

S.I. 2017 No. 31

Duties, Taxes and Other Payments (Exemption) Act

CAP. 67B

DUTIES, TAXES AND OTHER PAYMENTS (EXEMPTION) (ST. JAMES ATLANTIC INCORPORATED) ORDER, 2017

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) (St. James Atlantic Incorporated) Order, 2017*.

2. In this Order,

“Company” means St. James Atlantic Incorporated, a company incorporated in the British Virgin Islands and registered as an external company under the *Companies Act*, Cap. 308;

“project” means the construction of 4 luxury condominiums at Paynes Bay in the parish of St. James;

“supplies” means construction materials, fixtures and fittings for use exclusively in the construction of the project whether the items are imported or purchased out of a bonded warehouse;

3.(1) The Company shall be exempt from the payment of import duty and value added tax in respect of supplies imported for the exclusive use of the project, where

(a) the Comptroller of Customs is satisfied, on a certificate by the Project Manager, that the supplies are required for the exclusive use of the project; and

(b) the Minister is satisfied, on a certificate by the Project Manager, issued after consultation with the Barbados Manufacturers Association, that the supplies cannot be produced locally.

(2) The exemptions granted in subparagraph (1) shall be from 1st February, 2016 to 31st August, 2017.

4.(1) The Company shall be exempt from the payment of import duty, excise tax and value added tax in respect of specialised vehicles and construction equipment for the exclusive use of the project where the Minister is satisfied, on a certificate by the Project Manager, that the vehicles and equipment required are for the exclusive use of the project.

(2) Notwithstanding subparagraph (1), the import duty, excise tax and value added tax to which that paragraph refers shall become payable where

(a) the vehicles or construction equipment are sold or otherwise disposed of before the expiration of the 5 years from the date of their importation or purchase from a bonded warehouse; or

(b) the project is completed before the end of the 5 year period.

5. Where the Company is granted the exemptions referred to in paragraphs 3 and 4, the Comptroller of Customs may require the Project Manager to

(a) keep and render accounts in such form and containing such particulars as may be required by the Comptroller of Customs; and

(b) permit the Comptroller of Customs or any person authorised by him in writing at all reasonable times to inspect such records and have access to any premises for the purpose of examining the supplies, vehicles and equipment and to satisfying himself of the accuracy of the particulars in relation to the contents contained in the records.

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6. The Company is exempt from the payment of property transfer tax payable under the *Property Transfer Tax Act*, Cap. 84A in respect of the initial sale of each condominium.
7. The Company is exempt from the payment of withholding tax payable under the *Income Tax Act*, Cap. 73 for a period of 5 years with effect from the date of the approval letter from the Ministry in respect of the dividends and interest paid by the Company to a non-resident shareholder.
8. The exemptions are granted on the following conditions:
- (a) that the project shall commence within a period of 6 weeks following the scheduled commencement date and must continue, failing which the approval shall be void and a new application must be submitted for consideration; and
 - (b) that the Company shall be required to submit a quarterly status report on the project.

Made by the Minister this 8th day of May, 2017.

CHRISTOPHER SINCKLER
Minister Responsible for Finance