

MINISTER'S 'CLOSE EYE' FROM PAGE 1

employees felt the cruise ship industry's impact the most, Mr D'Aguilar said he would "incentivise" the lines to "reverse course" if they became too attached to their private islands.

Declining to reveal how he will accomplish this, on the grounds he did not want "to reveal all my cards", the Minister said Royal Caribbean's plans for its Berry Island location had "re-energised" the Government's plan to upgrade Prince George Wharf and the entire Nassau cruise passenger experience.

He also promised "to insist" that Bahamian

attraction, tour and excursion providers operate the various activities and rides planned for Coco Cay - an issue that has long been a 'sore point' for locally-owned businesses.

"You raise a very valid point. I thought exactly the same thing," Mr D'Aguilar said of Royal Caribbean's plans. "We have to be very careful the cruise lines don't direct all the economic spending power of their passengers to their private islands.

"This lends credence to the efforts of this government to improve the whole port experience in Nassau, and the need for us to execute our plans to improve the overall experience of Prince George Wharf and to make sure our offerings remain competitive."

Royal Caribbean's proposed Coco Cay investment is currently before the Government and its various agencies for approval, with notice of its submission for planning permission having been published in the newspapers earlier this year.

The cruise line, in a release last week, provided more details of its intention to make the island part of its 'Perfect Day Island Collection', with new attractions set to include more than 10 waterslides; a wave pool; helium balloon ride; zip line; and freshwater pool.

Mr D'Aguilar said the cruise industry was "growing gangbusters", both in terms of ships and number of passengers it was catering to, which means the Bahamas "has to be competitive and watch world trends".

With Royal Caribbean now prepared to invest hundreds of millions of dollars in its Bahamian private island, he reiterated: "We have to watch how this impacts visits to the port of Nassau, which is where the greatest impact from foreign visitors - the cruise passengers - to our country is felt.

"We've got to monitor that. Visits to private islands where the experience is controlled by them [the cruise lines] ranks very highly in customer satisfaction surveys. But we have to ensure this new attraction doesn't diminish the economic impact cruise passengers have on our major population centres.

"We're absolutely going to have to monitor this; what they're spending and the effect this is going to have. It is a concern and I'll keep a very close eye on that; the passenger count in Nassau and the mechanisms we use to monitor the spending of those passengers when they get here."

Many observers, especially the remaining Bahamian-owned tour operators and excursion providers that rely on cruise passengers for a significant portion of their business, will likely feel that 'the ship has long sailed' on government efforts to rein in the cruise lines.

Data published by the Central Bank shows that despite a 23.7 per cent increase in cruise passenger arrivals from 2010 to 2016, rising from 3.8 million to 4.7 million per annum, total spending has remained stubbornly at \$300 million. This is because per passenger spending yields have fallen from \$78 to \$64 over the same period, a drop of 18 per cent.

Operators typically call at their Bahamian private islands first, prior to visiting Nassau and/or Freeport, so that they receive 'first call' on their passengers' spending, which leaves relatively little for local businesses in the major cities.

The cruise lines also offer similar tours and excursions, and replicate the experiences, offered by Bahamian-owned companies on their private islands. It has long been alleged that the lines themselves control these activities, together with water sports, although they have denied this, with Mr D'Aguilar also saying such claims are "not true".

However, the Bahamas Association of Shore Excursion Providers (BASE) has effectively ceased to exist, amid allegations that the cruise lines effectively control their mark-ups and profit margins. This has all led to a 'vicious circle', where the cruise lines complain there is nothing new and exciting for their passengers to do in Nassau and Freeport, while Bahamian-owned companies quietly complain they are unable to earn sufficient returns to invest in such attractions.

Successive administrations have also failed to use the cruise lines' Bahamian private islands, and their need for a destination in close proximity to the US, as leverage to extract more favourable terms for locals and their businesses.

Under the US Jones Act, foreign-flagged vessels such as the cruise ships have to first call at a foreign port before they can return home to the US. This made the Bahamas a natural stop on the three, four and even five-night cruises, but Cuba's opening up has whittled away this advantage and strategy.

Still, Mr D'Aguilar told Tribune Business of Coco Cay's attractions and excursions: "We will insist they use Bahamian companies to provide these services.

"They're allowed to have these islands, but not to the exclusion of Bahamian providers of these activities. We'll be there to make sure whatever they do they're using Bahamian providers and vendors of these services.

"We must not forget the economic impact of them coming to Nassau and Freeport, our major population centres, is too important to us.

"If they go too far in one direction, we'll have to incentivise them to reverse.

Mr D'Aguilar declined to detail his 'incentive' strategy, but added of Royal Caribbean's plans: "It re-energises the belief that a substantial investment is required in the Port of Nassau to bring it to a standard that is similar to what the cruise companies are putting on these islands."

The Minister, during his mid-year Budget presentation last week, said he and Frankie Campbell, minister of transport and local government, were looking at creating an entity similar to the Nassau Airport Development Company (NAD) to manage Prince George Wharf.

This suggests the cruise port's management may be outsourced to the private sector, with Mr D'Aguilar saying: "The current set-up of tourism managing the customer experience silo, and Transport managing the maritime infrastructure silo, is woefully inefficient and leads to an operating scenario that is lacking in cohesiveness and effectiveness.

"Also, neither Tourism nor Transport is aware of what the other is spending on its operations at the Port, and so there is no clue what to charge the cruise passenger who uses both Tourism and Transport's services. As a consequence, Government is unaware whether it is making money or losing money on its very valuable asset.

"With 4.8 million cruise passenger visits last year, the Bahamas dominates this market, and although we continue to uphold our competitive position we must improve the visitor experience of the Port of Nassau if we wish to grow or even just maintain our market share."

COMMONWEALTH OF THE BAHAMAS

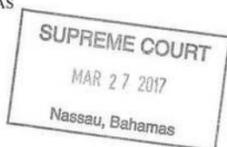
2017

IN THE SUPREME COURT

CLE/GEN/00393

Common Law and Equity Division

BETWEEN



SANDYPORT HOMEOWNERS ASSOCIATION LIMITED

Plaintiff

V.

DWAYNE DAY
IVETA DAY

Defendants

ELIZABETH II, by the Grace of God, Queen of The Commonwealth of The Bahamas and of her other realms and territories, Head of The Commonwealth.

TO: DWAYNE DAY & IVETA DAY
No. 8D Sandyport Farms
Sandyport
New Providence, The Bahamas

WE COMMAND YOU That within fourteen days after service of this Writ on you, inclusive of the day of such service, you do cause an appearance to be entered for you in an action at the suit of Sandyport Homeowners Association Limited c/o Cedric L. Parker & Co. 9 Harcourt (Rusty) Bethel Drive, New Providence, The Bahamas, P.O. Box N-1953.

AND TAKE NOTICE that in default of your so doing the Plaintiff may proceed therein, and judgment may be given in your absence.

WITNESS, His Lordship the Honourable Sir Hartman Longley, Our Chief Justice of The Commonwealth of The Bahamas the 27th day of March A.D. 2017.

REGISTRAR

N.B. - This Writ may not be served more than 12 calendar months after the above date unless renewed by Order of the Court.

DIRECTIONS FOR ENTERING APPEARANCE

The Defendants may enter appearance personally or by attorney either by handing in the appropriate forms, duly completed, at the Registry of the Supreme Court, British American Building, Marlborough Street, in the City of Nassau in the Island of New Providence, or by sending them to that office by post.

STATEMENT OF CLAIM

- The Plaintiff is a limited company having its Registered Office in the city of Nassau, New Providence, an island in the Commonwealth of The Bahamas, carrying on business within the said Commonwealth as the owner, operator, and licensor of the Common and Amenity Areas within the Sandyport Residential Development, in the Western District of the said Island of New Providence.
- By virtue of an Indenture of Conveyance Lodged for Recording on the 10th day of October A.D. 2008, the Defendants became the owners of all that piece parcel or lot of land being Lot No. 8D Happy Lane, Sandyport Farms, in the said Sandyport Development, which conveyance is Recorded at the Registry of Records in Volume 010581 at Pages 335 to 344. The Defendants also entered into a Licence Agreement with the Plaintiff to use and enjoy its Amenity Areas in the said Sandyport Development, Lodged for Recording on the 10th day of October A.D. 2008, and Recorded in the Registry of Records in Volume 010581 at Pages 329 to 334, subject "first to the payment of the maintenance charge set out in the said licence and the performance and observance of covenants conditions and stipulations in the said licence reserved and contained and henceforth on the licensee's part to be observed and performed."
- The said Licence Agreement afforded the Defendants the right and liberty to use the Plaintiff's Amenity Areas in consideration of the Defendants' covenant, *inter alia*, to pay by the Plaintiff's maintenance charges "without any deductions". Payment of which goes toward the maintenance and operation of the Amenity Areas within Sandyport for the benefit of all property owners. The Defendants are also contractually obligated to pay indenture charges to the Plaintiff.
- Despite his contractual undertakings and obligation to pay the Plaintiff the maintenance and indenture charges, the Defendants have fallen into arrears with respect thereto. As at the date hereof the Defendants owe the Plaintiff \$5,232.21 in unpaid maintenance and indenture charges.
- The Plaintiff's demands notwithstanding the Defendants have failed and/or refused to satisfy their said indebtedness to the Plaintiff and regularize their account from its delinquent status. It is the Plaintiff's honest belief that the Defendants will persist in their refusal to satisfy his debt to the Plaintiff unless compelled by this Honourable Court.

AND THE PLAINTIFF CLAIMS:

- \$5,232.21.
- Interest.
- Damages.
- Costs.
- Such further or other relief as to the Court may seem just.

Dated the 27th day of March A.D. 2017

CEDRIC L. PARKER & CO.
Chambers
Neil's Court
9 Harcourt (Rusty) Bethel Drive
Nassau, The Bahamas.
Attorneys for the Plaintiff

POINCIANA SPV LTD.

NOTICE EXPRESSION OF INTEREST

Poinciana SPV LTD. invites Expressions of Interest for the provision of IT and Data Installations to the building formerly known as 'UBS House' located on East Bay Street, Nassau, Bahamas.

Interested persons can contact the Project Manager via N&M Architects. To obtain a copy of the Scopes of Work and additional information, please telephone: 1(242) 327-8495 or email: info@nandmarchitects.com or dhp@dhpassociates.com.

All Expressions of Interest documents are to be placed in a sealed envelope marked:

UBS House Renovations
IT & Data Installation – Poinciana SPV Ltd.
c/o N&M Architects
#27 Sandyport Plaza
West Bay Street
P. O. Box SP-61273
Nassau, Bahamas

Companies should submit Expressions of Interest no later than 23rd March, 2018. Only persons with a valid Business License, Tax Compliance letter, Registration Certificate and Letter from National Insurance (NIB) stating your company is in good standing need apply.

COMMONWEALTH OF THE BAHAMAS
IN THE SUPREME COURT
Common Law and Equity Division

2017

CLE/gen/00412

IN THE MATTER of an Indenture of Mortgage made the 29th day of June, A.D., 2004 between David N. Basden and Clouthina M. Francis and Finance Corporation of Bahamas Limited.

AND IN THE MATTER of The Mortgages Act, Chapter 156 of the Revised Laws

BETWEEN

FINANCE CORPORATION OF BAHAMAS LIMITED

Plaintiff

AND
DAVID N. BASDEN

First Defendant

AND
CLOUTHINA M. FRANCIS

Second Defendant

TO: David N. Basden

TAKE NOTICE that an action has been commenced against you in the Supreme Court of the Commonwealth of The Bahamas by Finance Corporation of Bahamas Limited, Robinson Road Branch, Nassau, New Providence, Bahamas, in which the Plaintiff's claim is set out in the Originating Summons filed in this action on the 30th day of March, A.D., 2017 seeking an Order to direct you to deliver up possession of the Mortgaged Property situate at off Godet Drive, Carmichael Road, New Providence, Bahamas to Finance Corporation of Bahamas Limited within Twenty-eight (28) days of the Order and Judgment for the sum outstanding under the Indenture of Mortgage dated the 29th day of June, A.D., 2004, and that it has been ordered that the publication of a notice of the entry of the Originating Summons filed on the 30th day of March, A.D., 2017, Notice of Appointment to Hear Originating Summons filed on the 14th day of August, A.D., 2017, Affidavit in support of application filed on the 8th day of August, A.D., 2017, Ex Parte Summons filed on the 1st day of August, A.D., 2017, Affidavit in support of Ex Parte Summons filed on the 15th day of August, A.D., 2017 and Order filed on the 29th day of November, A.D., 2017 in The Tribune newspaper and The Nassau Guardian newspaper shall be deemed to be good and sufficient service of the said documents upon you.

A copy of the said Originating Summons, Notice of Appointment to Hear Originating Summons, Affidavit in support of application, Ex Parte Summons, Affidavit in support of Ex Parte Summons and Order may be obtained from the Supreme Court Registry, Judicial Complex, East Street North, Nassau, Bahamas, or from the Attorneys for the Plaintiff below mentioned.

Dated the 13th day of March A.D. 2018

HIGGS & JOHNSON
Ocean Centre
Montagu Foreshore
East Bay Street
Nassau, New Providence, The Bahamas
Attorneys for the Plaintiff