

**SAINT LUCIA**

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No. 3 of 2013

ARRANGEMENT OF SECTIONS

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No. 3 ] *Fiscal Incentives (Amendment) Act* [ 2013.

I ASSENT

[L.S.] PEARLETTE LOUISY,  
*Governor-General.*

*April 18, 2013.*

## SAINT LUCIA

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### No. 3 of 2013

**AN ACT** to amend the Fiscal Incentives Act, Cap.15.16 and for connected purposes.

[ 29th April, 2013 ]

**BE IT ENACTED** by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Assembly and the Senate of Saint Lucia, and by the authority of the same, as follows:

**Short title**

1. This Act may be cited as the Fiscal Incentives (Amendment) Act, 2013.

**Interpretation**

2. In this Act—

“**principal Act**” means the Fiscal Incentives Act, Cap.15.16.

**Amendment of section 2**

3. Section 2 of the principal Act is amended by repealing the definition of “construction day” and substituting the following—

““**construction day**” means the day specified in an order made under section 6;”.

**Amendment of section 6**

4. Section 6 of the principal Act is amended —

(a) by inserting a new subsection (1A) as follows—

“(1A) Despite subsection (1), Cabinet may, on an application made by or on behalf of an enterprise that at the commencement of this subsection, manufactures a product declared to be an approved product before the commencement of this subsection, if it is satisfied that it is in the public interest so to do, by Order made on or before 31 December 2014 and published in the Gazette, declare such enterprise to be an approved enterprise with effect from the date specified in the Order.”; and

(b) by repealing subsections (3) and (4) and replacing with the following—

“(3) An order made under this section—

(a) shall specify the construction day, production day or both such days;

- (b) may declare that in its application it shall be restricted to a part of a factory, or to a particular grade, quality, description, type or classification of product;
  - (c) may impose continuing obligations on the approved enterprise;
  - (d) may confer certain benefits on the approved enterprise;
  - (e) may provide for its revocation in any case of breach of or non-compliance with its requirements.
- (4) An application under this section shall be submitted in writing through the Minister and shall specify –
- (a) the locality or proposed locality of the factory in which the enterprise is manufacturing or intends to manufacture the approved product;
  - (b) the construction day which shall not be later than 12 months after the date of the granting of the application, except that where a factory is already in existence, the application shall contain all information that may enable Cabinet to specify a construction day;
  - (c) the production day which shall not be later than 18 months from the construction day, except that where the production of an approved product has already commenced, the application shall contain all information that may enable Cabinet to specify a production day;
  - (d) the approved product already being manufactured or intended to be manufactured;

- (e) all information supported by documentary evidence, relevant to the determination of the local value added.”.

**Amendment of section 12**

5. Section 12(1) of the principal Act is repealed and replaced by the following—

“(1) Cabinet may, in its absolute discretion, grant complete or partial exemption from income tax to an enterprise declared to be an approved enterprise—

- (a) under section 6(1)—from the production day for a period not exceeding the period specified in Schedule 3 (hereinafter referred to as “the tax holiday period”);
- (b) under section 6(1A)—from the production day for a period not exceeding the period specified in Schedule 4 (hereinafter referred to as “the tax holiday period”).”.

**Amendment of section 26**

6. Section 26 of the principal Act is amended by inserting a new subsection (3) as follows—

“(3) Cabinet may give retrospective effect to an Order made pursuant to section 6(1A), if it is satisfied that it is equitable for such Order to have retrospective effect, in order to confer a benefit on or to remove a disability from an approved enterprise.”.

**Insertion of Schedule 4**

7. The principal Act is amended by inserting the following as Schedule 4 after Schedule 3—

## SCHEDULE 4

(Section 12(1))

## TAX HOLIDAY PERIOD

<i>Classification of Approved Enterprises Group</i>	<i>Tax Holiday Period</i>
Group I Enterprise	A period, continuous or interrupted, not extending beyond 31 December 2028
Group II Enterprise	A period, continuous or interrupted, not extending beyond 31 December 2025
Group III Enterprise	A period, continuous or interrupted, not extending beyond 31 December 2023
Enclave Enterprise	Any period, continuous or interrupted, not extending beyond 31 December 2028

Passed in the House of Assembly this 2nd day of April, 2013.

PETER I. FOSTER,  
*Speaker of the House.*

Passed in the Senate this 4th day of April, 2013.

CLAUDIUS J. FRANCIS,  
*President of the Senate.*