



MONTSERRAT

CHAPTER 7.12

PORT SECURITY CHARGE ACT

Revised Edition

showing the law as at 1 January 2025

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

PORT SECURITY CHARGE ACT

Act 15 of 2013 .. in force 9 September 2013

Amended by Act 5 of 2018 .. in force 1 April 2020 (S.R.O. 43/2019)

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CHAPTER 7.12

PORT SECURITY CHARGE ACT

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SCHEDULE: Port Security Charge

CHAPTER 7.12

PORT SECURITY CHARGE ACT

(Acts 15 of 2013 and 5 of 2018)

AN ACT TO PROVIDE FOR THE COLLECTION OF A SECURITY CHARGE AT THE PORTS.

Commencement

[9 September 2013]

Short title

1. This Act may be cited as the Port Security Charge Act.

Interpretation

2. In this Act—

“**airport**” means any area of land or water designed, equipped or set apart or commonly used for affording facilities for the landing and departure of an aircraft;

“**carrier**” means—

- (a) a person or firm transporting passengers by air, or over water on an aircraft or ship to a place outside Montserrat;
- (b) the pilot or other persons in command or control of the transporting aircraft or ship;
- (c) the agent in Montserrat of a person or firm in paragraph (a); and
- (d) if the person or firm in paragraph (a) is a corporation, every director and manager of that corporation;

“**consignment**” means each package, envelope, bag, container or similar receptacle forming part or the whole of a courier item, quick pak item or express delivery item delivered by a consignor to a place outside Montserrat;

“**consignor**” means a person or firm which delivers a consignment to a place outside of Montserrat;

“**port**” means airport or seaport;

“**Port Authority**” means the Montserrat Port Authority established under the Port Authority Act;

“**Port Security Charge**” or “**charge**” means the tax imposed under section 3;

“**seaport**” means the Port of Little Bay, and any other place designated under any enactment as a port of entry by sea;

“**ship**” includes any vessel, tug or boat of any kind whether the same is propelled by steam or otherwise or is towed;

“**traveller**” includes a person proceeding to a destination outside Montserrat.

Imposition of Port Security Charge

3. (1) Subject to section 4, a Port Security Charge shall be levied on and collected from the following persons, at the rate specified in the Schedule—

- (a) a traveller who intends to depart Montserrat from a port; and
- (b) a consignor; and

(2) The Governor, acting on the advice of the Cabinet, may by Order vary the rate of the Port Security Charge but the Order does not have effect unless approved by a resolution of the Legislative Assembly. (*Amended by Act 5 of 2018*)

Exemptions

4. (1) The Port Security Charge is not payable by—

- (a) members of the crew of any aircraft or ship;
- (b) officials of an airline or shipping company travelling on the business of the company;
- (c) a traveller in relation to whom the Minister of Finance is satisfied that, by reason of such special circumstances as may be prescribed, the Port Service Charge should be remitted;
- (d) official guests of the Government of Montserrat, as approved by the Office of the Premier;
- (e) children under the age of twelve years;
- (f) the Governor, Speaker and Members of the Legislative Assembly;
- (g) Government officers when travelling on Government business as certified by the Ministry of Finance;
- (h) holders of a diplomatic passport;
- (i) holders of a United Nation “*laissez passer*”;
- (j) holders of an Organisation of Eastern Caribbean States “*laissez passer*”;
- (k) holders of a pass issued by the Caricom Secretariat;
- (l) in transit passengers remaining in Montserrat for a period not exceeding twenty-four hours; or

(*m*) any other travellers or classes of travellers as may be prescribed.

(2) The Governor, acting on the advice of the Cabinet, may by Order amend subsection (1).

Port Security Charge to be collected by carrier

5. (1) A carrier shall include the Port Security Charge under section 3(1)(*a*) in the cost of an aircraft ticket or ship ticket sold to a person to depart Montserrat from a port.

(2) A consignor shall pay the Port Security Charge under section 3(1)(*b*) to a carrier after a consignment is screened by an employee of a port for shipment to a place outside of Montserrat.

(3) The carrier shall pay the Port Security Charge collected under subsection (2) in respect of a consignment departing Montserrat on—

(*a*) an aircraft, to a customs officer designated by the Comptroller of Customs and Excise; and

(*b*) a ship, to the Port Authority,

prior to the departure of the aircraft or ship from Montserrat.

(4) If an aircraft or ship departs from a port in Montserrat during a month, the carrier shall pay the Port Security Charge collected in respect of a person departing—

(*a*) on the aircraft, to the Comptroller of Customs and Excise; and

(*b*) on the ship, to the Port Authority,

no later than the tenth of the following month.

(5) If an aircraft or ship operates an intermittent trip from a port in Montserrat to a place outside Montserrat, the carrier shall—

(*a*) collect the Port Security Charge from a person travelling on the aircraft or ship; and

(*b*) pay the Port Security Charge collected under paragraph (*a*)—

(i) in respect of an aircraft, to a customs officer designated by the Comptroller of Customs and Excise; and

(ii) in respect of a ship, to the Port Authority,

prior to the departure of the aircraft or ship from a port in Montserrat.

(6) Subsections (1) and (4) do not apply to an intermittent trip under subsection (5).

(7) A carrier shall submit with the Port Security Charge under—

(*a*) subsection (3), details of the consignment;

- (b) subsections (4) and (5), the carrier's passenger manifest setting out details of the persons—
- (i) departing on the aircraft or ship;
 - (ii) in respect of whom the Port Security Charge is collected; and
 - (iii) who are exempted from the payment of the Port Security Charge; and
- (c) subsections (3), (4) and (5), any other information the Comptroller of Customs and Excise or Port Authority may require.

(8) A carrier who fails to collect the Port Security Charge which he or it is required to collect shall, despite the failure, pay to the Comptroller of Customs and Excise or the Port Authority, the amount of the Port Security Charge required to be paid.

(9) A claim by a traveller or consignor to an entitlement to exemption from the Port Security Charge under section 5(1) which cannot be resolved by the carrier shall be referred to—

- (a) the Comptroller of Customs and Excise, in respect of departure from a port on an aircraft; and
- (b) the Port Authority, in respect of departure from a port on a ship.

(10) For the purpose of deciding a claim under subsection (9), the Comptroller of Customs or the Port Authority may make inquiries as he thinks fit.

(11) For the purpose of this section, an “**intermittent trip**” is a trip which the Comptroller of Customs and Excise or the Port Authority determines is being offered by a carrier who does not offer transportation from Montserrat at regularly scheduled intervals.

(Amended by Act 5 of 2018)

Offences

6. (1) A person who or firm which, for the purpose of evading payment by that person or firm or by any other person of the Port Security Charge, knowingly makes any false statement or false representation, commits a summary offence and is liable to a fine of \$300 or three months imprisonment.

(2) A carrier who fails or neglects to make a return under the requirements of this Act or knowingly makes in the return any false statement or false representation, commits a summary offence and is liable to a fine of \$2,000.

(3) A person who fails without reasonable cause to furnish to the Comptroller of Customs or the Port Authority any information required by the

Comptroller of Customs or the Port Authority for the purpose of section 5(10), commits a summary offence and is liable to a fine of \$300.

(Amended by Act 5 of 2018)

Enforcing payment

7. If the Port Security Charge due and payable under section 6 remains unpaid—

- (a) the full amount of the Port Security Charge may be recovered as a debt due in civil proceedings; or
- (b) the customs officer designated by the Comptroller of Customs and Excise or the Port Authority may withhold clearance of the aircraft or ship transporting the travellers in respect of whom the charge is payable, if he or it is not satisfied that adequate arrangements have been made for the payment of the Port Security Charge. *(Amended by Act 5 of 2018)*

Power of the Court

8. A Magistrate's Court shall, in addition to any penalty it may impose on a person under this Act, order the payment to the Comptroller of Customs and Excise or the Port Authority of any Port Security Charge due and payable by that person and may order, in default of the payment, imprisonment of that person for a period of three months. *(Amended by Act 5 of 2018)*

Refunds

9. (1) A person who proves to the satisfaction of the Comptroller of Customs and Excise or the Port Manager of the Port Authority that he has paid, on account of the Port Security Charge, an amount in excess of the amount which he is properly required to pay under this Act is entitled to have the excess amount refunded, and the Accountant General or the Port Authority is authorised to make the refund. *(Amended by Act 5 of 2018)*

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

Regulations

10. The Governor, acting on the advice of Cabinet, may make regulations to provide for—

- (a) the production to, and inspection by persons as may be prescribed, of documents used and records kept by a person for the purpose of determining that the Port Security Charge has been collected and accounted for under this Act;
- (b) the furnishing to the Comptroller of Customs and Excise or the Port Authority of information and returns, certificates and

other documents for the purposes of this Act; (*Amended by Act 5 of 2018*)

- (c) anything required by this Act to be prescribed;
 - (d) any other matter in respect of which it may be expedient to make regulations to give effect to the purpose of this Act.
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SCHEDULE

(Section 3(1))

PORT SECURITY CHARGE

Section	Party	Rate
3(1)	Each traveller	\$10
3(1)	Each consignment	\$5