

S.I. 2009 No. 49

Duties, Taxes and Other Payments (Exemption) Act
Cap. 67B

DUTIES, TAXES AND OTHER PAYMENTS (EXEMPTION)
(BACASSA DEVELOPMENTS (BARBADOS) LIMITED)
ORDER, 2009

The Minister in exercise of the powers conferred on him by section 3 of the *Duties, Taxes and Other Payments (Exemption) Act*, makes the following Order:

1. This Order may be cited as the *Duties, Taxes and Other Payments (Exemption) (Bacassa Developments (Barbados) Limited) Order, 2009*.

2. In this Order,

“Company” means Bacassa Developments (Barbados) Limited;

“project” means the construction of a hotel and villas and the maintenance of a golf course at Black Bess in the parish of Saint Peter;

“supplies” means

- (a) materials purchased either locally or imported for the construction, development and operation of the project; and
- (b) the provision of services that directly relate to the construction of the project;

“villa” has the meaning assigned to it by section 2 of the *Barbados Tourism Authority Act*.

3. The Company is exempt from the payment of value added tax, import duty, excise tax and environmental levy in respect of the importation of

- Schedule.
- (a) equipment and vehicles, specified in Part I of the *Schedule*, to be used for the part of the project which concerns the maintenance of a golf course; and
 - (b) vehicles specified in Part II of the *Schedule*, which are to be used in connection with the part of the project which concerns construction of hotels and villas,

where the Minister is satisfied on a certificate by the Project Manager that the vehicles are so required, and the vehicles shall not be sold or otherwise disposed of within 3 years of the date of importation unless the Company pays the duties and taxes in respect thereof.

4. (1) The Company, in respect of the importation of supplies to be used exclusively in connection with the project, is exempt from the payment of value added tax, import duty, excise tax and environmental levy on the certificate to that effect by the Project Manager, subject to such conditions as may be imposed by the Comptroller of Customs as to the keeping and rendering of accounts in respect of the use and disposal of the supplies so imported.

(2) The Company or a non-resident business enterprise that is contracted to work in connection with the project is exempt from the payment of value added tax, import duty, excise tax and environmental levy on equipment imported for use exclusively with the project, where the Minister is satisfied on a certificate by the Project Manager that the equipment is so required.

Cap. 87. (3) The Company is exempt from the payment of value added tax under the *Value Added Tax Act* in respect of supplies purchased in Barbados for use exclusively in connection with the project.

5. (1) The Company, in respect of the importation of supplies to be used exclusively in connection with the project, is exempt from the payment of cess, for the period beginning on the 8th October, 2005 and ending on 28th February, 2007, on the certificate to that effect by the Project Manager, subject to such conditions as may be imposed by the Comptroller of Customs as to the keeping and rendering of accounts in respect of the use and disposal of the supplies so imported.

(2) The Company or non-resident business enterprise that is contracted to work in connection with the project is exempt from the payment of cess for the period beginning on the 8th October, 2005 and ending on the 28th February, 2007, on equipment imported for use exclusively with the project, where the Minister is satisfied in a certificate by the Project Manager that the equipment is so required.

6. The Company is exempt for a period of 15 years, with effect from the 8th day of October, 2005, from the payment of corporation tax under the *Income Tax Act* on any income earned in respect of the project. Cap. 73.

7. The Company is exempt for a period of 15 years, with effect from the 8th day of October, 2005, from the payment of withholding tax in respect of

- (a) dividends and interest paid to non-resident shareholders; and
- (b) fees paid to non-residents who are contracted to provide management services or technical skills for the purposes of the project.

8. The Company is exempt from the payment of property transfer tax, payable under the *Property Transfer Tax Act*, on Cap. 84A.

- (a) the acquisition of real estate for the purposes of the project; and
- (b) the initial sale of real estate and villas constructed by the Company under the project.

9. (1) Non-resident employees of any non-resident business enterprise who are contracted to work in connection with the project and their dependants who are not citizens, permanent resident or immigrants of Barbados are exempt from the payment of duties and taxes on their personal and household effects if the effects are imported within 2 months of their arrival into Barbados and are not disposed of in Barbados.

(2) Any non-resident employee of any non-resident business enterprise who is contracted to work in connection with the project is exempt from the payment of duties and taxes on the importation of one vehicle if that vehicle is imported within 2 months of that person's arrival into Barbados and is not sold or otherwise disposed of within 3 years of the date of its importation.

10. This Order shall be deemed to have come into operation on the 8th day of October, 2005.

SCHEDULE

(Paragraph 3)

PART I

*Equipment and Vehicles to be used for Development of a
Golf Course under the Project*

1. Tractors
2. Mowers
3. Irrigation Equipment
4. Sweepers
5. Blowers
6. Boom Sprayers
7. Sand Trap Rakes
8. Turf Utility Vehicles
9. Rollers

PART II

*Vehicles for use in the Construction of the Hotel
and Villas under the Project*

1. Dump Trucks
2. Forklifts
3. Sod Cutters
4. Trucksters
5. Garbage Trucks
6. Road Sweepers
7. Pick-up Trucks
8. Flat Bed Trucks
9. Tipper Trucks
10. Excavators
11. Wheeled Loaders
12. Skid Steers
13. Backhoe Loaders
14. Tractors
15. Cranes

Made by the Minister this 21st day of April, 2009.

DAVID J. H. THOMPSON
Minister responsible for Finance.