

CAYMAN ISLANDS

LAW 1 of 1965

I assent,

(L.S.)

J.A. CUMBER,
Administrator

30th March, 1965

The Travel Tax Law, 1965

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Enacted by the Legislature of the Cayman Islands.

1—This Law may be cited as the Travel Tax Law, 1965, and shall come into operation on a day to be appointed by the Administrator by Government Notice published in the Cayman Islands.

Short title
and commence-
ment.

2—In this Law -

Interpretation.

“aircraft” means any machine for flying, whether propelled by mechanical means or not, and includes any description of balloon;

“carrier” means -

(a) any person (whether incorporated or not)

transporting passengers by ship or aircraft on any voyage or flight from the Cayman Islands to any place outside the Cayman Islands;

(b) the master or other person in command or control of the transporting ship or aircraft;

(c) the agent in the Cayman Islands of any person referred to in paragraph (a) hereof; and

(d) if the person referred to in paragraph (a) hereof or the agent referred to in paragraph (c) hereof is a corporation, every director and manager of that corporation;

“Cayman Islands” means Grand Cayman, Cayman Brac and Little Cayman;

“Collector” means the Collector of Taxes as defined in the Tax Collection and Internal Law 5 of 1927. Revenue Law, 1927, and includes any person authorised to collect taxes under the said Law;

“ship” means a steamship or any other ship, boat, lighter or other craft of any description used for transport by water;

“traveller” means a person who proposes to travel from the Cayman Islands by sea or by air to any place outside the Cayman Islands;

“travel tax” means the tax imposed by section 3.

3— (1) Subject to the provisions of this Law, there shall be paid by each traveller on each occasion on which such traveller leaves the Cayman Islands for any place outside the Cayman Islands, a tax (to be called "travel tax") of ten shillings or such other sum as may from time to time be prescribed in place thereof, and such sum shall be paid forthwith as one amount.

(2) Travel tax shall not be payable by -

- (a) the master, pilot or other person in control or command of a ship or aircraft leaving the Cayman Islands or any member of the staff or crew of such ship or aircraft if such master, pilot, other person or member is leaving the Cayman Islands by the ship or aircraft of which he is in control or in command or of which he is a member of the staff or crew, as the case may be;
- (b) such categories of travellers as may be prescribed;
- (c) a traveller in relation to whom the Administrator, or any officer designated by the Administrator for the purpose, is satisfied that by reason of such special circumstances as may be prescribed the travel tax should be remitted.

4— (1) Every carrier transporting from the Cayman Islands to any place outside the Cayman Islands any traveller by whom travel tax is payable, shall collect the tax from such traveller and pay it over to the Collector.

Duty of
carrier to
collect Travel
Tax.

(2) Any carrier failing to collect any travel tax

which he is required by subsection (1) to collect shall, notwithstanding such failure, pay to the Collector the amount of such tax.

(3) Any amount of travel tax which a carrier is required to pay to the Collector pursuant to this section shall be due and payable without further demand immediately prior to the departure from the Cayman Islands of the ship or aircraft transporting the travellers in respect of whom that amount of tax is payable:

Provided that regulations made under this Law may permit either generally or in any particular case payment of any such amount as aforesaid by instalments or periodically or within such period after the departure of the ship or aircraft as may be prescribed.

(4) Every carrier shall, in relation to travel tax, keep such records and furnish such returns in such form and to such persons as may be prescribed.

Offences.

5— (1) Any person who, for the purpose of evading the payment by himself or by any other person of travel tax, knowingly makes any false statement or false representation shall be liable on summary conviction in the Stipendiary Magistrate's Court to a fine not exceeding twenty-five pounds or to imprisonment for a term not exceeding three months.

(2) Any carrier who fails or neglects to make a return in accordance with the requirements of this Law or any regulations made thereunder or knowingly makes in any such return any false statement or false representation, shall be liable on summary conviction in the Stipendiary Magistrate's Court to a fine not exceeding fifty pounds or, in default of payment thereof, for a term not exceeding six months.

6—Where pursuant to section 4 any travel tax, being due and payable, remains unpaid -

Enforcing
payment of
Tax.

(a) Such tax shall be deemed a debt owing by the carrier concerned to the Collector, for the recovery of which the Collector shall be empowered to bring an action; and

(b) the proper officer within the meaning of the Customs Law may withhold clearance under that Law of the ship or aircraft transporting the travellers in respect of whom the tax is payable if he is not satisfied that adequate arrangements for the payment of the tax have been made.

Law 1 of
1897.

7—The Stipendiary Magistrate shall, in addition to any penalty he may impose on any person under the provisions of this Law, order the payment to the Collector of any travel tax due and payable by that person and may order, in default of such payment, imprisonment of that person for a period not exceeding three months.

Power of
Magistrate
to order
payment
of Tax.

8— (1) Any person who proves to the satisfaction of the Clerk of the Court that he has paid to the Collector travel tax in excess of the amount which he is properly required to pay pursuant to this Law shall be entitled to have the amount so paid in excess refunded.

Refunds.

(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 amount in dispute was made to the Collector.

Regulations 9— (1) The Administrator in Executive Council may make regulations to provide for -

- (a) the production to, and inspection by, such persons as may be prescribed of documents used and records kept by any person for the purpose of determining that travel tax has been collected and accounted for in accordance with this Law or any regulations made thereunder;
- (b) the furnishing to the Collector or to persons authorised by him of such information and such returns, certificates and other documents as may be prescribed;
- (c) the circumstances in which travel tax may be remitted pursuant to section 3;
- (d) anything required to be prescribed by this Law;
- (e) any other matter or thing whether similar or not to those abovementioned in respect of which it may be expedient to make regulations to give effect to the purpose of this Law.

(2) Regulations made in respect of this section may be made with retrospective effect and any regulations made pursuant to subsection (1) of section 3 varying the amount of travel tax shall be subject to affirmative resolution of the Legislative Assembly.

Passed the Assembly this 4th day of February, 1965.

J.A. Cumber,
President

Sybil McLaughlin,
Clerk of the Legislative Assembly

Published by Government Notice No. 27 of 1965.

Date of operation 1st April, 1965.

**The Travel Tax Law, 1965.
The Travel Tax Regulations, 1965.**

In exercise of the powers conferred on the Administrator by section 9 of the Travel Tax Law, 1965, the following Regulations are hereby made with the consent of Executive Council -

PRELIMINARY

1—These Regulations may be cited as the Travel Tax Regulations, 1965, and shall come into force simultaneously with the Travel Tax Law, 1965.

2—In these Regulations -

“the Law” means the Travel Tax Law, 1965;

“appropriate customs officer” means, in relation to any ship or aircraft, the officer who, under the Customs Consolidation Law, 1897, gives clearance and authority for the departure of such ship or aircraft from the Cayman Islands;

“month” means every month throughout the financial year.

RETURNS AND RECORDS

3—(1) Every carrier transporting travellers from the Cayman Islands by ship or aircraft shall keep a record in a form acceptable to the Administrator showing -

(a) the number of travellers transported by that carrier and, where tickets are issued to such travellers, the serial numbers of such tickets;

(b) the amount of travel tax collected;

(c) the number of persons exempted from the payment of travel tax together with the reason for the exemption.

(2) The reason for any exemption from, and for the omission in any case to collect, travel tax may be indicated on any such record as aforesaid by the use of the abbreviations set out in the first column hereunder and having the significance indicated in the second column hereunder -

FIRST COLUMN
Abbreviation

SECOND COLUMN
Significance

C.	Crew; that is to say, the master, pilot or other person of a ship or aircraft or a member of the crew thereof exempted
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from the payment of travel tax pursuant to paragraph (a) of subsection (2) of section 3 of the Law.

- D. Diplomatic personnel; that is to say, members of the Diplomatic staff of a Mission, or the Head of a Mission or members of any international organisation accorded diplomatic privileges in the Cayman Islands, exempted from the payment of travel tax in accordance with any Law in that regard or in accordance with international custom and usage.
- I. Child; that is to say, a person exempted from payment of travel tax pursuant to paragraph (a) of regulation 9.
- R. Re-write; that is to say, the issue of a ticket in place of another ticket previously issued to a traveller and in relation to which other ticket travel tax has already been collected.
- L. Local travel; that is to say within the Cayman Islands in respect of which no travel tax is payable.

4—Any carrier who in any month transports travellers from the Cayman Islands shall prepare and forward to the Collector within the seven days next following the end of such month a return in the form set out in the Schedule to these Regulations in respect of the travellers transported by that carrier during such month.

5—A copy of each return rendered pursuant to regulation 4 shall be kept by the carrier rendering such return who shall deal therewith in the following manner -

- (a) the copies shall be arranged in chronological order based on the date on which each return was rendered;
- (b) all copies of returns shall be retained by the carrier and preserved for production to, and inspection by, the Collector.

PAYMENT OF TAX

6—(1) Subject to paragraph (2), payment by a carrier of travel tax due in respect of travellers transported by him in any month shall be made to the Collector at the same time as the carrier is required, pursuant to regulation 4, to deliver to him the return under that regulation.

(2) The Collector may in any case require payment of travel tax to be made by a carrier immediately prior to the departure of a ship or aircraft if he is not satisfied that adequate arrangements for the payment of the tax have been made.

RECEIPTS

7—(1) Subject to paragraph (2), where travel tax is paid to a carrier by a traveller the carrier shall issue to the traveller a receipt for such tax.

(2) If a ticket or other document is issued to, or is held by, a traveller authorising him to be transported by sea or air by a carrier, the carrier may, instead of issuing a receipt, denote on such ticket or other document that the travel tax has been paid and shall, if the traveller is exempt from the travel tax, denote such exemption on the ticket or other document.

INSPECTION

8—(1) The Collector may at all reasonable times require the production of, and may inspect copies of records and returns kept by a carrier pursuant to these regulations and may check the accuracy of such records and returns by requiring the production of, and inspecting, tickets, vouchers or other documents and books of account kept by the carrier.

(2) A carrier who is requested by the Collector to produce pursuant to paragraph (1) any copy of a record, return or any ticket, voucher or other document or any book of account shall comply with such request.

EXEMPTIONS

9—Travel tax shall not be payable by -

- (a) A child under the age of 12 years;
- (b) members of the staff of carriers (including, where the carrier is a corporation, directors and managers thereof) when travelling from the Cayman Islands on business of the carrier in circumstances in which no charge whatsoever is made by the carrier in respect of such travel;
- (c) transit passengers, i.e. those passengers not stopping or remaining in the Cayman Islands for longer than 48 hours and who are proceeding to a destination other than the place where their journey originated;
- (d) those passengers whose stay in the Cayman Islands is occasioned by mechanical malfunctioning of the aircraft in which they intend to travel;

- (e) those passengers whose reason for entry into the Cayman Islands from an aircraft or ship is due to sickness of an emergency nature;
- (f) those passengers travelling outside the Cayman Islands for medical treatment where such medical treatment is recommended and certified to be necessary by either the Government Medical Officer or the Government Dental Officer.

OFFENCES

10—Any carrier who contravenes or fails to comply with any of the provisions of regulations 3, 5, 7 or 8 shall be guilty of an offence and shall be liable on summary conviction before the Stipendiary Magistrate to a fine not exceeding twenty-five pounds or for a term not exceeding three months.

Made by the Administrator in Executive Council at George Town,
Grand Cayman this 5th Day of February 1965.

J.A. Cumber,
Administrator of the Cayman Islands

Sybil McLaughlin,
Clerk of the Executive Council

SCHEDULE (Regulation 4) T.....
No.

THE TRAVEL TAX LAW, 1965.

MONTHLY RETURN OF PASSENGERS DEPARTING FROM THE CAYMAN ISLANDS

Port of PERIOD TO

Name of Carrier

Address of Carrier

Airline or Ship*	Date of Departure	Total number of passengers embarked and number of crew	NUMBER OF PASSENGERS EXEMPT FROM TAX UNDER:		Amount of Travel Tax Collected	Remarks	For Official Use
			Section 3 (a) and Regulation 9 (b) Crew and Staff	Section 3 (b) and (c) and Regulation 9 (a) Others			
					£ s. d.		C.R. No. Date Port Cashier

I hereby certify that the particulars shown above are true and correct

Date

.....
Carrier or his Agent

* In the case of ships, details are to be forwarded in regard to each ship.