

CRUISE SHIPS (OPENING OF FACILITIES) ACT, 2012-20

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BARBADOS

I assent
ELLIOTT F.BELGRAVE
Governor-General
18th October, 2012.

2012-20

An Act that provides for the opening of certain facilities on cruise ships while those ships are berthed in the Port of Bridgetown.

[Commencement: by Proclamation]

ENACTED by the Parliament of Barbados as follows:

*Preliminary***Short title**

1. This Act may be cited as the *Cruise Ships (Opening of Facilities) Act, 2012*.

Interpretation

2. In this Act,

“authorised public officer” means a public officer authorised by the Minister to conduct inspections under section 14;

“bar” means a facility for the sale of intoxicating liquor within the meaning of the *Liquor Licenses Act*, Cap. 182;

“Betting and Gaming Committee” means the Committee established by the *Betting and Gaming Duties Act*, Cap. 60;

“casino” means any room, premises or place on board a cruise ship which is kept and managed for gain by any person and to which persons may resort for the purpose of gaming;

“cruise line” means a company which operates or owns a cruise ship and may include an agent of that company;

“cruise ship” means a ship on an international voyage, carrying passengers accommodated on board for the purpose of making scheduled temporary tourist visits at one or more ports;

“cruise ship shop” means a shop which operates on board a cruise ship;

“facility” means a bar, casino or cruise ship shop which operates on board a cruise ship berthed in the Port;

“game of chance” has the meaning assigned to it by section 2 of the *Betting and Gaming Duties Act*, Cap. 60;

“gaming” has the meaning assigned to it by section 2 of the *Betting and Gaming Duties Act*, Cap. 60;

“licensed facility” means a facility licensed under section 4, 5 or 6;

“licensee” means a person who has been granted a licence under section 4, 5 or 6;

“Minister” means the Minister responsible for shipping; and

“Port” has the meaning assigned to it by section 2 of the *Barbados Port Inc. (Transfer of Management and Vesting Assets) Act*, Cap. 285B.

Licensing of a facility

Operating a facility without a licence is prohibited

3.(1) No person shall operate a facility on a cruise ship berthed in the Port unless that person has first, applied for and obtained a licence under this Act.

(2) An application for a licence under this Act shall be filed at least 2 months prior to the date of the intended operation of the facility.

(3) Where an agent has been appointed to act on behalf of a cruise line, the application for a licence to operate a facility shall be accompanied by a letter of authorization signed by the owner of that cruise line.

Licensing of a casino on a cruise ship

4.(1) The Minister may, on consultation with the Betting and Gaming Committee, and on application to him in the Form 1 set out in the *First Schedule*, grant a licence to operate a casino on a cruise ship berthed in the Port.

(2) A licence granted under subsection (1)

(a) shall be in the Form 2 set out in the *Second Schedule*; and

(b) is not transferable.

Licensing of a cruise ship shop

5.(1) The Minister may, on application made to him in the Form 3 set out in the *Third Schedule*, grant a licence to operate a cruise ship shop on a cruise ship berthed in the Port.

(2) A licence granted under subsection (1)

- (a) shall be in the Form 4 set out in the *Fourth Schedule*; and
- (b) is not transferable.

Licensing of a cruise ship bar

6.(1) The Minister may, on application made to him in the Form 5 set out in the *Fifth Schedule*, grant a licence to operate a cruise ship bar on a cruise ship berthed in the Port.

(2) A licence granted under subsection (1)

- (a) shall be in the Form 6 set out in the *Sixth Schedule*; and
- (b) is not transferable.

Renewal of licence

7. A licence granted under section 4, 5 or 6 shall be issued for a period not exceeding 3 years and is renewable.

Suspension, revocation or refusal

8. Where a licensee fails to comply with

- (a) any provision of this Act;
- (b) any regulations made under the Act; or
- (c) any conditions of a licence,

the Minister may suspend, revoke or refuse to renew a licence granted under section 4, 5 or 6.

Appeal

9. A person aggrieved by a decision of the Minister made under section 8 or 14, may, within 14 days of the receipt of the notice of the decision, appeal against the decision to a judge in chambers.

*Operation of a facility***Licence to be made available on demand**

10. A licence granted under section 4, 5 or 6 shall be made available for inspection on demand by an authorized public officer.

Conditions of operation of facility

11.(1) A licensed facility is only authorized to operate pursuant to this Act between the hours of 6 o'clock in the evening and 6 o'clock in the morning where the cruise ship remains at berth in the Port for at least 12 hours each visit.

(2) No person, other than a registered passenger of a cruise ship registered with a cruise line which has obtained a licence under section 4, 5 or 6, shall be allowed access to a licensed facility on that cruise ship.

Exemption applicable to casinos operating on cruise ships

12. Notwithstanding the provisions of any enactment, a cruise line may operate a casino on a cruise ship while that cruise ship is berthed in the Port where that cruise line has obtained a licence under section 4 in respect of that cruise ship.

Exemption from the application of the *Liquor Licences Act*, Cap. 182

13. A cruise line shall be exempt from the application of the *Liquor Licences Act*, Cap. 182 in respect of the operation of bars and cruise ship shops while that cruise ship is berthed in the Port if that cruise line has obtained a licence under section 5 or 6 in respect of the cruise ship.

Inspections

14.(1) The Minister may authorise a public officer, in writing, to board a cruise ship berthed in the Port for the purpose of ensuring compliance with this Act.

(2) Where the operator of a cruise ship refuses to provide safe access to and from the ship in accordance with the requirements of the public officer while in the performance of his duties under subsection (1), the licence granted to the cruise ship under this Act, may be revoked.

Miscellaneous

Regulations

15. The Minister may make Regulations generally to give effect to this Act.

Amendment of Schedules

16. The Minister may by Order amend the *First, Second, Third, Fourth, Fifth and Sixth Schedules.*

Amendment of enactments set out in the *Seventh Schedule*

17. The enactments set out in the first column of the *Seventh Schedule* are amended to the extent set out in the second column opposite thereto.

Commencement

18. This Act comes into operation on a date to be fixed by Proclamation.

FIRST SCHEDULE*(Section 4(1))**Cruise Ships (Opening of Facilities) Act, 2012***FORM 1****APPLICATION FOR THE OPERATION OF A CASINO ON
A CRUISE SHIP BERTHED IN THE PORT**

1. Name of Applicant: _____
(PLEASE PRINT)
2. Address of Applicant: _____
3. Position held by Applicant: _____
4. Telephone number of Applicant: _____
5. E-mail address of Applicant: _____
6. Name of cruise ship: _____
7. Port of Registry: _____
8. International Maritime Organization (IMO) Number of cruise ship: _____
9. Name of owner of cruise ship: _____

10. Address of owner of cruise ship: _____

11. Itinerary: _____

12. Proposed number of annual calls to Barbados during the period of 3 years immediately following the date of this application: _____

13. Passenger capacity of the cruise ship: _____

14. Number of crew: _____

15. Description of the gaming activity, games of chance and equipment used in the casino: _____

Name of Applicant in full

Signature of Applicant

Official stamp of Applicant

Date of Application

FOR OFFICIAL USE ONLY

DATE RECEIVED:

APPROVED:

DATE:

NOT APPROVED:

DATE:

SECOND SCHEDULE*(Sections 4(2), 10,11,12)**Cruise Ships (Opening Of Facilities) Act, 2012***FORM 2****LICENCE TO OPERATE A CASINO ON A CRUISE SHIP
BERTHED IN THE PORT**

Licence Number: _____

This Licence is granted to _____ in respect of
(Name of Cruise Line)
_____ for the purpose of operating a casino
(Name of Cruise Ship)
on the _____ cruise ship berthed in the Port.
(Name of Cruise Ship)

CONDITIONS OF CASINO LICENCE

A casino operating on a cruise ship to which this licence relates shall be subject to the conditions specified in section 11 of the *Cruise Ships (Opening of Facilities) Act, Act 2012-20*.

This Licence expires on the _____ day of _____, 20____.

Dated the _____ day of _____, 20____.

Minister responsible for Shipping

THIRD SCHEDULE*(Section 5(1))**Cruise Ships (Opening Of Facilities) Act, 2012***FORM 3****APPLICATION TO OPERATE A CRUISE SHIP SHOP ON
A CRUISE SHIP WHILE BERTHED IN THE PORT**

1. Name of Applicant: _____
(PLEASE PRINT)
2. Address of Applicant: _____

3. Position held by Applicant: _____
4. Telephone number of Applicant: _____
5. E-mail address of Applicant: _____
6. Name of cruise ship: _____
7. Port of Registry: _____
8. International Maritime Organization (IMO) Number of cruise ship: _____
9. Name of owner of cruise ship: _____

10. Address of owner of cruise ship: _____

11. Itinerary: _____

12. Proposed number of annual calls to Barbados during the period of 3 years immediately following the date of this application: _____

13. Passenger capacity of the cruise ship: _____

14. Number of crew: _____

15. Number of cruise ship shops: _____

16. Description of cruise ship shop(s): _____

Name of Applicant in full

Signature of Applicant

Official stamp of Applicant

Date of Application

FOR OFFICIAL USE ONLY

DATE RECEIVED:

APPROVED: **DATE:**

NOT APPROVED: **DATE:**

FOURTH SCHEDULE*(Sections 5(2), 10, 11 and 13)**Cruise Ships (Opening Of Facilities) Act, 2012***FORM 4****LICENCE TO OPERATE A CRUISE SHIP SHOP ON
A CRUISE SHIP BERTHED IN THE PORT**

Licence Number: _____

This Licence is granted to _____ in respect of
(Name of Cruise Line)
_____ for the purpose of operating a cruise
(Name of Cruise Ship)
ship shop on the _____ cruise ship berthed in the Port.
(Name of Cruise Ship)

CONDITIONS OF CRUISE SHIP SHOP LICENCE

A cruise ship shop operating on a cruise ship to which this licence relates shall be subject to the conditions specified in section 11 of the *Cruise Ships (Opening of Facilities) Act, Act 2012-20*.

This Licence expires on the _____ day of _____, 20____.

Dated the _____ day of _____, 20____.

Minister responsible for Shipping

FIFTH SCHEDULE*(Section 6(1))**Cruise Ships (Opening Of Facilities) Act, 2012***FORM 5****APPLICATION TO OPERATE A BAR ON A CRUISE SHIP BERTHED
IN THE PORT**

1. Name of Applicant: _____
(PLEASE PRINT)
2. Address of Applicant: _____

3. Position held by Applicant: _____
4. Telephone number of Applicant: _____
5. E-mail address of Applicant: _____
6. Name of cruise ship: _____
7. Port of Registry: _____
8. International Maritime Organization (IMO) Number of cruise ship: _____

9. Name of owner of cruise ship: _____

10. Address of owner of cruise ship: _____

11. Itinerary: _____

12. Proposed number of annual calls to Barbados during the period of 3 years immediately following the date of this application: _____

13. Passenger capacity of the cruise ship: _____

14. Number of crew: _____

15. Number of bars: _____

Name of Applicant in full

Signature of Applicant

Official stamp of Applicant

Date of Application

FOR OFFICIAL USE ONLY

DATE RECEIVED:

APPROVED:

DATE:

NOT APPROVED:

DATE:

SIXTH SCHEDULE*(Sections 6(2), 10, 11 and 13)****Cruise Ships (Opening Of Facilities) Act, 2012*****FORM 6****CRUISE SHIP BAR LICENCE**

Licence Number: _____

This Licence is granted to _____ in respect of
(Name of Cruise Line)
_____ for the purpose of operating a bar on
(Name of Cruise Ship)
the _____ cruise ship berthed in the Port.
(Name of Cruise Ship)

CONDITIONS OF CRUISE SHIP BAR LICENCE

A bar operating on a cruise ship to which this licence relates shall be subject to the conditions specified in section 11 of the *Cruise Ships (Opening of Facilities) Act, Act 2012-20*.

This Licence expires on the _____ day of _____, 20____.

Dated the _____ day of _____, 20____.

Minister responsible for Shipping

SEVENTH SCHEDULE*(Section 17)**Consequential Amendments***Column 1****Enactments***Public Holidays Act, Cap. 352***Column 2****Amendments**

In the *Second Schedule* insert immediately after paragraph 33 the following:

“34. Licensed facilities under the *Cruise Ships (Opening of Facilities) Act, Act 2012- 20.*”