



## ST. CHRISTOPHER AND NEVIS

### CHAPTER 20.53

## CRICKET WORLD CUP 2007 (TOURISM ACCOMMODATION INCENTIVES) ACT

### Revised Edition

showing the law as at 31 December 2009

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Cap. 1.03.

This edition contains a consolidation of the following laws—

**CRICKET WORLD CUP 2007  
(TOURISM ACCOMMODATION INCENTIVES) ACT**

Act 11 of 2005 ... in force 26th May 2005

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**CHAPTER 20.53**  
**CRICKET WORLD CUP 2007**  
**(TOURISM ACCOMMODATION INCENTIVES) ACT**

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**CHAPTER 20.53**  
**CRICKET WORLD CUP 2007**  
**(TOURISM ACCOMMODATION INCENTIVES) ACT**

AN ACT TO ENCOURAGE THE DEVELOPMENT OF THE TOURISM ACCOMMODATION SECTOR TO MEET THE ANTICIPATED INCREASE IN DEMAND FOR ACCOMMODATION DURING CRICKET WORLD CUP 2007.

**Short title.**

1. This Act may be cited as the Cricket World Cup 2007 (Tourism Accommodation Incentives) Act.

**Interpretation.**

2. In this Act, unless the context otherwise requires—

“accommodation project” includes the—

- (a) construction of a hotel, a villa resort, a condominium or an upscale residential complex; or
- (b) conversion of an existing building by reconstruction or renovation into a hotel, a villa resort, a condominium or an upscale residential complex,  
of at least eight (8) bedrooms;

“condominium” means a cluster of dwelling units available for rent by holiday makers with supporting leisure facilities;

“hotel” means a building or group of buildings used to provide service and accommodation to guests for reward containing not less than eight (8) bedrooms, and may also contain—

- (a) one or more kitchens in which meals may be prepared by employees of the hotel owner or hotel operator for the guests; and
- (b) one or more dining rooms shared in common by all the guests in which meals may be served by employees of the hotel owner or operator to such guests;

“Minister” means the Minister responsible for Industry;

“person” includes a body corporate or unincorporated body;

“upscale residential complex” means a development of luxury guided by an overall master plan and which offers a wide range of recreational facilities within the developments;

“villa resort” means a cluster of dwelling units available for rent by holiday makers with supporting leisure facilities;

“cricket world cup accommodation project” means an accommodation project which is declared to be a cricket world cup accommodation project and is granted tax relief and exemptions pursuant to this Act.

**Application for approval of cricket world cup accommodation project.**

3. (1) The owner or operator of an accommodation project who wishes to own or operate the accommodation project as a cricket world cup accommodation project shall apply to Cabinet for approval of the accommodation project as a cricket world cup accommodation project and for the grant of one or more of the tax reliefs and exemptions specified in the First Schedule.

(2) An application made pursuant to subsection (1) shall—

- (a) be made prior to 31st May 2006;
- (b) be in the form specified in the Schedule;
- (c) specify the tax relief or exemptions required;
- (d) be accompanied by the information required pursuant to section 4;
- (e) be submitted to the Minister.

**Supporting information.**

4. (1) An application made pursuant to section 3 shall be accompanied by the following supporting information—

- (a) evidence of ownership of the accommodation project;
- (b) evidence of land and ownership of the land to be used for the accommodation project;
- (c) evidence of planning approval, if any, for the accommodation project, pursuant to the Development Control and Planning Act, 2000;
- (d) estimated expenditure of the accommodation project and evidence of the financial arrangements and the source of the funds to be used;
- (e) a projection plan for the use of the property after Cricket World Cup 2007.

(2) The Minister may request in writing from the applicant any further information reasonably required to enable full consideration of the application, within seven days of receipt of the application and supporting information pursuant to sections 3 and 4.

(3) Where the Minister makes a request for further information pursuant to subsection (2), the applicant shall submit the relevant information in writing within fourteen days of the request being made or within a further period of time granted and specified in writing by the Minister.

(4) The Minister shall not unreasonably refuse to give a further time period pursuant to subsection (3).

**Consideration of application etc.**

5. (1) Upon receipt of an application, supporting information and any further information pursuant to sections 3 and 4, the Minister shall submit the application to Cabinet for its decision.

(2) Where Cabinet grants an application pursuant to this section, the decision of Cabinet shall—

- (a) declare the accommodation project to be a cricket world cup accommodation project; and

(b) specify—

- (i) the tax reliefs and exemptions granted;
- (ii) the termination dates for the tax reliefs and exemptions granted;
- (iii) the time frames for completion of the accommodation project and implementation of the cricket world cup accommodation project;
- (iv) the condition that the cricket world cup accommodation must be used as accommodation for visitors to Saint Christopher and Nevis during Cricket World Cup 2007;
- (v) the condition that the tax reliefs and exemptions granted are not to take effect unless approval in principle had been granted for the accommodation project; and
- (vi) any other conditions as it deems necessary.

(3) The Minister shall inform the applicant in writing of the decision of Cabinet and the decision shall take effect as of the date of the Minister's letter.

**Publication in the *Gazette* of approved accommodation project.**

6. Where Cabinet grants an application pursuant to section 5, the Minister shall, by Order published in the *Gazette*—

- (a) declare the accommodation project to be a cricket world cup accommodation project;
- (b) specify—
  - (i) the tax exemptions and reliefs granted;
  - (ii) the termination date of each tax exemption and relief;
  - (iii) the condition that the cricket world cup accommodation must be used as accommodation for visitors to Saint Christopher and Nevis during Cricket World Cup 2007;
  - (iv) the condition that the tax reliefs and exemptions granted are not to take effect unless planning permission has been granted for the accommodation project; and
  - (v) any other conditions specified by Cabinet pursuant to section 5.

**Failure to comply with conditions specified in an order.**

7. Where a person fails to comply with the conditions specified in an Order made pursuant to section 6—

- (a) Cabinet may, by Order published in the *Gazette*, revoke or suspend the first mentioned Order; and
- (b) all tax reliefs or exemptions as were specified in the first mentioned Order shall be suspended or terminated, as the case may be, with effect from the date specified in the second mentioned Order; and
- (c) the person shall be liable to pay to the Government the amount of any tax relief or exemption already received pursuant to the first mentioned Order.

**Exemption for financial institutions.**

8. (1) Where the funds to be used for a cricket world cup accommodation project are wholly or in part sourced from a financial institution in Saint Christopher and Nevis or in another CARICOM country, a percentage of the quantum of the investment income of the financial institution in the cricket world cup accommodation project shall, subject to subsection (2), be exempt in calculating the liability to tax of the financial institution.

(2) The exemption for a financial institution pursuant to subsection (1) shall be determined in accordance with the First Schedule.

**Cancellation of Cricket World Cup.**

9. In the event that the Cricket World Cup 2007 is postponed or cancelled, an applicant who has been granted tax reliefs and exemptions under this Act shall continue to enjoy the same in accordance with the terms of the grant.

**Monitoring of compliance.**

10. (1) The Ministry with responsibility for Sustainable Development shall monitor compliance by an applicant with the terms and conditions upon which a grant of tax reliefs and exemptions was made by Cabinet.

(2) In pursuance of its duty under sub-section (1), the Ministry may visit the offices, building sites and other premises from which the applicant conducts business and make inquiries pertinent to the cricket world cup accommodation project and provide an authorized official of the Ministry with all information requested in the course of the official's duty.

**Sale or transfer of cricket world cup accommodation project.**

11. Where a cricket world cup accommodation project is void or transferred during the tax holiday period but continues to be used for the purpose of accommodating visitors to Saint Christopher and Nevis, the tax reliefs and exemptions provided under this Act shall continue to apply to the new owner or lessee, as the case may be, for the remainder of the period.

**Provisions of other Acts.**

12. (1) A declaration made pursuant to this Act shall not have the effect of dispensing with the necessity of obtaining permission or a licence or of meeting standards where such licence, permission or standard is required pursuant to the Hotels Aid Act, Cap. 342 or any law in force in Saint Christopher and Nevis.

(2) The income tax reliefs and exemptions pursuant to this Act shall not be in addition to income tax reliefs or customs duty exemptions pursuant to the Hotels Aid Act, Cap. 342 and the more beneficial income tax reliefs or customs duty exemptions shall prevail.

**Amendment of Schedules.**

13. Cabinet may, by Order published in the *Gazette*, amend the First Schedule or the Second Schedule.



**Regulations.**

**14.** The Minister may make Regulations for the purpose of giving effect to the provisions of this Act.

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**SCHEDULE I**

The reliefs and exemptions for Cricket World Cup Accommodation Project—

1. An income tax holiday for a period based on the number of rooms in the world cup cricket accommodation project as follows—
  - (a) to 29 rooms – 10 year income tax holiday;
  - (b) 30 rooms and above – 15 year income tax holiday.
2. Customs duty and consumption tax exemptions on imports of building materials, furniture or furnishings and appliances for a period to be determined by Cabinet. Customs Service Charge 12% is applicable.

**SCHEDULE II**

Application for declaration of accommodation project as a Cricket World Cup Accommodation Project and for the grant of tax reliefs and exemptions:

The owner or operator of an accommodation project who wishes to own or operate it as a cricket world cup accommodation project must apply for approval of Cabinet by submitting an application in the following form to the Minister responsible for Industry and Commerce.

- (a) IDENTIFICATION—
  1. Name of Applicant
  2. Nature of Applicant (corporate or unincorporated body)
  3. Address of applicant (if corporate body, address of registered office)
- (b) INCENTIVES SOUGHT—
  1. Income tax holiday
  2. Customs Duty and Consumption Tax Exemptions.
- (c) DETAILS OF PROJECT OR UNDERTAKING—

Please provide background/rationale for incentives sought. Indicate previous application(s) for concessions if applicable. The following should be considered—

- (i) details of facilities and amenities on offer;
- (ii) profile of Applicant;
- (iii) anticipated implementation of cricket world cup accommodation product;
- (d) PLANNING APPROVAL OF ACCOMMODATION PROJECT  
(INCENTIVES ARE SUBJECT TO DPCB APPROVAL OF THE  
ACCOMMODATION PROJECT)

Has the project received approval from Development Planning and Control

Board—

- (i) DPCB approval in principle;
- (ii) DPCB full approval;

Approval No

(e) FINANCING

- (i) estimated cost of project;
- (ii) source(s) of financing;

(f) PROJECTED ECONOMIC BENEFITS—

Indicate where applicable the economic benefits of the proposed activity to Saint Christopher and Nevis to include but not be limited to employment during construction and operational phase.

(g) SIGNATURE AND CONTACT INFORMATION—

- (i) name of applicant;
- (ii) signature of applicant; date day month year;
- (iii) on behalf of (if applicable);
- (iv) address of applicant;
- (v) telephone no;
- (vi) facsimile;
- (vii) email address.

This application must be made prior to 31st May 2006 and shall be accompanied by the following supporting information—

- (i) evidence of ownership of the accommodation project;
  - (ii) evidence of the land and ownership of the land to be used for the accommodation project;
  - (iii) evidence of at least planning approval in principle for the accommodation project;
  - (iv) estimated expenditure on the accommodation project and evidence of the financial arrangements and the source of the funds to be used;
  - (v) a project feasibility study forecasting economic benefits to Saint Christopher and Nevis.
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