

**No. 13 of 2025**

**VIRGIN ISLANDS**  
**COMMERCIAL RECREATIONAL VESSELS LICENSING**  
**(AMENDMENT) ACT, 2025**

**ARRANGEMENT OF SECTIONS**

**SECTION**

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**No. 13 of 2025**

**Commercial Recreational Vessels  
Licensing (Amendment) Act, 2025**

**Virgin  
Islands**

**I Assent**

**(Sgd.) Daniel Pruce,  
Governor.  
30<sup>th</sup> May, 2025**

**VIRGIN ISLANDS**

**No. 13 of 2025**

AN ACT TO AMEND THE COMMERCIAL RECREATIONAL VESSELS LICENSING ACT, 1992, NO. 8 OF 1992, TO INCREASE PROVISION FOR THE LICENSING OF FOREIGN BASED COMMERCIAL RECREATIONAL VESSELS AND TO PROVIDE FOR OTHER MATTERS CONNECTED THEREWITH.

[Gazetted 31<sup>st</sup> May, 2025]

ENACTED by the Legislature of the Virgin Islands as follows:

**Short title and commencement**

**1.** (1) This Act may be cited as the Commercial Recreational Vessels Licensing (Amendment) Act, 2025.

(2) This Act shall come into force on the 1<sup>st</sup> day of June, 2025.

**General amendment**

**2.** The Commercial Recreational Vessels Licensing Act, 1992, No. 8 of 1992 (hereafter referred to as “the principal Act”), is amended by deleting

- (a) the words “Governor in Council” wherever they appear and substituting the word “Cabinet”; and
- (b) the word “Comptroller” wherever it appears and substituting the word “Commissioner”.

**Section 2 amended**

**3.** The principal Act is amended in section 2

- (a) by deleting the definition of the word “Comptroller”;
- (b) by deleting the definition of the term “home based vessel” and substituting the following definition:

““home based vessel” means any vessel

- (a) registered in the Virgin Islands; and
- (b) which
  - (i) has an established base of operations in the Virgin Islands; and
  - (ii) is managed by a company registered in the Virgin Islands,
 for a period of five months or more in any twelve month period;” and
- (c) by inserting, in the appropriate alphabetical order, the following definitions:
  - ““BVI vessel” means a vessel owned by a BVI company and registered in the Virgin Islands under Part II of the Merchant Shipping Act, 2001, No. 13 of 2001;
  - “commercial vessel” means any vessel that is not a pleasure vessel as defined in the Merchant Shipping Act, 2001, No. 13 of 2001;
  - “Commissioner” means the Commissioner of Customs appointed as such under the Customs Management and Duties Act, 2010, No. 6 of 2010 and any person acting under his express or implied authority;
  - “foreign based vessel” means any vessel other than a home based vessel;
  - “foreign based water taxi” means a commercial recreational vessel authorised to pick up passengers departing the Territory and drop off passengers arriving in the Territory at Customs-approved ports of entry;
  - “GRT” means gross registered tonnage;
  - “large yacht” means a vessel greater than 115 feet in length;
  - “licensed operator” means an individual or company to which a licence under section 3 has been granted;
  - “Minister” means the Minister responsible for the licensing of commercial vessels;”.

### **Section 3 amended**

4. The principal Act is amended in section 3 by inserting after subsection (6), the following subsection:

- “(7) Where section 20A(1) of the Cruising and Home Port Permit Act, 2021, No. 29 of 2021, applies to the licensed operator of a vessel,
  - (a) the Commissioner shall impose on the licensed operator a fine of up to fifteen thousand dollars; and
  - (b) the Minister may disqualify the vessel from holding a licence issued to a home based vessel under this section for a period of up to two years.”.

## **Section 4 amended**

### **5. The principal Act is amended in section 4**

- (a) in subsection (1) by repealing paragraph (a) and substituting the following paragraph:

“(a) an annual licence valid for one year from the date of issuance; or”;

- (b) by inserting after subsection (2) the following subsections:

“(2A) Where an annual licence is issued before the commencement of this Act, the licensed operator may, before the expiration of that licence, apply for a licence to be issued in accordance with subsection (1)(a).

(2B) Where a licence is granted for an application made pursuant to subsection (2A),

- (a) the licensed operator shall receive a rebate in relation to the previous licence, calculated as follows:  $(\text{licence fee paid} \div 12) \times \text{the number of entire months or part thereof remaining on the licence}$ ; and

- (b) the previous licence ceases to be valid.”.

- (c) in subsection (4) by deleting the words “the Schedule” and substituting the words “Schedule 1”; and

- (d) by inserting after subsection (4) the following subsections:

“(5) For the avoidance of doubt, a licence granted under section 3

- (a) shall apply to the vessel for which the application was made pursuant to section 3(2); and

- (b) shall not apply to the owner of the vessel or to any other vessel within the fleet of the owner.

(6) A licensed vessel may not change categories, as outlined in Schedule 1, within the licence period.”.

## **Insertion of section 4A**

### **6. The principal Act is amended by inserting after section 4, the following section:**

#### **“Foreign based vessel licensing framework**

**4A.** (1) Notwithstanding any other provision of this Act, a foreign based commercial recreational vessel shall be licensed in accordance with this section and the framework outlined in Schedule 2.

(2) The licensed operator of a foreign based commercial vessel shall obtain an annual security clearance

(a) in respect of every crew member within thirty days of the entry of the crew member into the Virgin Islands; and

(b) upon payment of an administrative fee in the sum of \$125 per crew member.

(3) The Minister may extend the entry period applicable to a foreign based vessel under Schedule 2 where the Minister is satisfied that it is reasonable to do so.

### **Section 9 repealed and substituted**

7. The principal Act is amended by repealing section 9 and substituting the following section:

#### **“Limitation on charters**

9. (1) No foreign based vessel, except a large yacht, shall be permitted to make more than seven charters, including pickups and charter entries, within the Territory within any period of twelve months.

(2) Notwithstanding subsection (1), a foreign based commercial recreational vessel licensed without conditions

(a) shall have unlimited charter entries; and

(b) shall not be permitted to make more than seven pickups within the Territory within any period of twelve months.”.

### **Section 10 amended**

8. The principal Act is amended in section 10

(a) by repealing subsection (1) and substituting the following subsection:

“(1) Subject to subsections (3) and (4), the owner of

(a) any non-commercial recreational vessel; or

(b) a commercial recreational vessel less than 500 GRT,

who is not a resident of the Territory and where such vessel is to remain in the Territory for any period in excess of one hundred and eighty days, in any twelve months, shall obtain a temporary importation permit from the Minister upon the payment of the appropriate fee as set out in Schedule 1.”; and

(b) by repealing subsection (2).

### **Insertion of sections 10A, 10B and 10C**

9. The principal Act is amended by inserting after section 10, the following sections:

**“Limitation on time for commercial vessel to remain in waters of the Virgin Islands**

**10A.**(1) A commercial vessel exceeding 500 GRT, that is not

- (a) a BVI vessel; or
- (b) a large yacht holding a valid licence issued under section 3,

shall not be permitted to remain in the waters of the Virgin Islands for a period in excess of sixty continuous days.

(2) Notwithstanding subsection (1), the owner or licensed operator of a vessel thereunder may apply to the Commissioner for an extension of time to remain in the waters of the Virgin Islands.

(3) An application under subsection (2) shall be made no later than seventy-two hours in advance of the expiration of the period in subsection (1).

(4) Where an application is made under subsection (2) and in accordance with subsection (3), the Commissioner may grant to the owner or licensed operator an extension of up to fourteen continuous days to remain in the waters of the Virgin Islands beyond the period in subsection (1), subject to the payment of an administrative fee in the sum of \$2,500.

(5) An owner or licensed operator who contravenes this section shall be guilty of an offence and shall be liable on summary conviction to a fine in the sum of \$5,000 for every day that the vessel remains in the waters of the Virgin Islands in excess of any period granted under this section.

**Off-charter extensions**

**10B.** (1) The Commissioner may grant to the owner or operator of a vessel licensed with conditions, up to 3 consecutive off-charter extensions of time for the vessel to remain in the Territory.

(2) An extension granted under subsection (1) shall be

- (a) for a period of thirty days; and
- (b) granted subject to the payment of an administrative fee in the sum of \$250.

(3) A vessel to which an extension has been granted under subsection (1) shall not be permitted to pick up passengers during the extension period without a licence granted under section 3 for that purpose.

**Limitation on intra-trading**

**10C.**(1) Subject to subsections (2) and (3), no vessel, other than a BVI vessel for which

- (a) the Minister has granted a licence to engage in intra-trading; and
- (b) the owner or operator has paid the appropriate fee as set out in Schedule 1,

shall be permitted to engage in intra-trading in the Virgin Islands.

(2) The Minister may grant permission for a vessel other than a BVI vessel to engage in intra-trading in the Virgin Islands subject to the following conditions:

- (a) a waiver may be granted for a period not exceeding 14 days;
- (b) a waiver may be granted in relation to the same vessel no more than twice in one calendar year; and
- (c) a waiver may not be granted to the same vessel within 6 months of the expiration of the preceding waiver.

(3) A vessel in relation to which a waiver has been granted under subsection (2) shall not be permitted to commence operations thereunder until the owner or operator of the vessel

- (a) acquires a Port State Control inspection certification issued by the Virgin Islands Shipping and Maritime Authority; and
- (b) pays the corresponding certification fee of \$1,500 applicable for a period not exceeding one year.

(4) Subsection (1) does not apply to

- (a) a small cruise ship as defined in the Cruising and Home Port Permit Act, 2021, No. 29 of 2021; or
- (b) a licensed commercial recreational vessel except a foreign based water taxi.

(5) For the purposes of this section

“intra-trading” means trading between 2 harbours, ports or anchorages.”.

### **Section 11 amended**

10. The principal Act is amended in section 11 by inserting after the word “Act” the first time it appears, the words “for which no penalty is otherwise provided”.

### **Insertion of section 13A**

11. The principal Act is amended by inserting after section 13, the following sections:

#### **“Power to amend Schedules**

13A. With the approval of Cabinet, the Minister may, by Order published in the *Gazette* and a newspaper of wide circulation in the Territory, amend the Schedules to this Act.”.

### **Sections 14, 15 and 16 repealed**

12. The principal Act is amended by repealing sections 14, 15 and 16.

### **Schedule revoked and substituted**

13. The principal Act is amended by revoking the Schedule and substituting the following Schedule:

## “SCHEDULE 1

(Sections 4, 10(1) and 10C(1))

### LICENCES – CATEGORIES

#### Home Based

	<i>Per Annum</i>
A. A vessel not exceeding 40ft length	\$ 800
B. A vessel exceeding 40ft but not exceeding 50ft length	\$1,200
C. A vessel exceeding 50ft but not exceeding 60ft length	\$1,600
D. A vessel exceeding 60ft length (BVI owned and flagged)	\$2,000
E. A vessel exceeding 60ft but not exceeding 115ft length	\$4,000
F. A vessel engaged in Diving, Day Trips but not offering accommodation not exceeding 40ft length	\$ 400
G. A vessel engaged in Diving, Day Trips but not offering accommodation exceeding 40ft but not exceeding 115ft length	\$ 800
H. A vessel engaged in Water Taxi service not exceeding 12 passengers capacity	\$ 400
I. A vessel engaged in Water Taxi service exceeding 12 passengers capacity	\$ 800

#### Foreign Based Term Charters

	<i>Per Annum</i>	<i>Per Cruise</i>
A. A vessel not exceeding 115ft Length (restricted by section 9) (fees may be paid annually or per cruise)	\$ 7,500	\$1,200
B. A vessel not exceeding 115ft Length (unrestricted), either (i) or (ii) below:		
(i) single fee	\$24,000	
(ii) single fee for up to 7 charters and for each charter thereafter within the licence year	\$ 7,500	\$2,100
C. A vessel engaged in Diving, Day Trips but not offering accommodation	\$ 8,500	
D. A vessel engaged in Water Taxi service	\$ 2,500	

#### Large Yacht/Mega Yacht

	<i>Per Annum</i>	<i>Per Cruise</i>
A. A vessel exceeding 115ft but not exceeding 150ft length	\$ 7,500	\$2,000
B. A vessel exceeding 150ft but not		



exceeding 250ft length	\$ 8,500	\$2,500
C. A vessel exceeding 250ft length	\$10,000	\$3,500

### **Intra-trading**

	<i>Per Annum</i>
To engage in intra-trading	\$ 500

### **Importation Permit**

	<i>Per Annum</i>
Temporary Importation Permit	\$ 600".

### **Insertion of Schedule 2**

14. The principal Act is amended by inserting the following as Schedule 2:

#### **“SCHEDULE 2**

(Section 4A)

#### **COMMERCIAL RECREATIONAL FOREIGN BASED VESSEL LICENSING FRAMEWORK**

<b>Commer- -cial Vessel</b>	<b>Entry Period</b>	<b>Maximum Commer- -cial Charters (annual)</b>	<b>Entry Process</b>	<b>Documents Required for Licence Processing</b>	<b>Applicable Fees</b>
Term Charter 115 feet and greater	Unlimited	Unlimited	Customary Border Processes	Framework A	Cruising Permit Fees
Term Charter less than 115 feet	Greater than 48 hours but less than 8 days	Unlimited Charter Entries, no more than 7 pickups	Customary Border Processes	Framework A	Cruising Permit Fees
Term Charter less than 115 feet	Greater than 48 hours but less than 8 days	7 per vessel	Customary Border Processes	Framework B	Cruising Permit Fees
Term Charter Bareboat less than 60 feet	Less than 4 days	7 per vessel	Customary Border Processes	Valid Certificate of Registry/ Documenta- -tion	Cruising Permit Fees

				Evidence of Charter Contract	
Water Taxi	Not exceeding 8 hours	Unlimited	Customary Border Processes	Framework A	
Day Charter Boats	Not exceeding 8 hours	Unlimited	Customary Border Processes	Framework A	Cruising Permit Fees

### **FRAMEWORK A**

Subject to Pre-Authorisation by the Customs Department consisting of the following:

- Verification that UBO is not sanctioned
- Other applicable Licensing Requirements (MOF)
- Valid Certificate of Registry/Documentation
- Valid Safety Certificate for vessel operations
- Business Licence (USVI vessels only)
- Evidence of owner's permission to charter
- Verification of insurance covering vessel operations in BVI waters, as well as oil pollution and salvage incidents

### **FRAMEWORK B**

- Valid Certificate of Registry/Documentation
- Valid Safety Certificate for vessel operations
- Business Licence (USVI vessels only)
- Evidence of owner's permission to charter
- Verification of insurance covering vessel operations in BVI waters, as well as oil pollution and salvage incidents".

### **Section 5(b) ceases to apply**

**15.** Section 5(b) of this Act shall cease to apply on the 1<sup>st</sup> day of November, 2025.

Passed by the House of Assembly this 6<sup>th</sup> day of May, 2025.

(Sgd.) Corine George-Massicote,  
Speaker.

(Sgd.) Bethsaida Smith-Hanley,  
Clerk of the House of Assembly.