

S.I. 2011 No. 95

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

DUTIES, TAXES AND OTHER PAYMENTS (EXEMPTION)
(BRIGHTON CONDOMINIUM INC.) ORDER, 2011

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) (Brighton Condominium Inc.) Order, 2011*.

2. In this Order,

"Company" means Brighton Condominium Inc., a company incorporated under the *Companies Act*;

Cap. 308.

"equipment" means the construction equipment and vehicles specified in the *Schedule*.

Schedule.

"project" means the construction, development and administration of twenty-one condominiums and the buildings ancillary thereto at Brighton Terrace in the parish of St. Michael;

"supply" means

- (a) materials, furniture, fittings, fixtures and appliances to be used in the construction, development and administration of the project; and
- (b) the provision of services that directly relate to the construction, development and administration of the project.

3. The Company is exempt from the payment of value added tax, import duty and environmental levy in respect of the importation of supplies for the project, where the Minister is satisfied, on a certificate by the project manager, that the supplies are required for the exclusive use of the project.

4. The Company is exempt from the payment of value added tax on supplies purchased locally for the project, where the Minister is satisfied on a certificate by the project manager, that the supplies are required for the exclusive use of the project.

5. The exemptions referred to in paragraphs 3 and 4 are subject to such conditions, as to the keeping and rendering of accounts, as the Comptroller of Customs may impose in respect of the use and disposal of the supplies.

6. (1) Subject to sub-paragraph (2), the Company is exempt from the payment of value added tax, import duty, environmental levy and excise tax in respect of the importation of the equipment specified in the *Schedule*, where the Minister is satisfied on a certificate by the project manager, that the equipment is required for exclusive use in the project.

(2) The duties and taxes that are payable in respect of the equipment to which that sub-paragraph (1) refers shall become payable where the equipment is sold or otherwise disposed of before the expiration of 3 years from the date of the importation of the equipment.

7. The Company is exempt from the payment of the property transfer tax, payable under the *Property Transfer Act*, in respect of the initial sale of a villa or town house which is a part of the project.

8. The Company is exempt from the payment of
- (a). corporation tax, under the *Income Tax Act*, on any income earned in respect of the project; and
 - (b) withholding tax, under the *Income Tax Act*, in respect of
 - (i) dividends and interest paid to
 - (A) a non- resident shareholder; or
 - (B) an individual who has loaned a sum of money to the Company for use in the project; and
 - (ii) fees paid to a non-resident who is contracted to provide management services or technical skills for the purposes of the project.

9. (1) The exemptions granted herein shall be for a period of 15 years beginning on the date of the publication of this Order in the *Official Gazette*.

(2) Notwithstanding subsection (1), the exemptions granted in paragraph 8 shall take effect from the 15th day of November, 2010, and shall be for a period of 15 years.

SCHEDULE

(Paragraphs 2 and 6)

Equipment

1. Backhoe loaders.
2. Cranes
3. Drilling Rigs
4. Dump trucks.
5. Excavators.
6. Flat-bed trucks.
7. Fork lifts.
8. Garbage trucks.
9. Pick-up trucks.
10. Skid steers.
11. Tipper trucks.
12. Tractors.
13. Trenchers.
14. Wheeled loaders.

Made by the Minister this 8th day of August, 2011.

CHRISTOPHER P. SINCKLER
Minister responsible for Finance.