



[L.S.]

I Assent,

James B. Carlisle,
Governor-General.

13th February, 2003

ANTIGUA AND BARBUDA

No. 20 of 2002

AN ACT to amend the International Business Corporation Act Cap. 222.

[27th February, 2003]

ENACTED by the Parliament of Antigua and Barbuda as follows —

1. This Act may be cited as the International Business Corporation (Amendment) (No. 2) Act 2002. **Short title.**

2. The principal Act is amended as follows —

(a) Sections 272 and 273 of the principal Act is repealed and substituted by the following —

Repeal and replacement of sections 272 and 273.

"Exemption from tax.

272. (1) **No income tax, capital gains tax, or other direct tax or impost may be levied in Antigua and Barbuda upon the profits or gains of an exempt corporation in respect of the international trade and business it carries on from within Antigua and Barbuda.**

(2) No income tax, capital gains tax or other direct tax or impost may be levied in Antigua and Barbuda in respect of any securities or assets of an exempt corporation that are beneficially owned by an exempt corporation or by a person who is not a resident.

(3) No estate, inheritance, succession or similar tax or impost may be levied in Antigua and Barbuda in respect of any securities or assets of an exempt corporation that are beneficially owned by an exempt corporation or a person who is not a resident.

(4) No tax, duty or impost may be levied upon the increment in value of the property or other assets in Antigua and Barbuda or elsewhere of an exempt corporation other than upon such of them as are distributed to residents.

**No assets
transfer tax.**

273. (1) No tax, duty or other impost may be levied upon an exempt corporation, its security holders or transferees in respect of the transfer of all or any part of its securities or other assets to another exempt corporation or to a person who is not a resident.

(2) When an exempt corporation or a person who is not a resident transfers securities or assets of an exempt corporation that are held by that exempt corporation or person to another exempt corporation or to another person who is not a resident, the transfer is exempt from the payment of any tax, duty or other impost thereon.

(3) No income tax or capital gains tax, and no other direct tax or impost may be levied or collected in Antigua and Barbuda, in respect of any dividends, interest or other returns from any securities, deposits or borrowings of an exempt corporation or any assets managed by the exempt corporation if the dividends, interest or other returns are in respect of se-

curities, deposits, borrowings or assets beneficially owned by another exempt corporation or a person who is not a resident; but the onus of establishing ownership lies upon the exempt corporation holding or managing the deposits, borrowings or assets."

3. Section 280 of the principal Act is repealed and the following substituted — **Repeal and revival of section 280.**

"Exchange controls.

280. The income, profits, gains and other revenues and the funds and securities of an exempt corporation that are generated, acquired or managed in the course of international trade or business of the exempt corporation are exempt from the Exchange Control Act; and, unless the exempt corporation is a resident, the income, profits, gains and other revenues of the exempt corporation are also exempt."

4. Section 281 of the principal Act is repealed and the following substituted — **Repeal and revival of section 281.**

"Stamp duty exemption Cap. 270.

281. An exempted corporation is exempt from duties under the Stamp Act in respect of all transactions entered into in relation to the exempted corporation's international trade or business."

5. The principal Act is amended by the insertion after section 359 of the following — **Insertion of sections 359A.**

"Imposition and assessment of administrative penalty.

359A. (1) The Board may assess a penalty of an amount not exceeding Ten Thousand United States Dollars or its equivalent in Eastern Caribbean Currency against any corporation or non-bank financial institution that fails to —

- (a) file a return or other information required by this Act or any other Act which governs that corporation or that non-bank financial

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***International Business Corporation
(Amendment) (No. 2) Act, 2002.***

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institution, at the intervals set out in, or within the time required by, that Act;

- (b) provide complete and accurate information with respect to the return or other information required by this Act or any other enactment or agreement that governs that corporation or non-bank financial institution;
- (c) comply with any directions given in writing by the Commission.

(2) A penalty imposed under this section constitutes a debt due to the Crown and is immediately payable and may be recovered as a debt in any court of competent jurisdiction.

(3) Interest shall be charged on the unpaid amount of a penalty on a day to day basis on all amounts in arrears at the rate of two percent above the East Caribbean Central Bank rate."

Passed the House of Representatives this 18th day of December, 2002.

Passed the Senate this 3rd day of January, 2003.

By Order of the House
B. Harris,
Speaker.

M. Percival,
President.

S. Walker,
Clerk to the House of Representatives.

S. Walker,
Clerk to the Senate.

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—By Authority, 2003.