

**BELIZE:**

**STAKE BANK CRUISE DOCKING FACILITY  
DEVELOPMENT (AMENDMENT) ACT, 2017**

**ARRANGEMENT OF SECTIONS**

1. Short title and construction.
2. Amendment of long title.
3. Amendment of section 2.
4. Repeal and replacement of section 3.
5. Amendment of section 6.
6. Amendment of section 7.
7. Insertion of new sections 8 and 9.
8. Commencement.



**No. 53 of 2017**

**I assent,**

**(SIR COLVILLE N. YOUNG)**

*Governor-General*

29<sup>th</sup> December, 2017.

**AN ACT to amend the Stake Bank Cruise Docking Facility Development Act, No. 10 of 2014, to make it consistent with the Definitive Agreement made in that regard; and to provide for matters connected therewith or incidental thereto.**

*(Gazetted 30<sup>th</sup> December, 2017)*

***BE IT ENACTED, by and with the advice and consent of the House of Representatives and Senate of Belize and by the authority of the same, as follows:***

1. This Act may be cited as the

**Short title and  
construction.**

**STAKE BANK CRUISE DOCKING FACILITY  
DEVELOPMENT (AMENDMENT) ACT 2017,**

and shall be read and construed as one with the Stake Bank Cruise Docking Facility Development Act, No. 10 of 2014, which, is hereinafter referred to as the principal Act.

Amendment of  
long title.

2. The principal Act is amended as follows:

(a) in the long title, by inserting immediately after the words “Development Project;” the words “to provide for the payment of a cruise port development fee for use of the Facility;”;

(b) in the long title, and sections 1 and 2, by inserting immediately after the word “Cruise” wherever it appears, the word “Ship”;

Amendment of  
section 2.

3. Section 2 of the principal Act is amended,

(a) by inserting the following definitions in the appropriate alphabetical sequence,

“ “Agreement” means the Definitive Agreement made the 25<sup>th</sup> August, 2017 between Michael Feinstein, Stake Bank Enterprise Limited and the Government of Belize, and “date of the Agreement” means that date;

“commencement date” means the date on which this Act comes into operation;

“cruise ship” means a passenger ship employed in the carriage of passengers primarily on international voyages;

“passenger” means any person carried on a ship other than —

(a) the master, an apprentice, a member of the crew or a person employed or engaged in any capacity on board the ship on the business of the ship;

- (b) a child under one year of age; or
- (c) a person carried on the ship in pursuance of the obligation laid upon the master to carry shipwrecked, distressed or other persons, or by reason of any circumstances which neither the master nor the owner nor the charterer (if any) could have prevented or forestalled;

“passenger ship” means a ship carrying or capable of carrying more than twelve passengers;

“ship” includes every description of vessel used in navigation.

- (b) in the definition of “Project” by deleting all of the words after the words “tourism purposes”.

4. Section 3 of the principal Act is repealed and replaced with the following,

Repeal and replacement of section 3.

Exemption from taxes and duties “ 3 (1) Notwithstanding anything to the contrary contained in the,

Cap.55 (a) Income and Business Tax Act;

Cap. 63 (b) General Sales Tax Act;

Cap. 48 (c) Customs and Excise Duties Act;

Cap. 49 (d) Customs Regulation Act;

Cap. 52 (e) Exchange Control Regulations Act,

or in any regulations made under any of those Acts, the Developer shall, subject to subsections (2) and (3) and to section 4, be exempt from taxes, duties or other imposts under those Acts.

(2) The exemptions granted under subsection (1) shall vest in the Developer and have effect in Belize for a period of twenty-five years from the date of the Agreement.

(3) The exemptions granted under paragraphs (c) and (d) of subsection (1) shall, notwithstanding the relief granted, apply as if they were duty exemptions granted under the Fiscal Incentives Act for the construction phase of the Project only, and the procedures under that Act shall apply accordingly.”.

Amendment of  
section 6.

5. Section 6 (1) of the principal Act is amended, by deleting the words “The Developer” and substituting the words “During the term of the Agreement after the commencement date, the Developer”.

Amendment of  
section 7.

6. Section 7 of the principal Act is amended by deleting subsection (1) and substituting therefor the following,

“ (1) During the term of the Agreement after the commencement date,

(a) each cruise ship passenger entering and leaving Belize at the Facility shall pay a fee to be known as the Cruise Ship Port Development Fee, which shall be shared between the Developer and the Government of Belize ;

(b) the Developer shall pay into a Government managed fund designated for tourism development (whether known as the Tourism Development Fund or otherwise) an amount of \$0.17 in the currency

of the United States of America in respect of each passenger referred to in paragraph (a), or such other amount as may be prescribed.”.

7. Insert next after section 7 of the principal Act the following as sections 8 and 9,

Insertion of new sections 8 and 9.

“Non-exclusivity. 8. It is declared that nothing in this Act shall be construed as making the Facility the exclusive cruise ship port for the Belize District.

Regulations. 9. The Minister may make regulations as may be expedient for giving effect to the provisions of this Act, and prescribing anything that is required to be prescribed.”.

8. (1) This Act comes into force on the same day that is appointed under section 8 of the principal Act for the commencement of that Act.

Commencement.

(2) Notwithstanding subsection (1), for the purpose of the grant of exemptions under section 3 of the principal Act, as herein amended, that section is deemed to have come into force on the date of the Agreement.