

ANTIGUA AND BARBUDA



THE AIRPORT ADMINISTRATION CHARGE ACT, 2012

No. 3 of 2012

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THE AIRPORT ADMINISTRATION CHARGE ACT, 2012

ARRANGEMENT

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Schedules

FIRST SCHEDULE

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[L.S.]



I Assent,

Louise Lake-Tack,
Governor-General.

24th July, 2012

ANTIGUA AND BARBUDA

THE AIRPORT ADMINISTRATION CHARGE ACT, 2012

No. 3 of 2012

AN ACT to make provision for the establishment of an Airport Administration Charge which shall be applied to facilitate the operational costs, capital and expenditure requisite for the maintenance and upkeep of the airport, for the collection and management of the proceeds generated by the establishment of the charge and for incidental and connected purposes.

ENACTED by the Parliament of Antigua and Barbuda as follows:

1. Short title.

This Act may be cited as the Airport Administration Charge Act, 2012.

2. Interpretation.

In this Act—

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

“Authority” means the Airport Authority established under section 3 of the Airport Authority Act 2006, No. 17 of 2006;

“charge” means the Airport Administration Charge established by section 3;

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

“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.

3. Airport Administration Charge.

(1) There is established an Airport Administration Charge which is payable to the Authority by every air carrier in respect of each passenger arriving in or departing from Antigua and Barbuda.

(2) The charge shall be payable as prescribed in the First Schedule.

4. Exempt passengers.

An air carrier is not required to pay the charge in respect of the following passengers—

- (a) children under the age of two (2) years at the time of travel;
- (b) positioning air crew;
- (c) persons taking part in training flights;
- (d) passengers travelling on the domestic sector between the islands of Antigua and Barbuda;
- (e) persons travelling on military, scientific or meteorological flights to whom no ticket has been issued;
- (f) persons using diplomatic passports as their travel documents; and
- (g) persons transiting through Antigua and Barbuda and who depart from Antigua and Barbuda within 24 hours.

5. Collection.

(1) The charge shall be collected by—

- (a) the ticketing 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) the local passenger handling agent at the time of arrival in Antigua and Barbuda, in the case of general aviation flights.

(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 charge amount shall be shown separately from the fare on the ticket when collected at the time the ticket is issued.

6. Declaration.

(1) An air carrier is required to make a declaration of the collection of the charge in respect of each calendar month, within seven days of the end of that calendar month.

(2) A declaration under subsection (1) shall be made in the manner prescribed in the Second Schedule and shall be transmitted to the Authority in a manner to be specified by the Authority.

7. Records.

(1) An air carrier shall retain records of its collection of the charge for a period of six years to facilitate the verification of the information contained in the declarations made pursuant to this Act by the Authority.

(2) The records referred to in subsection (1) shall be made available to the Authority upon the request of the Authority and the air carrier shall be responsible for the expense of facilitating that request.

8. Invoicing and payment.

Invoicing and collection of the amounts due as per the declarations submitted shall be effected in the manner designated by the Authority.

9. Penalties.

(1) Any air carrier which is in default of payment or settlement of the charge invoice when due shall be charged a penalty of five hundred United States dollars for each day that the carrier delays in fulfilling the obligations under section 6.

(2) The Authority shall impose a penalty equal to 200% of the deficient charge due where a verification of the reported passenger figures reveals a significant deficiency in the reported figures.

(3) For the purposes of this section "a significant deficiency" is defined as a deficiency of 5% or more of the total number of passengers on any flight.

10. Environmental Charge.

An amount of \$1US per charge shall be remitted by the Authority to the National Solid Waste Management Authority.

11. Airport Administration Charge Fund

(1) There is established a special fund to be known as the Airport Administration Charge Fund.

(2) The special fund established under subsection (1) shall be treated as if it were a special fund established under section 42 of the Finance Administration Act, 2006 No. 23 of 2006 and the provisions of that Act shall apply to the special fund.

(3) Payments of all charge revenue when collected in the manner prescribed herein shall be paid into the Airport Administration Charge Fund.

(4) The Airport Administration Charge Fund shall be administered in accordance with the manner prescribed for the administration of the funds of the Authority under the Airport Authority Act, 2006 No. 17 of 2006.

12. Regulations.

The Minister may make regulations for the better administration of this Act.

13. Amendment of the schedules.

(1) The Minister may by regulation amend the Schedules to this Act.

(2) Regulations made under subsection (1) are subject to negative resolution of the House of Representatives.

FIRST SCHEDULE

(1) The amount to be paid in respect of the Airport Administration Charge shall be—

(a) in the case of each arriving passenger US\$37.50; and

(b) in the case of each departing passenger US\$37.50.

(2) The charge shall be collected at the time of sale of a ticket.

(3) Where a passenger uses one airline for entry into Antigua and Barbuda, travels to another destination and returns to Antigua and Barbuda, the charge shall be paid for the journey to and the journey from Antigua and Barbuda when the passenger is returning to his place of origin.

(4) Under paragraph (3) the tax shall not be paid on the part of the passenger's journey to the other destinations before returning to Antigua and Barbuda for departure back to his place of origin.

SECOND SCHEDULE

(section 6)

Passed by the House of Representatives on the
30th May, 2012.

Passed by the Senate on the 22nd June, 2012.

D. Gisele Isaac-Arrindell,
Speaker.

Hazlyn M. Francis,
President.

Romona Small,
Clerk to the House of Representatives.

Romona Small,
Clerk to the Senate.