any period during which he is satisfied that the Government of any country is failing to accord in respect of Barbados a corresponding immunity to that granted by paragraph (f) of subsection (2), withdraw in respect of that country the immunity granted by that paragraph.

4. (1) Every carrier transporting from Barbados to any place outside Barbados any traveller by whom the airport service charge is payable shall collect the charge from such traveller and pay it over to a Collector after deducting for his own use a commission of 2.5 per cent of the amount of the charge.

Duty of carrier to collect charge. 1972—24. 1976—18.

(2) Any carrier failing to collect any airport service charge which he is required by subsection (1) to collect shall, notwithstanding such failure, pay to a Collector the amount of such charge required to be paid in accordance with subsection (1).

(3) Any amount which a carrier is required to pay to a Collector pursuant to this section shall be due and payable without further demand immediately before the departure from the Airport of the aircraft transporting the travellers in respect of whom that amount is payable or within such period after the departure of the aircraft and in such manner and subject to such conditions as may be prescribed either generally or in any particular case.

(4) Every carrier shall, in relation to the airport service charge, keep such records and furnish such returns in such form and to such persons as may be prescribed.

(5) Any claim to entitlement to exemption from the airport service charge pursuant to subsection (2) of section 3 which cannot be resolved by the carrier shall be referred to an immigration officer and the decision of the immigration officer thereon shall, subject to section 8, be final.

(6) For the purpose of deciding any claim pursuant to subsection (5) an immigration officer may make such enquiries (either of the traveller or of any other person) as he thinks fit.

5. (1) Any person who, for the purpose of evading payment by himself or by any other person of the airport service charge,

Offences.

knowingly makes any false statement or false representation shall be liable on summary conviction to a fine of \$150 or to imprisonment for 3 months.

(2) Any carrier who fails or neglects to make a return in accordance with the requirements of this Act or any regulations, or knowingly makes in any such return any false statement or false representation shall be liable on summary conviction to a fine of \$240.

(3) Any person who fails, without reasonable cause, to furnish to an immigration officer any information required by the immigration officer for the purposes of subsection (6) of section 4 shall be liable on summary conviction to a fine of \$50.

Enforcing
payment of
charge.

6. Where any airport service charge, being due and payable pursuant to section 4, remains unpaid

(a) the full amount of such charge may be recovered as a debt due to the Crown in civil proceedings before a Magistrate of District "A" notwithstanding that such amount exceeds the normal monetary limit on the civil jurisdiction of that magistrate's court;

Cap. 66.

(b) the proper officer within the meaning of the *Customs Act* may withhold clearance under that Act of the aircraft transporting the travellers in respect of whom the charge is payable if he is not satisfied that adequate arrangements for the payment thereof have been made.

Power of
court to
order pay-
ment of
charge.

7. A court of summary jurisdiction shall, in addition to any penalty it may impose on any person under this Act, order the payment to a Collector of any airport service charge due and payable by that person and may order, in default of such payment, imprisonment of that person for a period not exceeding 3 months.

Refunds.

8. (1) Any person who proves to the satisfaction of a Collector that he has paid, on account of the airport service charge, an amount in excess of the amount which he is properly required to pay pursuant to this Act shall be entitled to have the amount so

paid in excess refunded, and the Accountant-General is hereby authorised to make the refund accordingly.

(2) No claim for a refund under this section shall be entertained after the expiration of 6 months from the date on which payment of the amount in dispute was made.

9. The Minister may make regulations to provide for

Regulations.

- (a) the production to, and inspection by, such persons as may be prescribed of documents used and records kept by any person for the purpose of determining that the airport service charge has been collected and accounted for in accordance with this Act or any regulations;
 - (b) the furnishing to a Collector or to persons authorised by him of such information and such returns, certificates and other documents as may be prescribed;
 - (c) anything required to be prescribed by this Act;
 - (d) any other matter or thing whether similar or not to those above mentioned in respect of which it may be expedient to make regulations to give effect to the purpose of this Act.
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