

ANTIGUA AND BARBUDA



NON-CITIZENS LAND HOLDING REGULATION (AMENDMENT) BILL, 2020

No. of 2020

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CLAUSES

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AN ACT to amend the Non-Citizens Land Holding Regulation Act Cap 293 to revise the licensing regime of non-citizens and to provide for members of companies having no share capital, and all beneficiaries of any non-citizen legal entity holding land in Antigua and Barbuda to be subject to the requirements of a licence as a condition for holding such land or interest in land.

ENACTED by the Parliament of Antigua and Barbuda as follows:

1. Short Title

This Act may be cited as the Non-Citizens Land Holding Regulation (Amendment) Act, 2020.

2. Interpretation

In this Act-

“principal Act” means the Non-Citizens Land Holding Regulation Act Cap 293.

3. Amendment of section 2-Interpretation

The principal Act is amended in section 2 as follows:

- (a) by the repeal of the definition of “non-citizen” and the substitution therefor of the following:

“non-citizen” means a person who is not a citizen and includes a company incorporated in Antigua and Barbuda which is under the control of non-citizens in accordance with the provisions of section 6 of this Act, and also every corporation incorporated outside Antigua and Barbuda:

Provided that the Governor General may, on the advice of the Cabinet, and by Order published in the *Gazette*, declare that a person who belongs to such one or more of

the Commonwealth Caribbean territories, other than Antigua and Barbuda, as shall be specified in the Order, shall not be a non-citizen for the purposes of this Act,”

- (b) by the repeal of the definition of “unlicensed” and the substitution therefor of the following-

“unlicensed non-citizen” means a non-citizen who does not hold a licence granted under this Act.”

4. Insertion of section 4A-Annual general licence to hold mortgage

The principal Act is amended by the insertion immediately after section 4 of the following:

“4A- Annual general licence to hold mortgage

- (1) The Cabinet may, if it considers it necessary, advise the Governor General to grant to a non-citizen an annual general license to hold as mortgagee, in accordance with the law relating to mortgage land that is held as security for funds that the non-citizen may, from time to time, invest on loan in Antigua and Barbuda.
- (2) Where a non-citizen to whom an annual general licence has been granted under section 4A (1) acquires land as a result of the exercise of his power of sale or foreclosure-
 - (a) section 4(1) shall not apply to the land so acquired.
 - (b) the land shall be sold or otherwise disposed of absolutely, within a period of two years, or within such extended time as the Cabinet may consider reasonable, after it is so acquired, so that the non-citizen no longer has directly or indirectly, any interest or control in respect thereof except by way of security.
- (3) An annual general licence granted under subsection (1) has effect only when the licence is registered in the Record Office of Antigua and Barbuda.
- (4) The following conditions shall apply to an annual general licence granted under subsection (1)—
 - (a) the funds loaned by such non-citizen upon the security of mortgages upon lands in Antigua and Barbuda shall be loaned to residents of Antigua and Barbuda;
 - (b) such non-citizen shall, if required to do so by the Minister at the end of every year, submit to the Minister a statement containing the particulars specified below, and certified as correct and signed by the non-citizen or, when the non-citizen is a company, by a director and the secretary-
 - (i) the number of mortgage loans taken by residents of Antigua and Barbuda;
 - (ii) the names of the mortgagors;
 - (iii) the amount loaned;