

# BILL NO. 34 OF 2022

## A BILL

FOR AN ACT TO AMEND THE SUPERYACHT CHARTER ACT 2010

ENACTED by the Parliament of the Republic of Fiji—

*Short title and commencement*

**1.**—(1) This Act may be cited as the Superyacht Charter (Budget Amendment) Act 2022.

(2) This Act comes into force on 1 August 2022.

(3) In this Act, the Superyacht Charter Act 2010 is referred to as the “Principal Act”.

*Section 2 amended*

**2.** Section 2 of the Principal Act is amended by—

(a) after the definition of “\$USD”, inserting the following new definition—

““approved form” has the meaning given in section 2 of the Customs Act 1986;”;

(b) in the definition of “Code of Conduct”, deleting “FIHTA subcommittee” and substituting “body responsible for the overseeing of hotel and tourism”;

(c) in the definition of “Environment and Climate Adaptation Levy”, deleting “Schedule” and substituting “approved form”;

- (d) deleting the definition of “FIHTA subcommittee”;
- (e) deleting the definition of “Minister” and substituting the following—  
““Minister” means the Minister responsible for finance;”; and
- (f) in the definition of “superyacht”, deleting “24 metres” and substituting “18 metres”.

*Section 3A inserted*

- 3.** The Principal Act is amended after section 3 by inserting the following new section—

*“Acts to be read as one*

3A. This Act shall be read as one with the Customs Act 1986.”.

*Section 4 amended*

- 4.** Section 4(1) of the Principal Act is amended by deleting “FIHTA subcommittee” and substituting “body responsible for the overseeing of hotel and tourism”.

*Section 7 amended*

- 5.** Section 7 of the Principal Act is amended by—

- (a) in subsection (2)(c), deleting “\$USD55,000” and substituting “\$USD30,000”; and
- (b) in subsection (3), deleting “prescribed” and substituting “approved”.

*Section 8 amended*

- 6.** Section 8 of the Principal Act is amended by—

- (a) in subsection (2), deleting “prescribed” and substituting “approved”; and
- (b) in subsection (3)(c), deleting “Schedule” and substituting “approved form”.

*Section 14 amended*

- 7.** Section 14 of the Principal Act is amended by deleting “Schedule” and substituting “approved form”.

*Section 20 amended*

- 8.** Section 20(a) of the Principal Act is amended by deleting “\$USD55,000” and substituting “\$USD30,000”.

*Schedule deleted*

- 9.** The Principal Act is amended by deleting the Schedule.

*Consequential amendment*

- 10.** The Prescribed Registration and Permit Forms Order 2010 is revoked.

July 2022

## **SUPERYACHT CHARTER (BUDGET AMENDMENT) BILL 2022**

### **EXPLANATORY NOTE**

*(This note is not part of the Bill and is intended only to indicate its general effect)*

#### **1.0 BACKGROUND**

- 1.1 The Superyacht Charter Act 2010 (**‘Act’**) establishes a charter permit system to allow superyachts to charter in Fiji waters.
- 1.2 The Superyacht Charter (Budget Amendment) Bill 2022 (**‘Bill’**) seeks to amend the Act to make Fiji competitive with other holiday destinations by, *inter alia*, extending the category of superyachts that may charter in Fiji waters.
- 1.3 Moreover, the Bill also seeks to amend the Act to provide for ease of administration in which the powers available under the Customs Act 1986 will also be applied to the Act.

#### **2.0 CLAUSES**

- 2.1 Clause 1 of the Bill provides for the short title and commencement. If passed by Parliament, the amending legislation will come into force on 1 August 2022.
- 2.2 Clause 2 of the Bill amends section 2 of the Act as follows—
  - (a) inserting the definition of “approved form” to align with section 2 of the Customs Act 1986;
  - (b) amending the definition of “Code of Conduct” by deleting the reference to “FIHTA subcommittee” and substituting “body responsible for the overseeing of hotel and tourism”;
  - (c) amending the definition of “Environment and Climate Adaptation Levy” to delete the reference to the “Schedule” and substituting “approved form”;
  - (d) deleting the definition of “FIHTA subcommittee”;
  - (e) amending the definition of “Minister” to mean the Minister responsible for finance; and
  - (f) amending the definition of “superyacht” to decrease the minimum length of a superyacht from 24 metres to 18 metres.

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- 2.3 Clause 3 of the Bill amends the Act by inserting section 3A to include that the Act shall be read as one with the Customs Act 1986.
- 2.4 Clause 4 of the Bill amends section 4(1) of the Act to delete the reference to “FIHTA subcommittee” and substituting “body responsible for the overseeing of hotel and tourism”.
- 2.5 Clause 5 of the Bill amends section 7 of the Act to decrease the charter fee from \$USD55,000 to \$USD30,000 and to delete the reference to “prescribed form” and substitute “approved form”.
- 2.6 Clause 6 of the Bill amends section 8 of the Act to delete the references to “prescribed form” and “Schedule”, and substituting “approved form”.
- 2.7 Clause 7 of the Bill amends section 14 of the Act to delete the reference to “Schedule” and substituting “approved form”.
- 2.8 Clause 8 of the Bill amends section 20(a) of the Act to decrease the charter fee from \$USD55,000 to \$USD30,000.
- 2.9 Clause 9 of the Bill amends the Act by deleting the Schedule to the Act.
- 2.10 Clause 10 of the Bill revokes the Prescribed Registration and Permit Forms Order 2010.

### **3.0 MINISTERIAL RESPONSIBILITY**

- 3.1 The Act comes under the responsibility of the Minister responsible for tourism.

A. SAYED-KHAIYUM  
Attorney-General