

No. 14 of 2025

VIRGIN ISLANDS

CRUISING AND HOME PORT PERMIT (AMENDMENT) ACT, 2025

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**Cruising and Home Port Permit
(Amendment) Act, 2025**

**Virgin
Islands**

I Assent

**(Sgd.) Daniel Pruce,
Governor.
23rd May, 2025**

VIRGIN ISLANDS

No. 14 of 2025

AN ACT TO AMEND THE CRUISING AND HOME PORT PERMIT ACT, 2021, No. 29 OF 2021, TO PROVIDE FOR THE REQUIREMENTS APPLICABLE TO A HOME BASED CHARTER BOAT; TO PROVIDE FOR CRUISING PERMIT EXEMPTIONS; TO MAKE IT MANDATORY FOR A CHARTER BOAT OWNER TO APPOINT AN AGENT; TO PROHIBIT CERTAIN VESSELS FROM OPERATING IN BVI WATERS WITHOUT A LICENCE RECOGNISED BY THE VIRGIN ISLANDS; TO ALLOW CERTAIN FOREIGN BASED LARGE VESSELS TO ENGAGE IN INTRA-TRADING AND TO PROVIDE FOR OTHER MATTERS CONNECTED THEREWITH.

[Gazetted 29th 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 Cruising and Home Port Permit (Amendment) Act, 2025.

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

Section 2 amended

2. The Cruising and Home Port Permit Act, 2021, No. 29 of 2021 (hereafter referred to as “the principal Act”), is amended in section 2

(a) by inserting, in the appropriate alphabetical order, the following definitions:

““BVI vessel” means a vessel

(a) owned by a BVI company or a person who belongs to the Virgin Islands as defined in section 2(2) of the

Virgin Islands Constitution Order 2007, U.K.S.I. 2007 No. 1678; and

- (b) 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;

“length of vessel” means the length overall of the hull in any vessel, taken in feet and inches, from the stem to the stern of the vessel excluding any extension to the hull;” and

- (b) by deleting the definition of “home based charter boat” and substituting the following definition:

““home based charter boat” means a charter boat

- (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;”.

Insertion of section 3A

3. The principal Act is amended by inserting after section 3 the following section:

“Requirements regarding home based charter boats

3A. (1) A home based charter boat that is not a BVI vessel

- (a) may originate a maximum of four charters of the season from outside the Virgin Islands, if each charter itinerary includes the Virgin Islands;

- (b) shall originate at least 70 per cent of its charters in the Virgin Islands; and

- (c) shall, on average, spend no less than fifteen days per month in the Virgin Islands, comprising of one period or multiple periods of no less than five consecutive days,

during the period 1st December in one year to 30th April inclusive in the ensuing year.

(2) The Commissioner may approve variances to subsection (1) on the grounds of weather issues, mechanical issues or other unforeseen or uncontrollable factors.

(3) The licensed operator of a vessel in subsection (1) shall, upon request, submit to the Commissioner a report providing a true and accurate account of the inward and outward clearance of the vessel.

Section 4 amended

4. The principal Act is amended in section 4

- (a) in subsection (1) by deleting the word “A” and substituting the words “Subject to subsection (3), a”; and
- (b) by inserting after subsection (2), the following subsection:

“(3) The following are exempt from obtaining a cruising permit:

- (a) a vessel that is a legitimate tender of a larger vessel that already holds a cruising permit;
- (b) a vessel which is less than 15 feet in length, rented with or as a bareboat for pleasure use;
- (c) hotel, resort or villa-owned; and
 - (i) power vessels with less than 21 feet length; and
 - (ii) recreational sailing vessels with less than 26 feet length provided to guests of the establishment for recreational purposes,provided that the vessel operates within one mile of the base of the property; and
- (d) a small cruise ship in relation to which a Home Port Permit has been issued under section 16.

Section 5 amended

5. The principal Act is amended in section 5 by inserting after the last word of the section, the words “or persons residing in the Territory”.

Section 10 amended

6. The principal Act is amended in section 10 by deleting the words “A charter boat owner may” and substituting the words “A foreign based charter boat owner shall”.

Section 12 amended

7. The principal Act is amended in section 12 by repealing subsection (2) and substituting the following subsections:

“(2) The Commissioner shall exempt from payment of fees, charter boats engaged on direct voyages

- (a) originating in a foreign port and terminating in a Virgin Islands port with no continuing internal legs; or
- (b) originating in a Virgin Islands port with no prior internal legs and terminating in a foreign port.

(3) A charter boat or cruise ship, including a cruise ship that is registered in the Virgin Islands, whose capacity exceeds 30 passengers and has on board a Safety of Life at Sea (SOLAS) approved overnight accommodation, shall be exempted from the payment of fees for the first 24 hours of any voyage.”.

Section 13 amended

8. The principal Act is amended by repealing section 13(2)(c).

Insertion of section 15A

9. The principal Act is amended by inserting after section 15 the following section:

“Prohibition on operating in BVI waters

15A. A foreign based bareboat charter greater than 60 feet in length that is not under the command of a Captain, Master or Boatmaster holding a licence recognised by the flag state of the vessel shall be prohibited from operating in BVI waters.

Insertion of section 20A

10. The principal Act is amended by inserting after section 20, in Part V, the following section:

“Offences and penalties for failure to comply with section 3A

20A. (1) Where the licensed operator of a home based charter boat fails to comply with section 3A(1), without the approval of the Commissioner in accordance with section 3A(2), or submits false documents or makes false reports in contravention of section 3A(3),

- (a) any cruising permit issued under section 4 in relation to the vessel shall be cancelled immediately;
- (b) the Commissioner shall impose a fine on the licensed operator in accordance with section 3(7)(a) of the Commercial Recreational Vessels Licensing Act, 1992, No. 8 of 1992; and
- (c) the Minister may disqualify the vessel from holding a licence in accordance with section 3(7)(b) of the Commercial Recreational Vessels Licensing Act, 1992, No. 8 of 1992.

(2) Any person who is aggrieved by a penalty applied under subsection (1) may within seven days of receipt of notification, appeal in writing to the Cabinet, whose decision thereon shall be final.

(3) Notwithstanding subsections (1) and (2), where false documents are submitted or false reports are made, in contravention of section 3A(3), the licensed operator of the vessel commits an offence and shall be liable on summary conviction to a fine of fifteen thousand dollars for each occurrence.”.

Passed by the House of Assembly this 8th day of May, 2025.

(Sgd.) Corine N. George-Massicote,
Speaker.

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