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ECONOMIC EMPOWERMENT ZONES ACT, 2018

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No. 28 of 2018

ECONOMIC EMPOWERMENT ZONES ACT, 2018

[Date of Assent - 5th October, 2018]

**AN ACT TO PROMOTE THE REDEVELOPMENT OF COMMUNITIES
OF THE BAHAMAS THROUGH THE GRANTING OF CERTAIN
EXEMPTIONS AND FISCAL INCENTIVES FOR THE RENOVATION
AND RESTORATION OF PROPERTY AND THE ENCOURAGEMENT
OF BUSINESSES IN A DESIGNATED ECONOMIC EMPOWERMENT
ZONE AND FOR MATTERS CONNECTED THERETO**

Enacted by the Parliament of The Bahamas

PART I - PRELIMINARY

1. Short title and commencement.

- (1) This Act may be cited as Economic Empowerment Zones Act, 2018.
- (2) This Act shall come into force on such date as the Minister may by notice appoint and shall expire on the 1st day of July, 2023.
- (3) Notwithstanding subsection (2), the Minister may by order extend the period specified in subsection (2) for further periods of up to five years as appears necessary for the achievement of the objectives of this Act.

2. Interpretation.

In this Act—

“**Act**” means the Economic Empowerment Zones Act, 2018;

“**Certificate of Development**” means a certificate issued under section 6(2)(b);

“**Certificate of Trade**” means a certificate issued under section 6(2)(a);

“**dwelling home**” includes a single family residence, apartment, triplex, duplex or condominium;

“Minister” means the Minister assigned responsibility for the administration of this Act;

“vehicle” includes a bus, van or truck used for commercial purposes such as the transportation of people, goods, wares or merchandise;

“zone” means an economic empowerment zone designated under section 4.

3. Objectives of Act.

The objectives of this Act are —

- (a) to designate communities as economic empowerment zones and to encourage the economic and social empowerment of residents in the zone;
- (b) to provide for the granting of certain exemptions and fiscal incentives to persons engaging in economic activities in the designated zones;
- (c) to promote the construction, renovation and restoration of property and structures in a designated zone; and
- (d) to encourage the principles of corporate social responsibility.

PART II – CONCESSIONS FOR PROPERTY OWNERS AND BUSINESSES IN ECONOMIC EMPOWERMENT ZONES

4. Designation of economic empowerment zones.

- (1) For the purposes of this Act, the Minister may by order published in the *Gazette* designate an area to be an economic empowerment zone (hereinafter referred to as a “zone”).
- (2) An order made pursuant to subsection (1), shall state the description of the land and include a map of the area of land that constitutes the zone.

5. Application for concessions.

- (1) Notwithstanding anything to the contrary in any other law, any owner of property situated in a zone who is desirous of improving, renovating or restoring his dwelling home or business by —
 - (a) constructing a building in a zone to be used as a dwelling home or a business;
 - (b) reconstructing or extending a building in a zone used for a dwelling home or business,may make application to the Minister of Finance in Form I of the *First Schedule*.

- (2) For the purposes of this section, an “owner of property” shall include any person who can provide evidence of —
 - (a) title to the land;
 - (b) residence on the property, if not the beneficial owner, for a continuous period of not less than twelve years or with the written consent of the title holder; or
 - (c) in the case of a business, a person who leases premises or a part thereof and is responsible for renovating the same and has the consent of the landlord.
- (3) Notwithstanding the grant of any concessions given under this Act, this Act shall not confer on any applicant who is not the legal owner, any interest, rights or entitlements in the property.
- (4) Notwithstanding anything to the contrary in any other law, any owner of a business situated in a designated economic empowerment zone (hereinafter referred to as a “zone”), who is desirous of receiving the concessions provided for in section 8 of this Act, may make application to the Minister of Finance in Form II of the *First Schedule*.

6. Consideration and approval of application.

- (1) Where the Minister of Finance is satisfied that the application relates to property that —
 - (a) is situated in a zone;
 - (b) does not fall within a prohibited commercial activity as listed in the *Third Schedule*; and
 - (c) will have a beneficial effect upon the economy of the zone,the Minister of Finance shall grant the approval of the application subject to the provisions of this Act.
- (2) Upon approval of an application —
 - (a) a Certificate of Trade shall be issued in respect of an application by or on behalf of a business; or
 - (b) a Certificate of Development shall be issued in respect of residential development,and such certificate shall be issued for a period of one year to the approved applicant to carry on the undertaking within the zone.
- (3) A certificate issued under subsection (2) shall be subject to —
 - (a) the payment of such fees as are prescribed; and
 - (b) an undertaking by the certificate holder to —
 - (i) comply with all respective laws governing the operation of the business, if applicable; and