

LEGAL NOTICE NO. 56

REPUBLIC OF TRINIDAD AND TOBAGO

THE TOURISM DEVELOPMENT ACT, CHAP. 87:22

ORDER

MADE BY THE MINISTER UNDER SECTIONS 16 AND 17 OF THE TOURISM
DEVELOPMENT ACT

THE TOURISM DEVELOPMENT (APPROVED TOURISM
PROJECT) (STONEHAVEN VILLAS LIMITED) ORDER, 2008

1. This Order may be cited as the Tourism Development (Approved Citation
Tourism Project) (Stonehaven Villas Limited) Order, 2008.

2. Stonehaven Villas Limited (hereinafter referred to as “the Approved
approved tourism project”) located at Grafton Estate, Black Rock, ^{tourism}_{project}
Tobago, is hereby declared to be an approved tourism project for the
purposes of the Tourism Development Act (hereinafter referred to as ^{Chap. 87:22}
“the Act”).

3. For the purpose of this Order, the owner or operator of the ^{Owner or}
approved tourism project is Stonehaven Villas Limited. _{operator}

4. (1) This Order is deemed to have come into effect in respect of the ^{Effective date}
owner on 23rd September, 2001.

(2) This Order, except in respect of clause 5(b), (c) and (d), ceased
on 22nd September, 2006.

5. The owner of the approved tourism project is entitled to the ^{Tax benefits}
following tax benefits under the Act:

- (a) a tax exemption for a period of five (5) years in respect of
gains or profits accruing from the approved tourism project
in accordance with section 3(3)(a) of the Act;
- (b) until 22nd September, 2014, a capital allowance at the rate
of one-fifth for five accounting periods from
23rd September, 2006 in respect of the sum of thirty-six
million, eight hundred and sixty-four thousand, seven
hundred and forty-three dollars (\$36,864,743.00) incurred
in the creation of the approved tourism project, in
accordance with section 35A(1)(a);

- (c) until 22nd September, 2014, an accelerated depreciation at the rate of twenty per cent for five accounting periods from 23rd September, 2006 on depreciable equipment owned by the hotel operator and used in the approved tourism project, in accordance with section 35A(1)(b);
- (d) a carryover from a tax exemption period, if any, of any loss arising out of the operation or renting of the approved tourism project in accordance with section 3(4)(a) of the Act; and
- (e) a tax exemption in accordance with section 3(5) of the Act in respect of dividends to be distributed by the owner of the approved tourism project.

Conditions

6. (1) This Order is subject to the following conditions:

- (a) the operator of the approved tourism project shall at all times, manage and operate the approved tourism project in a proper and efficient manner and in accordance with the Hotel Proprietor's Act;
- (b) the operator of the approved tourism project shall promote in the operation of the approved tourism project, the use and sale of products produced in Trinidad and Tobago;
- (c) the operator of the approved tourism project shall not practise or allow to be practised in the operation of the approved tourism project, any discrimination on the grounds of race, colour, class, creed or religion in the acceptance and treatment of any tourist;
- (d) the owner or operator of the tourism project shall—
 - (i) observe the practice and policy generally accepted in Trinidad and Tobago with respect to labour relations and conditions of employment; and
 - (ii) as far as practicable, recruit its employees through the Employment Exchange of the Ministry with responsibility for labour; and
- (e) the operator of the approved tourism project shall not let any room or apartment for the exclusive occupation of any person or company for a period exceeding one month, in accordance with Schedule 5 of the Act.

Chap. 87:55

(2) Where an owner or operator fails to observe the continuing conditions in subclause (1), the Minister may by Notification in accordance with section 16(2)(c) of the Act, deem the Order inoperative.

7. (1) Where an approved tourism project or any part thereof, which ^{Tourism}enjoyed benefits under the Act is sold or used other than in a manner ^{transfer tax} stated in the Order, a tourism transfer tax shall be paid in accordance with section 6(1) of the Act.

(2) A person who commits an offence under subclause (1) is liable on summary conviction to a fine of one million, five hundred thousand dollars and to imprisonment for two years.

(Note: Where the owner and operator are the same, a form completed only in respect of the owner, will be read as a completion in respect of both owner and operator).

Dated this 12th day of March, 2008.

J. ROSS
Minister of Tourism