

ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER H10

HOTELS AID ACT

Showing the Law as at 15 December 2000

Published by Authority

Printed in
The Attorney General's Chambers
ANGUILLA

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HOTELS AID ACT

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SCHEDULE: Articles of Hotel Equipment

HOTELS AID ACT

Interpretation

1. In this Act—

"articles of hotel equipment" means any of the articles specified in the Schedule;

"building materials" means materials of every description for use in connection with the construction of a hotel and all structures appurtenant thereto;

"construct" includes erect, repair, alter, reconstruct or extend;

"extension to a hotel" means any enlargement of the accommodation of a hotel whether by means of a newly erected building or by the structural alteration of the existing building;

"hotel" means any building or group of buildings (occupied together) for the accommodation for reward of guests and includes the curtilage thereof and all structures within such curtilage, containing or intended to contain when complete not less than 10 bedrooms;

"licence" means a licence under section 2;

"licensee" means the holder of a licence under this Act.

Grant of import licences

2. (1) Subject to the provisions of section 3, the Governor in Council may grant to every person who desires—

(a) to construct a hotel or an extension to a hotel a licence to import into Anguilla such building materials for use in the construction of such hotel or extension as may be specified in the licence; and

(b) to equip a newly erected hotel or extension to a hotel a licence to import into Anguilla such articles of hotel equipment as may be specified in the licence.

(2) Every licence under subsection (1) shall be in such form and shall be subject to such terms as may be prescribed.

Procedure on application for grant of licences

3. Every application for the grant of a licence shall be in such form and contain such information and be accompanied by such documents as may be prescribed.

Free entry of building materials and equipment

4. Every licensee shall be entitled upon the production of his licence to the proper customs officer to import into Anguilla in accordance with the terms thereof free of all customs duties and of pier dues such building materials or articles of hotel equipment as may be therein specified.

Rates of customs duties and pier dues

5. (1) Every licensee who satisfies the Comptroller of Customs—

(a) that any building materials or articles of hotel equipment were purchased by him in Anguilla and that customs duties and pier dues were paid upon the importation into Anguilla of such building materials or articles of hotel equipment; and

(b) as to the amount of the customs duties or pier dues so paid;

shall be entitled to be paid an amount equivalent to the amount of drawback which will have been payable under any regulations for the time being in force in relation to the granting of drawback of customs duties or pier dues, as the case may be, if such building materials or articles of hotel equipment had been exported from Anguilla, but no provision of any regulation relating to the grant of drawback, restricting the payment of drawback to cases where the goods in respect of which the payment is made are exported within a specified period, shall apply to any payment under this section.

(2) Every licensee who satisfies the Comptroller of Customs that any building materials or articles of hotel equipment were purchased by him in Anguilla and that—

(a) customs duties and pier dues were paid upon the importation into Anguilla of such building materials or article of hotel equipment; and

(b) he is unable to ascertain the amount of the customs duties or pier dues so paid;

shall be entitled to be paid such sum as the Comptroller of Customs may think fit, so however, that no payment under this subsection shall, in the case of building materials or articles of hotel equipment which are rated goods within the meaning of any Act or regulations for the time being in force in relation to customs duties, exceed the lowest preferential rate that has been in force for that description of goods at any time during the 2 years next preceding the date of purchase by the licensee, and, in the case of any building materials or articles of hotel equipment liable under any Act for the time being in force relating to customs duties, to an *ad valorem* duty, exceed 9% of the purchase price where the lowest preferential *ad valorem* rate that has been in force for that description of goods for a period of 2 years prior to the date of supply was 15% and *pro rata* where other *ad valorem* rates have been in force during such period, together with such additional sum (if any) as the Comptroller of Customs may think fairly represents the amount of pier dues paid upon such goods upon their importation into Anguilla.

Building materials and hotel equipment not to be used for any purpose other than that for which imported

6. (1) Subject to the provisions of section 7 where any building materials or articles of hotel equipment have been imported into Anguilla under a licence, or any sum has been paid under section 5 in respect of any building materials or articles of hotel equipment, such building materials or articles of hotel equipment shall not be sold, exchanged, given away, exported from Anguilla or applied for any purpose other than use in connection with the construction or equipment of the hotel to which the licence in which those building materials or articles of hotel equipment were specified relates, within 3 years of the date of the importation of such articles or of the making of the payment under section 5.

(2) Every person who contravenes subsection (1) is liable, on summary conviction to a fine of $20,000 or to be imprisoned for a term of 12 months or to both.

Comptroller of Customs may permit disposal of materials, etc.

7. (1) Where the Comptroller of Customs is satisfied that any building materials or articles of hotel equipment which have been imported into Anguilla under a licence or in respect of which any payment has been made under section 5 are no longer required for the purpose of the hotel in respect of which the import licence was granted, he may grant a permit to the licensee to dispose of such building materials or articles of hotel equipment in such manner as he thinks fit.

(2) No permit shall be granted under subsection (1) until the licensee has paid to the Comptroller of Customs, or has given security to the satisfaction of the Comptroller of Customs, that he will so pay all sums which would have been payable by way of customs duty or pier dues upon the importation of such building materials or articles of hotel equipment or a sum equivalent to the amount of drawback paid to the licensee in respect of such building materials and articles of hotel equipment under section 5.

Articles of hotel equipment to be marked

8. Every article of hotel equipment imported under a licence or in respect of which any sum has been paid under section 5 shall be marked with such mark and in such manner as may be prescribed.

Inventory of hotel equipment to be kept

9. (1) Where any articles of hotel equipment have been imported under a licence or any sum has been paid under section 5 in relation to any articles of hotel equipment specified in a licence, the proprietor for the time being of the hotel to which the licence relates shall cause an inventory to be kept of all such articles.

(2) Every inventory under this section shall be kept in such form as may be prescribed.

(3) Every inventory kept under this section shall be open to inspection at all reasonable times by any person authorised in writing by the Comptroller of Customs and the person performing such inspection shall be permitted to do all acts or things necessary to satisfy himself that the articles enumerated in the inventory are upon the premises of the hotel at the time of such inspection.

Power to revoke licence

10. Where the Governor in Council is satisfied that any licensee has—

(a) obtained the grant of any licence by any false statement;

(b) abused or misused any import licence;

(c) broken or failed to comply with any condition of such licence; or

(d) failed to pay any sum payable by him under the provisions of this Act;

he may either suspend the operation of such import licence for such time and subject to such conditions as he may think fit or may revoke such licence.

Employment of British subjects

11. Except with the consent of the Governor in Council, at least three-fifths of the number of persons employed in the construction and maintenance of, and in any other activity in relation to, any hotel in respect of which a licence has been granted under section 2 shall be British subjects.

Penalty for refusing accommodation or service

12. Any person who without lawful excuse (the proof whereof shall lie on him) shall refuse accommodation or service to any member of the public who applies to his hotel for the same is guilty of an offence against this Act, and on conviction thereof is liable to a fine of $4,800 or to imprisonment for a term of 2 months or to both, and in addition thereto, any licence granted under section 2 may be cancelled or suspended.

Responsibility of employer for acts of employee

13. In the case of proceedings against a person under this Act for or in connection with breaches by an employee of the provisions of section 12—

(a) it shall not be a defence that the employee acted without the authority of the employer; and

(b) any material fact known to the employee shall be deemed to have been known to the employer.

Regulations

14. (1) The Governor in Council may make regulations for carrying this Act into effect.

(2) Without prejudice to the generality of the power conferred by subsection (1), regulations may be made under that subsection—

(a) prescribing the form of, and the information to be contained in, and the documents to accompany, any application for a licence under section 2;

(b) prescribing the form in which and the terms subject to which any licence may be granted under section 2;

(c) prescribing the type of mark to be affixed to any article and the manner in which such mark shall be affixed;

(d) prescribing the form of any inventory kept under this Act.

Power to change Schedule

15. The Governor in Council may, from time to time by regulation, add to or remove any article from the Schedule.

Citation

16. This Act may be cited as the Hotels Aid Act, Revised Statutes of Anguilla, Chapter H10.

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SCHEDULE

(Section 2)

ARTICLES OF HOTEL EQUIPMENT

Bedsteads, bedsprings, chairs, tables, washhand stands, sofas, wardrobes, presses, billiard tables and their appliances, pianos, organs, radios, dynamos, air conditioning apparatus and appliances, refrigerating apparatus and appliances, mirrors, pillows, mattresses, crockery, silver and plated tableware, table glassware, cutlery, kitchen utensils including stoves, iceboxes, bed linen, table linen, towels, rugs, carpets, office equipment and calculating machines including cash registers, sports gear, and bar equipment and appliances.

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