

JAMAICA

No. 4—2001

I assent,

[L.S.]

H. F. COOKE,
Governor-General.

1st day of March, 2001.

AN ACT to Amend the Industrial Incentives (Factory Construction) Act.

[2nd March, 2001]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows :—

1. This Act may be cited as the Industrial Incentives (Factory Construction) (Amendment) Act, 2001 and shall be read and construed as one with the Industrial Incentives (Factory Construction) Act, hereinafter referred to as the principal Act.

Short title
and con-
struction.

Amendment
of section
2 of prin-
cipal Act.

2. Section 2 of the principal Act is amended—
- (a) in the definition of “approved builder” by inserting next after the word “licence” the words “or is a company listed in the Third Schedule”;
 - (b) by inserting in paragraph (b) of the definition of “factory” next after the word “manufacturer” the words “or an approved export service provider”

Amendment
of section
4 of prin-
cipal Act.

3. Section 4 of the principal Act is amended—
- (a) by deleting subsection (2) and substituting therefor the following—

“ (2) Every licence shall be subject to such conditions as the Minister may specify therein, so, however, that it shall be a condition of every licence that the company shall retain ownership of the factory during the relevant statutory period unless at some time during that period the company sells or leases the factory.”;
 - (b) by deleting subsection (4) and substituting therefor the following as subsections (4) and (5)—

“ (4) If a company fails to comply with a notice served under subsection (3) then, after the expiration of the time specified in the notice, the Minister may revoke the licence of the company.

(5) Where a licence is revoked pursuant to subsection (4), the company shall pay the tax concessions it received since the date of the receipt by the company of the notice referred to in that subsection.”.

Amendment
of section
5 of prin-
cipal Act.

4. Section 5 of the principal Act is Amended—
- (a) in the marginal note, by inserting next after the word “sale” the words “or lease”;

(b) in subsection (1)—

- (i) by inserting next after the word “sold” the words “or leased, as the case may be,”;
- (ii) by inserting next after the word “purchaser” the words “or lessor, as the case may be,”;
- (iii) by inserting in paragraph (a) next after the word “purchaser” the words “or lessor, as the case may be,”;
- (iv) by inserting in paragraph (b) next after the word “sale” the words “or lease, as the case may be,”; and

(c) by deleting subsection (2).

5. Subsection (1) of section 6 of the principal Act is amended by inserting next after the word “sale” wherever it appears, the words “or lease, as the case may be,”.

Amendment
of section
6 of prin-
cipal Act.

6. Section 8 of the principal Act is amended—

Amendment
of section
8 of prin-
cipal Act.

(a) in subsection (1)—

- (i) by deleting the words “of factory construction” and substituting therefor the words “required for any of the purposes specified in subsection (2)”;
- (ii) by deleting the words “the construction of the factory” and substituting therefor the words “such purposes”;

(b) by deleting subsection (2) and substituting therefor the following—

“ (2) The purposes referred to in subsection (1) are—

- (a) construction of the factory;
- (b) repairs to or extension of a factory; or

- (c) repairs to or the replacement of any apparatus, machinery, tools, appliance or equipment contained in the factory or any extension thereof.”.

Amendment
of section
9 of prin-
cipal Act.

7. Section 9 of the principal Act is amended—

- (a) in subsection (1)—
 - (i) by deleting the words “for factory construction” and substituting therefor the words “referred to in subsection (1) of section 8”;
 - (ii) by deleting the words “use in connection with the construction of the factory concerned” and substituting therefor the words “the purposes specified in subsection (2) of section 8;
- (b) by deleting from subsection (2) the words “one thousand dollars” and substituting therefor the words “four hundred thousand dollars”.

Amendment
of section
10 of prin-
cipal Act.

8. Section 10 of the principal Act is amended—

- (a) in subsection (1)—
 - (i) by deleting the words “for factory construction”;
 - (ii) by deleting the words “the purpose of constructing the factory in respect of which the licence was granted” and substituting therefor the words “any purpose specified in subsection (2) of that section”;
- (b) by deleting from subsection (2) the words “such articles for factory construction” and substituting therefor the words “the articles referred to in subsection (1)”.

9. Section 11 of the principal Act is repealed and the following substituted therefor—

Repeal and replacement of section 11 of principal Act.

“Applica-
tion of
Third
Schedule
to General
Consump-
tion Tax
Act.
Third
Schedule.

11. The exemption listed as item 4 in Part II of the Third Schedule to the General Consumption Tax Act shall apply to a factory which is leased as if that factory were residential property.”

10. Section 12 of the principal Act is amended—

Amendment of section 12 of principal Act.

(a) by deleting from subsection (1) all the words appearing after the words “such profits”;

(b) in subsection (4)—

(i) by deleting the definition of “income tax”;

(ii) by deleting from the definition of “value of the factory” all the words appearing next after the words “construction of the factory”.

11. Subsection (6) of section 13 of the principal Act is amended in the definition of “approved builder”—

Amendment of section 13 of principal Act.

(a) by inserting next after the word “sells” the words “or leases”;

(b) by inserting next after the word “sale” wherever it appears the words “or lease”.

12. Subsection (2) of section 14 of the principal Act is amended by deleting all the words appearing next after the words “a fine not exceeding” and substituting therefor the words “one million dollars or to imprisonment for a term not exceeding two years or to both such fine and imprisonment”.

Amendment of section 14 of principal Act.

13. Section 15 of the principal Act is hereby repealed.

Repeal of section 15 of principal Act.

Amendment
of section
16 of prin-
cipal Act.

14. Subsection (2) of section 16 of the principal Act is amended by deleting the words “one thousand”, and “twelve months” and substituting therefor the words “one hundred thousand” and “three months”, respectively.

Insertion
of Third
Schedule
in prin-
cipal Act.

15. The principal Act is amended by inserting next after the Second Schedule the following as the Third Schedule—

“THIRD SCHEDULE(Section 2)

1. Factories Corporation of Jamaica.
2. Any company granted a licence under Jamaica Export Free Zones Act.