

S.I. 2016 No. 97

Duties, Taxes and Other Payments (Exemption) Act

CAP. 67B

DUTIES, TAXES AND OTHER PAYMENTS (EXEMPTION) (SAM LORD'S PROPERTY DEVELOPMENT INC.) ORDER, 2016

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) (Sam Lord's Property Development Inc.) Order, 2016*.

2. In this Order,

“affiliate” has the meaning assigned to it by section 448 of the *Companies Act*, Cap. 308;

“associate” has the meaning assigned to it by section 448 of the *Companies Act*, Cap. 308;

“Company” means Sam Lord's Property Development Inc., a company incorporated under the *Companies Act*, Cap. 308, and its affiliates and associates;

“distributions” means profits declared by the Company;

“Hotel” means the hotel to be constructed at Long Bay in the parish of Saint Phillip;

“Project” means

- (a) the acquisition and development of land by the Company to facilitate the construction of the Hotel; and

(b) the development and expansion, by the Company, of the Hotel and the operation thereof by the Company as a Wyndham brand hotel;

“supplies” means materials, furniture, fittings, fixtures and appliances imported, purchased out of a bonded warehouse or purchased locally for use exclusively in the construction, development and operation of the Project but shall exclude those items that are on the List of Commodities Ineligible for Conditional Duty Exemptions set out in Section C, Parts I and II of the *Customs Tariff (Amendment) (No.9) Order, 2009* (S.I. 2009 No. 159);

“Tax Holiday Period” means the period of 25 years commencing on the 27th July, 2016; and

“Wyndham brand” means a hotel that will be operated by the Wyndham Hotel Group and carrying the Wyndham logo.

3. The Company, in carrying out the Project, during the Tax Holiday Period, is exempt from the payment of

- (a) all duties and taxes payable on the acquisition of the land by the Company for the purpose of the Project;
- (b) stamp duty on any legal document executed by the Company relating to the Hotel or its operations.
- (c) all withholding taxes on the interest paid to non-resident financial institutions on the portion of loans for financing of operations of the Hotel, dividends, management services, consulting skills for the operation of the Hotel as well as on the Company’s recoverable costs including but not limited to insurance premiums and licence fees;
- (d) all imposts and taxes on insurance premiums;
- (e) all taxes payable in relation to any property which may be acquired for the use and benefit of the Hotel or for living accommodation for non-resident senior members of staff and other staff of the Hotel;

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- (f) all duties and taxes in respect of the repatriation of capital and profits in respect of the operation of the Hotel;
 - (g) all exchange control duties and taxes in respect of the repatriation of monies;
 - (h) all taxes on any distributions by the Company;
 - (i) all import duties, taxes, imposts and levies of any nature whatsoever, including value added tax, on the importation or local purchase of:
 - (i) all capital goods such as plant and equipment necessary for construction of works, building materials, building equipment, mechanical, electrical and plumbing fixtures, plant and equipment, articles of hotel equipment, furniture, furnishings, fixtures, fittings, construction machinery, boats, watercraft, vehicles for the Hotel's use, televisions, computer equipment, telephones, software, hardware, shrubs and plants, garden and agriculture equipment, promotional and marketing materials for operating the Hotel and for the cyclical refurbishment undertaken from time to time in order to maintain the Hotel to the standards of the Wyndham brand;
 - (ii) fuel for construction equipment;
 - (iii) consumables for the operation of the Hotel, including but not limited to operating supplies, soft furnishings, printed materials, guest supplies, spa supplies, paper, stationery, books and spare parts for all equipment;
 - (iv) food, alcohol and beverages;
 - (j) all import duties, taxes, imposts and levies on all vehicles required for the operation of the Hotel including vehicles assigned to senior managers;
 - (k) all import duties, taxes, imposts and levies on the personal and household effects and vehicles for senior staff who are contracted to

work in Barbados and are not citizens or permanent residents of Barbados;

- (l) value added tax on the provision of services that directly relate to construction works or cyclical refurbishment of the Hotel undertaken from time to time in order to maintain the Hotel to the standards of the Wyndham brand;
- (m) stamp duty in respect of any loans, mortgages, debentures or any other documents executed by the Company;
- (n) all property and land taxes payable in respect of the Hotel; and
- (o) corporation tax on the taxable income of the Company in respect of the operation of the Hotel.

Made by the Minister this 13th day of December, 2016.

CHRISTOPHER SINCKLER
Minister Responsible for Finance