

No. 3] *Income Tax (Amendment) Act* [2014.

SAINT LUCIA

No. 3 of 2014

ARRANGEMENT OF SECTIONS

Sections

1. Short title
2. Interpretation
3. Amendment of section 41K
4. Insertion of sections 59A and 59B
5. Amendment of section 87
6. Insertion of Schedule 9

No. 3]

Income Tax (Amendment) Act

[2014.

I ASSENT

[L.S.]

PEARLETTE LOUISY,
Governor-General.

January 9, 2014.

SAINT LUCIA

No. 3 of 2014

AN ACT to amend the Income Tax Act, Cap.15.02.

[20th January, 2014]

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 Income Tax (Amendment) Act, 2014.

Interpretation

2. In this Act, 'principal Act' means the Income Tax Act, Cap.15.02.

Amendment of section 41K

3. Section 41K of the principal Act is amended by deleting section 41K and substituting the following –

“41K. EXEMPTION FROM STAMP DUTY

- (1) Notwithstanding anything to the contrary in the Stamp Duty Act, Cap.15.11, a company taking part in a group restructuring, including consolidations, amalgamations, mergers and acquisitions, approved by the Comptroller, is exempt from the payment of stamp duty on any transaction to facilitate that restructuring.
- (2) For the purposes of this section, “a company” includes a resident company and a non-resident company operating in Saint Lucia.”.

Insertion of section 59A and 59B

4. The principal Act is amended by inserting immediately after section 59 the following new sections 59A and 59B:

“59A. DEDUCTION FOR HOBBY FARMING

- (1) Subject to this section, a resident individual who qualifies, shall be entitled irrespective of the nature of his or her income, to a hobby farming deduction as specified in Schedule 9 for an income year.
- (2) A resident individual shall-
 - (a) provide satisfactory evidence to the Minister responsible for agriculture to prove that he or she is engaged in hobby farming; and
 - (b) obtain a certificate of registration from the Minister responsible for agriculture under the hobby farmers tax relief incentive programme.

- (3) A hobby farming deduction shall –
- (a) be up to a maximum of \$5000 per household, based on the conditions set by the Minister responsible for agriculture;
 - (b) be allowed to one claimant per household; and
 - (c) be allowed for an income year, commencing on the 1st day of January, 2013.
- (4) For the purposes of this section –
- “hobby farming” means small-scale or part-time farming on land comprising less than one acre, undertaken by a property owner or a person who is not the property owner but has obtained the permission of a property owner by an agreement or lease, who resides on that property and engages in the cultivation of agricultural produce, including floriculture, aquaculture and the rearing of livestock; and
- “household” means a house and its occupants regarded as a unit.

59B. DEDUCTION FOR COMMUNITY ROAD REHABILITATION WORKS PROJECT

- (1) Subject to this section, a resident individual who qualifies shall be entitled irrespective of the nature of his or her income, to a community road rehabilitation works project deduction as specified in Schedule 9 for an income year.
- (2) The Minister responsible for Infrastructure may register a proposed community road rehabilitation works project as a community road rehabilitation works project.
- (3) A resident individual who contributes towards a community road rehabilitation works project shall provide satisfactory evidence to the Minister responsible for Infrastructure that he or she is resident in Saint Lucia.
- (4) A resident individual in Saint Lucia is entitled to a deduction for community road rehabilitation works–

No. 3] *Income Tax (Amendment) Act* [2014.

- (i) up to a maximum of \$5000 per individual, based on the conditions set by the Minister of Infrastructure;
 - (ii) only in the year in which a resident individual makes his or her contribution; and
 - (iii) for an income year, commencing on the 1st day of January, 2013.
- (5) Where a tax deduction is allowed for an amount paid for community road rehabilitation works project and the amount paid is refunded to the individual before the applicable community road rehabilitation works project has commenced, the tax deduction shall be included as income in the year of withdrawal.
- (6) For the purposes of this section -
- “community road rehabilitation works deduction” means a deduction for a resident in Saint Lucia who contributes to a community or farm road rehabilitation works project undertaken in his or her community, provided that the community or farm road rehabilitation works project is registered with the Ministry responsible for Infrastructure; and
- “household” means a house and its occupants regarded as a unit.”.

Amendment of section 87

5. Section 87 is amended by deleting subsection (1) and substituting the following-

- “(1) For the purposes of the administration or the enforcement of this Act or to comply with any request for the exchange of information pursuant to subsection 6(2)(c), including obtaining full information in respect of the income of any person who is or may be liable to tax, the Comptroller may, by notice in writing, require that person or any other person whom the Comptroller reasonably believes is capable of so doing-
- (a) to furnish to the Comptroller at such time as may be specified in such notice such further return of income,

- statement of assets and liabilities or other information as may be required by him or her;
- (b) to produce, at such time and place as may be specified in such notice, for examination by the Comptroller or for retention by him or her for such period as may be reasonable for their examination, any accounts, books of account, statement of assets and liabilities or other documents which the Comptroller may consider necessary for such purpose and, if any such information is not available in the English Language, to produce at the expense of the person who is or may be liable to tax a translation in English prepared and certified by an approved translator;
 - (c) to attend, at such time and place as may be specified in such notice, for the purpose of being examined by the Comptroller in respect of assessable or chargeable income of himself or herself or any other person or any transaction or matters appearing to the Comptroller to be relevant thereto.

Insertion of Schedule 9

6. The principal Act is amended by including a new Schedule 9 as follows -

“SCHEDULE 9

(sections 59A and 59B)

**DEDUCTIONS FOR HOBBY FARMING
AND COMMUNITY ROAD REHABILITATION
WORKS PROJECT**

Part A

Hobby farming deduction

A maximum deduction of up to \$5000 commencing income year 2013

Part B

Community road rehabilitation works deduction

A maximum deduction of of up \$5000 commencing income year 2013"

No. 3] *Income Tax (Amendment) Act* [2014.

Passed in the House this 17th day of December, 2013.

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

Passed in the Senate this 19th day of December, 2013.

CLAUDIUS J. FRANCIS,
President of the Senate.