# CHAPTER 345
# YACHTING ACT

• Act • Subsidiary Legislation •

**ACT**

Act No. 17 of 2000

**Amended by**

Act No. 43 of 2000

PART I

*Preliminary*

1. Short title.
2. Interpretation.

PART II

*Procedure on Arrival and Departure of Yachts*

3. Procedure on arrival.
4. Arrival report.
5. Departure report.
6. Entry fee.

PART III

*Charges and Fees Relating to Yachts and Related Matters*

7. Administrative charge.
8. Fees and overtime charges.

PART IV

*Cruising Permit and Commercial Licence*

9. Cruising permit.
10. Procedure for obtaining licence.
11. Nature of licence.
12. Modification, etc., of licence.
13. Register of yachts.

PART V

*Offences, Penalties and Related Matters*

14. Offences and penalties.
15. Compounding of offences.

PART VI

*Miscellaneous*

16. Regulations.
17. Repeal and savings.
18. Commencement.

## CHAPTER 345
## YACHTING ACT

**An Act to encourage yachting, to provide for the regulation of yachts generally, and for matters connected therewith and incidental thereto.**

[Act No. 17 of 2000 amended by Act No. 43 of 2000.]

[6*th June*, 2000.]

PART I

*Preliminary*

### 1. Short title

This Act may be cited as the Yachting Act.

### 2. Interpretation

In this Act—

"arrival" means the anchoring, berthing or mooring of a yacht within the limits of a port and "arrive" and cognate expressions shall be construed accordingly;

"commercial yacht" means any yacht offered for hire, for payment or for reward, with or without crew, for the conveyance of passengers for a period of time;

"cruising" includes stopping in any part of the territorial seas of Grenada but does not include mere passage through the territorial seas of Grenada;

"Director" means the Director of Maritime Affairs appointed for the purposes of section 4 of the Shipping Act, Chapter 303;

"foreign based yacht" means any yacht other than a home based yacht;

"Grenadian yacht" means any yacht registered or licensed under the Shipping Act, Chapter 303;

"home based yacht" means any yacht registered in Grenada; home ported in Grenada, kept in Grenada when not in operation; and having its charters originate in Grenada;

"import", "imported" and cognate expressions, except otherwise provided, mean to bring or cause to be brought into Grenada;

"master" means the person on board a vessel under whose command or subject to whose personal direction it has arrived or is intended to arrive as a yacht;

"Minister" means the Minister responsible for shipping;

"owner" means any individual, partnership, limited liability company or other body corporate which has title to the yacht;

"proper officer" means any officer whose right or duty under any enactment it may be to exact the performance of or to perform the act referred to;

"ship's stores" means goods as are required for consumption or use by or for the yacht, its officers, crew and passengers and shall include the *bona fide* baggage of such persons;

"territorial sea" means the territorial sea of Grenada as defined in section 5 of the Territorial Sea and Maritime Boundaries Act, Chapter 318;

"yacht" means any vessel which is used for recreational purposes and either—

(*a*) exceeds twenty feet in length overall and is primarily powered by sail; or

(*b*) exceeds thirty-eight feet in length overall and is primarily powered other than by sail.

## PART II

*Procedure on Arrival and Departure of Yachts*

### 3. Procedure on arrival

(1) The master shall cause a yellow flag (the signal flag for "Q" in the International Code of Signals) to be flown on that yacht at all times between its arrival in Grenada from outside Grenada and the making of arrival report of that yacht in accordance with this Act.

(2) Until an arrival report has been made no person shall move the yacht or unload or remove any thing therefrom, except herein otherwise provided for, without the authority of the proper officer.

(3) Nothing in this Act shall affect the provision of any enactments relating to public health in Grenada or any part thereof with respect to a yacht being a vessel within the meaning of those enactments.

### 4. Arrival report

(1) The procedure for making arrival report of a yacht shall be as follows—

(*a*) the master, or a person acting on his or her behalf, shall notify the arrival of that yacht to the proper officer; and

(*b*) the master shall deliver to the proper officer such form, duly completed, as the Minister may direct for that purpose.

(2) The master, or the person acting on his or her behalf, shall notify the arrival of a yacht within two hours of its arrival.

(3) The procedure for making arrival report in cases where the proper officer boards the yacht before notification of its arrival shall be limited to that prescribed in subsection (1)(*b*).

### 5. Departure report

(1) Before departure the master or owner of the yacht shall, save as permitted by the Minister, make departure report to the proper officer in such form and manner and containing such particulars as the Minister may by order prescribe.

(2) A departure report shall be made up to twenty-four hours before departure.

(3) The master may make a departure report at the time of arrival provided that the master intends to depart within seventy-two hours of arrival.

**6. Entry fee**

(1) Every Grenadian yacht shall pay an entry fee, not exceeding five hundred dollars, as the Minister may by order prescribe.

(2) The entry fee shall be paid by the master to the proper officer on arrival in Grenada.

## PART III

*Charges and Fees Relating to Yachts and Related Matters*

**7. Administrative charge**

(1) Notwithstanding any provision to the contrary in the Customs (Control and Management) Act, Chapter 75A, or the General Consumption Tax Act, Chapter 121A, or any other Act but subject as hereinafter provided—

(*a*) any yacht which is imported into Grenada;

(*b*) any goods entered as ship's stores and to be exported as such;

(*c*) any goods entered as ship's stores in respect of any yacht licensed under section 10; or

(*d*) any goods remaining on board a yacht for re-exportation or use as stores on the yacht,

shall not be subject to any import duty, tax, levy or other impost whatsoever.

(2) The goods referred to in subsection (1)(*b*) and (*c*) shall be subject to the payment of an administrative charge of two and one-half per cent of C.I.F. value thereof.

**8. Fees and overtime charges**

(1) Notwithstanding anything contained in the Port Authority Act, Chapter 247, the fees chargeable with respect to yachts shall be determined by or under this Act.

(2) Notwithstanding anything contained in the Environmental Levy Act, Chapter 90B, that Act shall not apply to yachts within the meaning of this Act.

(3) Except as provided by or under this Act, no overtime or other charges shall be imposed by the proper officer upon the arrival or departure of any yacht.

## PART IV

*Cruising Permit and Commercial Licence*

**9. Cruising permit**

(1) Every yacht, other than a Grenadian yacht, or a yacht in respect of which there is in effect a commercial licence granted pursuant to section 10 shall pay a cruising permit fee in accordance with this section.

(2) The cruising permit fee—

(*a*) shall be paid by the master to the proper officer upon arrival in Grenada;

(*b*) shall be in such amount, not exceeding five hundred dollars, as the Minister may prescribe by order;

(3) Any fee for the extension of a cruising permit shall be paid to the proper officer.

(4) The master shall produce the cruising permit to the proper officer on demand.

**10. Procedure for obtaining licence**

(1) Subject to subsection (2), no person may offer for hire, for payment or for reward, any unlicensed commercial yacht for use in the territorial waters whether such yacht is foreign based or home based, or being the owner of any such yacht or the agent of such owner, give or offer to give or hire, for payment or reward, any such vessel to any other person for use in the territorial waters without first obtaining a licence.

(2) A foreign based yacht may make a maximum of ten charter pick-ups originating within Grenada within any period of twelve months without having to obtain a licence.

(3) An application for a licence shall be made by the owner or the operator of the yacht to the Director in the prescribed form.

(4) At the time of making the initial application the form shall be accompanied by—

(*a*) a business plan outlining the proposed operation;

(*b*) details of the numbers of persons to be employed on a permanent or seasonal basis;

(*c*) details as to how the operation is to be financed;

(*d*) copies of yacht registration documents and insurance certificate.

(5) Where an application is made to the Director in accordance with subsection (3), the Director may approve or disapprove the application.

(6) Where the Director—

(*a*) approves an application, he or she shall issue in the prescribed form;

(*b*) disapproves an application, he or she shall, within a period of seven days after receipt of such application, notify the applicant of such disapproval.

(7) Any person who is aggrieved by a decision of the Director may within seven days of receipt of notification of such decision, appeal in writing to the Minister, whose decision shall be final.

**11. Nature of licence**

(1) A licence granted under section 10 shall be—

(*a*) an annual licence valid for twelve months from the date of issue; or

(*b*) a temporary licence for a specified cruise.

(2) An annual licence shall remain valid until it is revoked or cancelled, and a temporary licence for a specified cruise shall be valid only for the cruise, for which it is granted, unless the licence is extended by the Director.

(3) A licence granted under section 10 may contain such conditions as the Director may think it fit to impose with respect to the yacht and the cruise which it may undertake, and such conditions may be imposed so as to apply to the yacht wherever it may be or while in such waters or on such cruise as may be specified.

(4) Upon the payment by the applicant of the prescribed fee not exceeding five thousand dollars, the Director may issue a licence and a licence pennant or other proof of registration to the applicant.

(5) A licence granted under this Act is not transferable.

(6) The owner or operator of any licensed yacht is responsible for ensuring that the licence is carried on the yacht and is available for inspection by the proper officer.

**12. Modification, etc., of licence**

(1) A licence granted under this Act may be modified, suspended, revoked or cancelled by the Director but no such licence shall be modified, suspended, revoked or cancelled unless the licensee has been given an opportunity of making representations against such modification, suspension, revocation or cancellation.

(2) Where a licence granted under this Act is revoked or cancelled or otherwise ceases to be valid, the licensee shall, within sixty days after such revocation, cancellation or cessation, return it or cause it to be returned to the Director.

**13. Register of yachts**

(1) The Director shall maintain a register of yachts licensed to operate within the territorial waters.

(2) The register for the purposes of subsection (1) must be in such form as the Director determines.

## PART V

*Offences, Penalties and Related Matters*

**14. Offences and penalties**

(1) A person or a master of a yacht, as the case requires, who—

(*a*) offers to give or hire such yacht for payment without a licence under section 10;

(*b*) operates a yacht, other than a Grenadian yacht, or a yacht licensed under section 10, without a cruising permit;

(*c*) fails or refuses to produce a cruising permit when requested to do so by the proper officer;

(*d*) fails to follow the procedure relating to the arrival of a yacht as set out in sections 3 and 4; or

(*e*) fails to deliver a departure report to the proper officer as set out in section 6,

commits an offence and shall be liable, on summary conviction, in the case of an offence under paragraph (*a*) to a fine of ten thousand dollars or imprisonment for three months, and in the case of offences under paragraphs (*b*) to (*e*) to a fine of two thousand five hundred dollars or imprisonment for one month.

**15. Compounding of offences**

(1) The Director may compound any offence committed by a person under this Act, but no such offence shall be compounded where such person has contravened the provisions of this Act on two previous occasions.

(2) Any offence which is compounded under this section shall include payment of the full licence for the period the yacht has been in the territorial sea and a penalty of not less than one half the prescribed fine.

PART VI

*Miscellaneous*

**16. Regulations**

(1) The Minister may make rules, regulations and orders for the purpose of giving effect to the provisions of this Act.

(2) Without affecting the generality of subsection (1), the Minister may make regulations, rules and orders prescribing—

(*a*) the forms to be used for the purposes of this Act;

(*b*) the fees payable under this Act;

(*c*) the procedures respecting the arrival and departure of yachts;

(*d*) the designation of marine parks; and

(*e*) approved anchorages.

**17. Repeal and savings**

(1) The Yachting Act, No. 38 of 1998, is hereby repealed.

(2) Any licences, permits or other like document issued in relation to a yacht pursuant to the former Act shall continue in force until expiration as if it had been issued under this Act.

(3) Any civil or criminal proceedings commenced under the former Act shall continue until completed as if the former Act had not been repealed.

**18. Commencement**

This Act comes into force on the 6th day of June, 2000.

---

**CHAPTER 345**
**YACHTING ACT**

## SUBSIDIARY LEGISLATION

*List of Subsidiary Legislation*

1. Yachting (Forms and Fees) Regulations

## Yachting (Forms and Fees) Regulations

SRO 43 of 2001

ARRANGEMENT OF REGULATIONS

1. Citation.
2. Definition.
3. Arrival and departure report form.
4. Entry fee.
5. Cruising permit form.
6. Cruising permit fee.
7. Commercial licence form.
8. Commercial licence fees.

First Schedule — Arrival/Departure Record Form
Second Schedule — Entry Fees
Third Schedule — Form of a Cruising Permit
Fourth Schedule — Fees for Cruising Permits
Fifth Schedule — Form of a Commercial Licence
Sixth Schedule — Commercial Licence Fees

## YACHTING (FORMS AND FEES) REGULATIONS

[SRO 43 of 2001.]

[5*th October*, 2001.]

### 1. Citation

These Regulations may be cited as the Yachting (Forms and Fees) Regulations.

### 2. Definition

In these Regulations, "commercial licence" means a licence issued pursuant to section 10 of the Act for use of a commercial yacht for hire or reward.

### 3. Arrival and departure report form

The form in the First Schedule is prescribed as the form on which the master of a yacht must report the arrival or departure of the yacht under section 4 or 5 of the Act, as the case may be.

**4. Entry fee**

The entry fee payable under section 6(1) of the Act by every Grenadian yacht is as set out in the Second Schedule.

**5. Cruising permit form**

The form in the Third Schedule is prescribed as the form for a cruising permit issued under section 9 of the Act.

**6. Cruising permit fee**

(1) The cruising permit fee payable under section 9(1) of the Act by a yacht other than a Grenadian yacht, or a yacht in respect of which there is in effect a commercial cruising licence, is as set out in the Fourth Schedule.

(2) A cruising permit is valid for one month or until the yacht leaves Grenada, whichever is the sooner, but may be renewed upon application to the proper officer and on payment of the appropriate fee.

(3) No cruising permit fee is payable for any complete calendar month during which the yacht is on land or in dry dock.

**7. Commercial licence form**

The form in the Fifth Schedule is prescribed as the form for a commercial licence issued under section 10(6) of the Act.

**8. Commercial licence fees**

(1) The commercial licence fee payable under section 11(4) of the Act is as set out in the Sixth Schedule.

(2) A commercial licence may be issued to a person in respect of more than one yacht.

(3) A commercial licence is valid for one year but may be renewed upon application to the Director of Maritime Affairs and on payment of the appropriate fee.

---

**First Schedule**

YACHTING ACT

YACHTING (FORMS AND FEES) REGULATIONS

ARRIVAL/DEPARTURE RECORD FORM GRENADA, CARRIACOU AND PETIT MARTINIQUE

[Regulation 3.]

*Declaration for Yacht on Arrival/Departure Customs and Immigration Marine Control Document*

Port of Entry ..... Date of arrival ..... Date of Departure .....

Name of Yacht ..... Home Port/Base .....

Country of Registration ..... Owner/Proprietaire .....

Tonnage Net ..... Reg. No. ..... Tonnage Gross .....

Length ..... Beam ..... Draught .....

Last Port of Call ..... Next Port of Call .....

| | | | | | | |
|---|---|---|---|---|---|---|
| Type: | Sloop/Cutter | ❑ | Ketch/Yawl | ❑ | Catamaran/Trimaran | ❑ |
| | Powerboat | ❑ | Other | ❑ | | |
| Activity: | Private Pleasure | ❑ | Bareboat Rental | ❑ | Crewed Charter | ❑ |

LIST OF CREW

| Family Name (Nom) | First Name (Prenom) | Nationality | Date of Birth (day/mo/yr) | Place of Birth | Passport No. |
|---|---|---|---|---|---|
| ..... | ..... | ..... | ...../...../..... | ..... | ..... |
| ..... | ..... | ..... | ...../...../..... | ..... | ..... |
| ..... | ..... | ..... | ...../...../..... | ..... | ..... |
| ..... | ..... | ..... | ...../...../..... | ..... | ..... |
| ..... | ..... | ..... | ...../...../..... | ..... | ..... |
| ..... | ..... | ..... | ...../...../..... | ..... | ..... |

LIST OF PASSENGERS

| Family Name (Nom) | First Name (Prenom) | Nationality | Date of Birth (day/mo/yr) | Place of Birth | Passport No. |
|---|---|---|---|---|---|
| ..... | ..... | ..... | ...../...../..... | ..... | ..... |
| ..... | ..... | ..... | ...../...../..... | ..... | ..... |
| ..... | ..... | ..... | ...../...../..... | ..... | ..... |
| ..... | ..... | ..... | ...../...../..... | ..... | ..... |
| ..... | ..... | ..... | ...../...../..... | ..... | ..... |
| ..... | ..... | ..... | ...../...../..... | ..... | ..... |

| | | | |
|---|---|---|---|
| Wines/Spirits: | Yes/No | Type. | No. of litres. |
| Fireams: | Yes/No | Calibre. | Serial Nos. |
| Ammunition: | Yes/No | Quantity. | Calibre. |
| Narcotics: | Yes/No | Quantity. | |
| Spear Gun(s): | Yes/No | | |
| Pets: | Yes/No | Type. | |

DECLARATION

I hereby declare the above particulars to be true. .....

*Master*

(This form must be completed in triplicate and presented to the Immigration and Customs Officer)

.....

FOR OFFICIAL USE ONLY

Entered ../..../.... Time ..... Cleared ...../..../.... Time .....

.....

*Duty Officer*

Yacht Rotation No. .....

## Second Schedule

YACHTING ACT

YACHTING (FORMS AND FEES) REGULATIONS

*Entry Fees*

[Regulation 4.]

| *Length overall of yacht* | *Fee* $ |
|---|---|
| Not exceeding 40 feet ..... | 50.00 |
| Exceeding 40 feet but not exceeding 60 feet ..... | 75.00 |
| Exceeding 60 feet but not exceeding 80 feet ..... | 100.00 |
| Exceeding 80 feet ..... | 150.00 |

## Third Schedule

YACHTING ACT

YACHTING (FORMS AND FEES) REGULATIONS

*Form of a Cruising Permit*

[Regulation 5.]

GRENADA

*Cruising Permit*

The yacht named below is hereby permitted in accordance with section 9(1) of the Yachting Act, Chapter 345, to cruise the waters of Grenada in accordance with the Yachting Act, Chapter 345 and all other laws of Grenada.

Name of Yacht: .....

Name of Master: .....

Permit period: ..... From: ..... To: .....

or sooner departure of the yacht from Grenada.

..... .....

*Date* *Proper Officer*

## Fourth Schedule

YACHTING ACT

YACHTING (FORMS AND FEES) REGULATIONS

*Fees for Cruising Permits*

[Regulation 6.]

| *Length overall of yacht* | *Fees* $ |
|---|---|
| Not exceeding 40 feet | 50.00 |
| Exceeding 40 feet but not exceeding 60 feet | 75.00 |
| Exceeding 60 feet but not exceeding 80 feet | 100.00 |
| Exceeding 80 feet | 150.00 |

## Fifth Schedule

YACHTING ACT

YACHTING (FORMS AND FEES) REGULATIONS

*Form of a Commercial Licence*

GRENADA

[Regulation 7.]

*Commercial Licence*

The person named as the licence holder below is hereby licensed in accordance with section 10 of the Yachting Act, Chapter 345, to use the yacht(s) described below for commercial purposes at the times and in the areas specified in this licence and in accordance with the Yachting Act, Chapter 345, and all other laws of Grenada and the conditions set out in this licence.

Name of Licence Holder: .....

Name(s) of yacht(s): .....

Licence period: ..... From: ..... To: .....

Authorised Cruising Areas: .....

Special Conditions: .....

..... .....

*Date* *Signature of Director*

## Sixth Schedule

YACHTING ACT

YACHTING (FORMS AND FEES) REGULATIONS

*Commercial Licence Fees*

[Regulation 8.]

| *Length Overall of Yacht* | *Number of Yachts per Licensee* | | |
|---|---|---|---|
| | 1 – 5 | 6 – 10 | Over 10 |
| Not exceeding 40 feet [Annual Fee (per year)] | $1,650.00 | $1,500.00 | $1,350.00 |
| Exceeding 40 feet but not exceeding 60 [Annual Fee (per year)] ..... | $2,200.00 | $2,000.00 | $1,800.00 |

| | | | |
|---|---|---|---|
| Exceeding 60 feet [Annual Fee (per year)] ..... | $2,750.00 | $2,500.00 | $2,250.00 |