



I assent,

SAMUEL WEYMOUTH TAPLEY SEATON

Governor-General

27th December, 2018.

SAINT CHRISTOPHER AND NEVIS

AN ACT to amend the Companies Act, Cap. 21.03.

[Published 28th December 2018, Extra-Ordinary Gazette No. 67 of 2018.]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the National Assembly of Saint Christopher and Nevis and by the authority of the same as follows:

1. **Short title.**

This Act may be cited as the Companies (Amendment) Act, 2018.

2. **Interpretation.**

In this Act, the term “Act” means the Companies Act, Cap 21.03.

3. **Amendment of section 2.**

The Act is amended in section 2 by inserting in the correct alphabetical order, the following definitions:

“finance business” means any trust or corporate business carried on for profit or reward from within the Federation;

.....
“resident in the Federation” means a person who ordinarily resides within the Federation or carries on business from an office or other fixed place within the Federation.

4. **Amendment of section 224.**

The Act is amended by replacing section 224 as follows:

“ 224. **Exemption from Taxes.**

(1) Subject to subsections (4) and (5), a company that carries on business exclusively with persons who are not resident in the Federation, shall be exempt from all income, capital gains and withholding taxes.”

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(2) No estate tax, inheritance tax, succession tax or gift tax, rate, duty, levy or other charge is payable by any person with regard to any property owned by, or securities issued or created by or in respect of, an exempt company.

(3) An exempt company shall not lose its exemption under subsection (1) by reason only that it is

- (a) administering its internal affairs within the Federation, including holding meetings of its directors or members;
- (b) owning or leasing property in the Federation for the purpose of carrying on of its business or to provide accommodation for its directors or employees; or
- (c) maintaining a bank account for the purposes of the business.

(4) An exempt company that wishes to carry on business pursuant to subsection (1), shall only do so if it is registered in the Federation on or before the 31st of December, 2018.

(5) Notwithstanding the provisions of subsections (1), (2), (3) and (4), all exempt companies shall cease to operate in the Federation after 20th June, 2021.

(6) For the purposes of this section, “person” includes a natural person and a legal person.”.

5. Amendment of section 225.

Section 225 of the Act is amended by deleting the expression,

“Notwithstanding any provision to the contrary in any enactment”.

6. Amendment of section 244.

Section 244 of the Act is amended by replacing section 244 as follows:

“ 244. **Companies doing finance business.**

(1) Companies that are carrying on or intend to carry on any business which may be classified as being finance business in the Federation, shall be subject to the provisions of the Financial Services Regulatory Commission Act, Cap 21.10.

(2) An existing company or external company which intends to carry on finance business shall obtain authorisation from the Financial Services Regulatory Commission to carry on that finance business.

(3) Where a company is to be incorporated for the purpose of carrying on finance business, the subscribers to the Memorandum and Articles of Association shall first obtain the requisite authorisation to carry on finance

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business, before delivering the Memorandum and Articles of Association to the Registrar pursuant to section 5(1).

AKILAH BYRON NISBETT

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Deputy Speaker

Passed by the National Assembly this 19th day of December, 2018.

SONIA BODDIE-THOMPSON
Clerk of the National Assembly