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I Assent

[L.S.]

ERROL CHARLES,
Acting Governor-General.

July 18, 2023.

SAINT LUCIA

No. 16 of 2023

AN ACT to provide for the imposition, payment and collection of a health and citizen security levy and for related matters.

[18th July, 2023]

BE IT ENACTED by the King'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:

PRELIMINARY**Short title and commencement**

1.—(1) This Act may be cited as the Health and Citizen Security Levy Act, 2023.

(2) This act shall come into force on the 2nd day of August, 2023.

Interpretation

2.—(1) In this Act —

“Comptroller of Customs” means the Comptroller of Customs under the Customs (Control and Management) Act, Cap. 15.05;

“Comptroller of Inland Revenue” means the Comptroller of Inland Revenue under the Income Tax Act, Cap. 15.02;

“consideration” means —

(a) the total amount in money or kind paid or payable, for the supply by a person, directly or indirectly, including duties, levies, fees and charges, other than tax payable excluding value added tax paid or payable on the supply of a service in accordance with the Value Added Tax Act, Cap. 15.42, reduced by a price discount or rebate allowed;

(b) where the supplier and recipient are related persons, the fair market value;

“customs law” means the Customs (Control and Management) Act, Cap. 15.05 and any other enactment in force relating to customs;

“goods” means imported goods specified under Schedule 1;

“levy” means the health and citizen security levy under section 3;

“Minister” means the Minister responsible for finance;

“registered person” means a registered person under the Value Added Tax Act, Cap. 15.42;

“service” means a service specified under Schedule 2;

“value added tax” has the meaning assigned under the Value Added Tax Act, Cap. 15.42.

(2) A reference to a service provided in Saint Lucia is a reference to a service provided in Saint Lucia where —

- (a) the location of the place of business of the supplier is in Saint Lucia;
- (b) the registered recipient uses or obtains the advantage of the following service in Saint Lucia —
 - (i) a transfer or assignment of a copyright, patent, licence, trademark, or similar right,
 - (ii) the service of a consultant, engineer, attorney-at-law, architect, or accountant, the processing of data or supplying of information, or similar service,
 - (iii) an advertising service,
 - (iv) the obligation to refrain from pursuing or exercising taxable activity, employment, or a right under this paragraph,
 - (v) the supply of personnel,
 - (vi) the service of an agent in procuring for the agent’s principal a service under this paragraph,
 - (vii) the leasing of tangible personal property, other than transport property,
 - (viii) the supply of goods by electronic commerce and the supply of internet access or similar services.

PART I**IMPOSITION, PAYMENT AND COLLECTION OF LEVY ON GOODS****Health and citizen security levy on goods**

3. Subject to section 15, there shall be levied on goods under any customs law a tax to be known as the health and citizen security levy.

Rate of levy on goods on goods

4. Subject to section 16, the rate of the levy is two point five per cent *ad valorem* on the cost, insurance and freight value of the goods.

Payment of the levy on goods

5. The levy is payable to the Comptroller of Customs on goods imported under any customs law.

Administration, imposition and collection of the levy on goods

6.—(1) Part 2 of the Customs (Control and Management) Act, Cap. 15.05 applies for the purposes of the administration of the levy on goods.

(2) Notwithstanding the generality of subsection (1), the Comptroller of Customs is responsible for the imposition and collection of the levy on goods.

Power of Comptroller of Customs

7. For the purposes of section 6, the Comptroller of Customs shall exercise any power conferred on him or her by any customs law as if the reference to duty in that law included a reference to a levy charged on goods under this Act.

PART II**IMPOSITION, PAYMENT AND COLLECTION OF LEVY ON SERVICES****Health and citizen security levy on services**

8. Subject to section 15, there shall be levied a tax to be known as the health and citizen security levy on —

- (a) services provided by a resident to a resident in Saint Lucia;
- (b) services provided by a non-resident to a resident in Saint Lucia;
- (c) services provided by a business established and carrying on business from outside of Saint Lucia to the local branch of the business in Saint Lucia.

Rate of levy on services

9. Subject to section 16, the rate of the levy on services provided in Saint Lucia is two point five per cent *ad valorem* on the consideration for the service.

Payment of the levy on services by registered person

10.—(1) Subject to subsection (2), a registered person shall pay the levy to the Comptroller of Inland Revenue for —

- (a) services provided by a resident to a resident in Saint Lucia;
- (b) services provided by a non-resident to a resident in Saint Lucia;
- (c) services provided by a business established and carrying on business from outside of Saint Lucia to the local branch of the business in Saint Lucia.

(2) A registered person shall apply the levy before charging of value added tax under the Value Added Tax Act, Cap. 15.42.

Power of Comptroller of Inland Revenue

11. For the purposes of this Part, the Comptroller of Inland Revenue shall exercise any power conferred on him or her under the Value Added Tax Act, Cap. 15.42.

Administration, imposition and collection of the levy on services

12.—(1) The Value Added Tax Act, Cap. 15.42 applies for the purposes of the administration of the levy on services under this Act.

(2) Notwithstanding the generality of subsection (1), the Comptroller of Inland Revenue is responsible for the imposition and collection of the levy on services.

**PART III
MISCELLANEOUS**

Evasion of payment and collection of the levy

13.—(1) A person shall not willfully evade or attempt to evade payment or collection of the levy.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding one hundred thousand dollars or to imprisonment for a term not exceeding three years or to both.

Impeding administration of this Act

14.—(1) A person shall not willfully impede or attempt to impede the administration of this Act.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding six months or to both.

(3) For the purposes of this section, a person impedes the administration of this Act if the person impedes the determination, assessment or collection of the levy.

Exempted goods and services

15. The goods and services specified in Schedule 3 are exempt from the levy.

Variation of levy

16.—(1) Cabinet may, by Order, published in the *Gazette*, vary the rate of the levy under sections 4 and 9.

(2) An Order made under subsection (1) which increases the rate of the levy is subject to a negative resolution of Parliament.

Amendment of Schedule 1, Schedule 2 and Schedule 3

17. The Minister may, with the approval of Cabinet, by Order published in the *Gazette*, add to, delete, vary or amend Schedule 1, Schedule 2 or Schedule 3 subject to an affirmative resolution of Parliament.

Regulations

18. The Minister may make Regulations for giving effect to this Act.

SCHEDULE 1

(Section 2)

GOODS

Goods under the following Customs Tariff —

Chapter	Description of Goods
Chapter 22	Beverages, spirits and vinegar
Chapter 23	Residues and waste from the food industries; prepared animal fodder
Chapter 24	Tobacco and manufactured tobacco substitutes
Chapter 28	Inorganic chemicals; organic or inorganic compounds of precious metals, of rare-earth metals, of radioactive elements or of isotopes
Chapter 29	Organic chemicals
Chapter 40	Rubber and articles thereof
Chapter 41	Raw hides and skins (other than furskins) and leather
Chapter 42	Articles of leather; saddlery and harness; travel goods, handbags and similar containers; articles of animal gut (other than silk-worm gut)
Chapter 43	Furskins and artificial fur; manufacturers thereof
Chapter 44	Wood and articles of wood; wood charcoal
Chapter 45	Cork and articles of cork
Chapter 46	Manufactures of straw, of esparto or of other plaiting materials; basketware and wickerwork
Chapter 47	Pulp of wood or of other fibrous cellulosic material; recovered (waste and scrap) paper or paperboard
Chapter 48	Paper and paperboard; articles of paper pulp, of paper or of paperboard
Chapter 50	Silk
Chapter 51	Wool, fine or coarse animal hair; horsehair yarn and woven fabric
Chapter 52	Cotton

Chapter 53	Other vegetable textile fibres; paper yarn and woven fabrics of paper yarn
Chapter 54	Man-made filaments; strip and the like of man-made textile materials
Chapter 55	Man-made staple fibres
Chapter 56	Wadding, felt and nonwovens; special yarns; twine, cordage, ropes and cables and articles thereof
Chapter 57	Carpets and other textile floor coverings
Chapter 58	Special woven fabrics; tufted textile fabrics; lace; tapestries; trimmings; embroidery
Chapter 59	Impregnated, coated, covered or laminated textile fabrics; textile articles of a kind suitable for industrial use
Chapter 60	Knitted or crocheted fabrics
Chapter 61	Articles of apparel and clothing accessories knitted or crocheted
Chapter 62	Articles of apparel and clothing accessories, not knitted or crocheted
Chapter 63	Other made up textile articles; sets; worn clothing and worn textile articles; rags
Chapter 64	Footwear, gaiters and the like; parts of such articles
Chapter 65	Headgear and parts thereof
Chapter 66	Umbrellas, sun umbrellas, walking-sticks, seat-sticks, whips, riding-crops and parts thereof
Chapter 67	Prepared feathers and down and articles made of feathers or of down; artificial flowers; articles of human hair
Chapter 68	Articles of stone, plaster, cement, asbestos, mica or similar materials
Chapter 69	Ceramic products
Chapter 70	Glass and glassware
Chapter 71	Natural or cultured pearls, precious or semi-precious stones, precious metals, metals clad with precious metal, and articles thereof; imitation jewellery; coin
Chapter 72	Iron and steel

Chapter 73	Articles of iron or steel
Chapter 74	Copper and articles thereof
Chapter 75	Nickel and articles thereof
Chapter 76	Aluminium and articles thereof
Chapter 77	(Reserved for possible future use in the Harmonised System)
Chapter 78	Lead and articles thereof
Chapter 79	Zinc and articles thereof
Chapter 80	Tin and articles thereof
Chapter 81	Other base metals; cermets; articles thereof
Chapter 82	Tools, implements, cutlery, spoons and forks, of base metal; parts thereof of base metal
Chapter 83	Miscellaneous articles of base metal
Chapter 84	Nuclear reactors, boilers, machinery and mechanical appliances; parts thereof
Chapter 85	Electrical machinery and equipment and parts thereof; sound recorders and reproducers, television image and sound recorders and reproducers, and parts and accessories of such articles
Chapter 86	Railway or tramway locomotives, rolling-stock and parts thereof; railway or tramway track fixtures and fittings and parts thereof; mechanical (including electro-mechanical) traffic signalling equipment of all kinds
Chapter 87	Vehicles other than railway or tramway rolling-stock, and Parts and accessories thereof
Chapter 88	Aircraft, spacecraft, and parts thereof
Chapter 89	Ships, boats and floating structures
Chapter 90	Optical, photographic, cinematographic, measuring checking, precision, medical or surgical instruments and apparatus; parts and accessories thereof
Chapter 91	Clocks and watches and parts thereof
Chapter 92	Musical instruments; parts and accessories of such articles

Chapter 93	Arms and ammunition; parts and accessories thereof
Chapter 94	Furniture; bedding, mattresses, mattress supports, cushions and similar stuffed furnishings; lamps and lighting fittings, not elsewhere specified or included; illuminated signs, illuminated name-plates and the like; prefabricated buildings
Chapter 95	Toys, games and sports requisites; parts and accessories thereof
Chapter 96	Miscellaneous manufactured articles
Chapter 97	Works of art, collectors' pieces and antiques
Chapter 98	(Reserved for special uses by Contracting Parties)
Chapter 99	Special Transactions

SCHEDULE 2

(Section 2)

SERVICES

1. Wireless telecommunications activities
2. Real estate activities on a fee or contract basis
3. Activities of collection agencies and credit bureaus
4. Wired telecommunications activities
5. Other building and industrial cleaning activities
6. Motion picture, video and television programme production activities
7. Computer programming activities
8. Sale of motor vehicles
9. Other business support service activities
10. General cleaning of buildings
11. Real estate activities with own or leased property
12. Motion picture, video and television programme distribution activities
13. Activities of business and employers membership organizations
14. Other transportation support activities
15. Service activities incidental to land transportation
16. Photocopying, document preparation and other specialized office support activities
17. Advertising

18. Specialized design activities
19. Other financial service activities, except insurance and pension funding activities
20. Accounting, book-keeping and auditing activities; tax consultancy
21. Combined facilities support activities
22. Other information technology and computer service activities
23. Other specialized construction activities
24. Other personal service activities
25. Other activities auxiliary to financial service activities
26. Public order and safety activities
27. Legal activities
28. Plumbing, heat and air-conditioning installation
29. Management consultancy activities
30. Other professional, scientific and technical activities
31. Gambling and betting activities
32. Architectural and engineering activities and related technical consultancy
33. Landscape care and maintenance service activities
34. Remediation activities and other waste management services
35. Computer consultancy and computer facilities management activities

SCHEDULE 3

(Section 15)

EXEMPTED GOODS AND SERVICES**PART I
GOODS**

1. Goods under the following Customs Tariff Chapters —

Chapter	Description of Goods
Chapter 1	Live animals
Chapter 2	Meat and edible meat offal
Chapter 3	Fish crustaceans, molluscs and other aquatic invertebrates
Chapter 4	Dairy produce; birds' eggs; natural honey; edible products of animal origin, not elsewhere specified or included
Chapter 5	Products of animal origin, not elsewhere specified or included
Chapter 6	Live trees and other plants; bulbs, roots and the like; cut flowers and ornamental foliage
Chapter 7	Edible vegetables and certain roots and tubers
Chapter 8	Edible fruit and nuts; peel of fruits or melons
Chapter 9	Coffee, tea, mate and spices
Chapter 10	Cereals
Chapter 11	Products of the milling industry; malt; starches; inulin; wheat gluten
Chapter 12	Oil seeds and oleaginous fruits; miscellaneous grains, seeds and fruit; industrial or medicinal plants; straw and fodder
Chapter 13	Lac; gums, resins and other vegetable saps and extracts
Chapter 14	Vegetable plaiting materials; vegetable products not elsewhere specified or included
Chapter 15	Animal or vegetable fats and oils and their cleavage products; prepared edible fats; animal or vegetable waxes

Chapter 16	Preparations of meat, of fish or of crustaceans, molluscs or other aquatic invertebrates
Chapter 17	Sugars and sugar confectionery
Chapter 18	Cocoa and cocoa preparations
Chapter 19	Preparations of cereals, flour, starch or milk; pastrycooks' products
Chapter 20	Preparations of vegetables, fruit, nuts or other parts of plants
Chapter 21	Miscellaneous edible preparations
Chapter 26	Ores, slag and ash
Chapter 27	Mineral fuels, mineral oils and products of their distillation; bituminous substances; mineral waxes
Chapter 30	Pharmaceutical products
Chapter 31	Fertilizers
Chapter 32	Tanning or dyeing extracts; tannins and their derivatives; dyes, pigments and other colouring matter; paints and varnishes; putty and other mastics; inks
Chapter 33	Essential oils and resinoids; perfumery, cosmetic or toilet preparations
Chapter 34	Soap, organic surface-active agents, washing preparations, lubricating preparations, artificial waxes, prepared waxes, polishing or scouring preparations, candles and similar articles, modelling pastes, "dental waxes" and dental preparations with a basis of plaster
Chapter 35	Albuminoidal substances; modified starches; glues; enzymes
Chapter 36	Explosives; pyrotechnic products; matches; pyrophoric alloys; certain combustible preparations
Chapter 37	Photographic or cinematographic goods
Chapter 38	Miscellaneous chemical products
Chapter 39	Plastics and articles thereof

2. Goods under the following Customs Tariff numbers —

Tariff sub-headings and Numbers	Description of goods
22.02	Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured, and other non-alcoholic beverages, not including fruit or vegetable juices of heading 20.09
2522.1	Quicklime
2522.2	Slacklime
2522.3	Hydraulic
2523.1	Cement clickers, white cement
2523.291	Building cement
2523.292	Oilwell cement
2523.299	Other (cement)
2523.3	Aluminous cement
2523.9	Other hydraulic cement
4014.90.00	Sheath Contraceptives
44.01	Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms; wood in chips or particles; sawdust and wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms.
4403.10.10.00	Of coniferous species
4403.10.20.00	Of mahogany
4403.99.10.00	Of greenheart
4407.10.10.00	Pitch-pine
4407.10.20.00	Caribbean cedar (<i>Cedrela odorata</i>)
4407.91.00.00	Of oak (<i>Quercus</i> spp.)
4407.93.00.00	Of maple (<i>Acer</i> spp.)
4407.99.10.00	Greenheart
4409.10.10.00	Pitch-pine
4409.10.20.00	Caribbean cedar (<i>Cedrela odorata</i>)

4409.29.20.00	Greenheart
4416.00.10.00	Casks, barrels and puncheons, of oak
4408.10.10.00	Veneer sheets and sheets for plywood
4408.39.10.00	Veneer sheets and sheets for plywood
4411.94.00.00	Of a density not exceeding 0.5 g/cm ²
4412.10.00.00	Of bamboo
4412.31.00.00	With at least one outer ply of tropical wood specified in Subheading Note 2 to this Chapter
4412.32.00.00	Other, with at least one outer ply of non-coniferous wood
4412.39.00.00	Other
4413.00.00.00	Densified wood, in blocks, plates, strips or profile shapes
4418.90.10.00	Cellular wood panels, whether or not faced with base metal
4420.90.10.00	Wood marquetry and inlaid wood
4421.90.10.00	Spools, cops, bobbins, sewing thread reels and the like, of turned wood
4818 .10.00	Toilet paper
4820.10.00	Notebooks
4820.20.00	Exercise Books

7208.10 through 7208.90	Flat rolled products of iron or non-iron steel of a width of 600 mm or more, hot rolled, not clad, plated or coated
7209.11 through 7209.90	Flat rolled products of iron or non-iron steel, of a width of 600 mm or more, cold rolled, not clad, plated or coated
7210.11 through to 7210.90	Flat rolled products of iron of non-iron steel, of a width of 600 mm or more, clad, plated or coated
7211.13 through to 7212.609	Flat rolled products of iron or non-iron steel, of a width of 600 mm or more not clad, plated or coated
7212.10 through to 7212.609	Flat rolled products of iron or non-iron steel, of a width of less than 600 mm clad, plated or coated
7214.20.90	Of non-alloy steel
7306.61.00	Of square or rectangular cross-section
7314.20.10 7314.20.90 7314.31.10	Grill Other Grill
7606.11.20.00	Corrugated sheets
8311.10.90	Of other base metal
90.17.80.00	Other Instruments
9603.21.00	Toothbrushes, including dental-plate brushes
96.19	Sanitary towels (pads) and tampons, napkins and napkin liners for babies and similar articles, of any materials
9609.10.20	Crayons

3. Goods exempted under the Value Added Tax Act, Cap. 15.42.
4. Goods zero rated under the Value Added Tax Act, Cap. 15.42.

PART 2
SERVICES

1. A service that is not specified under Schedule 2.
2. A service that is exempted under the Value Added Tax Act, Cap. 15.42.
3. A service that is zero rated under the Value Added Tax Act, Cap. 15.42.

Passed in the House of Assembly this 11th day of July, 2023.

CLAUDIUS J. FRANCIS,
Speaker of the House of Assembly.

Passed in the Senate this 13th day of July, 2023.

ALVINA REYNOLDS,
President of the Senate.