

CHAPTER 346A

EXPORT PROMOTION AND MARKETING FUND 2005-20

This Act came into operation on 1st September, 2005.

Amended by:

2006-27

2006/87

Law Revision Orders

The following Law Revision Order or Orders authorized the insertion and removal of pages as the case may be under the Law Revision Act Cap.2 now repealed:

2007

Guide to symbols in historical notes:

- indicates an amendment made by an Act

/ indicates an amendment made by statutory instrument

CHAPTER 346A

**EXPORT PROMOTION AND MARKETING FUND
2005-20**

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**BARBADOS****EXPORT PROMOTION AND MARKETING FUND
2005-20**

An Act to provide for the establishment of a Fund to be known as the “Export Promotion and Marketing Fund” to assist in the development, promotion and marketing of Barbados’ export sector.

[Commencement: 1st September, 2005]

Short title

1. This Act may be cited as the *Export Promotion and Marketing Fund Act*.

Purposes of the Act

- 2.(1)** The purposes of this Act are to
- (a) establish a fund to be known as the “Export Promotion and Marketing Fund”, into which shall be paid
 - (i) monies collected from the imposition of a cess at the rate specified in section 7 on certain extra-regional imports; and
[2006-27]
 - (ii) such other monies as are specified in section 7(5); and

- (b) provide for the application of the resources of the Fund to assist in the development, promotion and marketing of Barbados' export sector.
- (2) This Act shall be given such fair, large and liberal construction and interpretation as would best ensure the attainment of its purposes.

Establishment of the Fund

3. The Export Promotion and Marketing Fund, in this Act referred to as "the Fund", is established by this Act.

Purposes of the Fund

4. The purposes of the Fund are to provide funding by way of a grant
- (a) to corporate entities including statutory corporations involved in the business of exporting; and
 - (b) to assist these entities with the development, promotion and marketing of products and services.

Administration and management of the Fund

5. The revenue of the Fund shall be administered and managed by the Enterprise Growth Fund Limited.

Management Committee

- 6.(1) There is established a Management Committee that shall be responsible for the consideration, evaluation and approval of proposals and projects to be financed by the Fund.
- (2) The *First Schedule* has effect with respect to the constitution of the Management Committee and otherwise in relation thereto.

Imposition of a cess to form the resources of the Fund

- 7.(1) Subject to subsection (2), there shall with effect from 18th January, 2006 be imposed on goods imported into Barbados from countries other than

those countries that are members of the Caribbean Community a cess at the rate of 6 per cent or such other rate as the Minister may by order impose; and the cess shall be the revenue of the Fund.

(2) Subsection (1) does not apply to those goods listed in the *Second Schedule*.

(3) The cess imposed under subsection (1) shall

- (a) be collected by the Comptroller of Customs;
- (b) take effect from 1st September, 2005; and
- (c) be for the period not exceeding 18 months.

(4) The revenue collected from the imposition of the cess and from the monies referred to in paragraph (a) of subsection (5) shall be paid into the Consolidated Fund and transferred by the Accountant-General from the Consolidated Fund to the Fund.

(5) The revenue of the Fund shall also include

- (a) monies collected pursuant to
 - (i) the *Excise Tax (Rate of Tax) (No. 2) Order, 2005*; and
[2005/117]
 - (ii) the *Environmental Levy Order, 2005*;
[2005/118]
- (b) such monies as Parliament may provide for the purpose; and
- (c) all monies made available to the Fund by way of gift, grant or otherwise.

(6) In this section,

“Caribbean Community” means the Caribbean Community established by the Treaty;

“Treaty” means the Revised Treaty of Chaguaramas Establishing the Caribbean Community, including the CARICOM Single Market and Economy

- (a) that was signed in the Bahamas on 5th July, 2001; and
- (b) to which Barbados is a party.

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Defrayment of initial expenses and temporary financing

8.(1) The initial expenditure incurred in establishing and administering the Fund shall be defrayed out of such monies as Parliament may provide for the purpose.

(2) Any temporary insufficiency in the resources of the Fund to discharge the liabilities of the Fund shall be met from such monies as Parliament may vote for the purpose by way of advance.

(3) Any monies voted by Parliament pursuant to subsection (2) shall be repaid out of the Fund as soon as practicable and paid into the Consolidated Fund.

Reports

9.(1) The Enterprise Growth Fund Limited shall prepare quarterly reports of the accounts and economic activity of the Fund and shall deliver those reports to the Minister not later than 21 days following the end of each quarter.

(2) The Minister responsible for Finance shall, as soon as practicable after receiving a report referred to in subsection (1), cause a copy to be laid in both Houses of Parliament.

Auditing of the Fund

10. The accounts of the Fund shall be audited at least once every financial year by the Auditor-General.

Amendment of Schedules

- 11.** The Minister may by order amend the Schedules.

Regulations

- 12.** The Minister may make regulations
- (a) for the establishing of criteria for determining the projects and programmes that are to benefit from the Fund; and
 - (b) generally for the proper administration of this Act.

FIRST SCHEDULE*(Section 6(2))**The Constitution of the Management Committee*

1. The Committee comprises the Chief Executive Officer of the Enterprise Growth Fund Limited and 4 other persons who shall be appointed by the Minister by instrument in writing and one of whom shall be appointed as Chairman.
2. Subject to paragraphs 4, 5 and 6, a member holds office for such period, not exceeding 3 years, as the Minister may direct in the instrument appointing that member.
3. The Minister may, in accordance with paragraph 2, appoint any person to act temporarily in the place of any member in case of the absence from Barbados or the inability of that member to act.
4. A member other than the Chairman may at any time resign his office by instrument in writing addressed to the Chairman, who shall forthwith cause the instrument to be forwarded to the Minister; and upon the date of the receipt by the Chairman of the instrument, the member ceases to be a member of the Committee unless some other date is mentioned in the instrument.
5. The Chairman may at any time resign his office by instrument in writing addressed to the Minister, and upon the date of the receipt by the Minister of the instrument, the Chairman ceases to be Chairman and a member of the Committee unless some other date is mentioned in the instrument.
- 6.(1) A vacancy shall be deemed to arise in the membership of the Committee in the case of
 - (a) the death or resignation of a member;

- (b) the revocation by the Minister of the appointment of a member;
 - (c) the absence from Barbados of a member without leave of the Minister;
or
 - (d) the failure of a member to attend 3 consecutive meetings of the Committee, unless the failure to attend was approved by the Minister.
- (2) The Minister may, where he considers it necessary, grant leave of absence not exceeding 3 months to any member of the Committee.
- 7.** Members are eligible for such remuneration, whether by way of fees or travelling or other allowances, as the Minister may determine.
- 8.** The names of all members of the Committee as at first constituted and every change in the membership shall be published in the *Official Gazette*.
- 9.(1)** The seal of the Committee shall be kept in the custody of the Chairman, the Deputy Chairman or such officer of the Committee as the Committee may approve, and may be affixed to documents or instruments, pursuant to a resolution of the Committee, in the presence of the Chairman and the Secretary to the Committee or the Deputy Chairman and the Secretary to the Committee.
- (2) The seal of the Committee shall be authenticated by the signature of the Chairman or the Deputy Chairman and the Secretary to the Committee.
- (3) All the documents or instruments, other than those required by law to be under seal, made by the Committee and all decisions of the Committee may be signified under the hand of the Chairman or the Deputy Chairman.
- 10.(1)** The Committee shall meet at least once a month for the transaction of its business, and each meeting shall be held on such days and at such times and places as the Committee determines.
- (2) The Chairman or, if he is for any reason whatsoever unable to act, the Deputy Chairman may at any time call a special meeting of the Committee; and

shall call a special meeting within 7 days of the receipt by him of a requisition for that purpose addressed to him in writing by any 2 members.

11. The Chairman or, in his absence, the Deputy Chairman shall preside at all meetings of the Committee, and, in the case of the absence of both the Chairman and the Deputy Chairman, the members present and constituting a quorum may elect a temporary Chairman from among their members; and such temporary Chairman shall preside at that meeting.

12. Three members constitute a quorum.

13. The decisions of the Committee at any meeting shall be by a majority of votes and, in the event of an equality of votes, the Chairman presiding at the meeting has a second or casting vote.

14.(1) Minutes of each meeting shall be kept in proper form by the Secretary or such officer as the Minister appoints for the purpose, and shall be confirmed in writing at the next meeting by the Chairman or Deputy Chairman.

(2) Confirmed minutes of meetings shall be submitted to the Minister within one month after the date of the meeting at which they were confirmed.

SECOND SCHEDULE*(Section 7(2))**Imported Goods Exempted from the Imposition of the Cess*

The following goods on importation into Barbados are exempted from the cess:

- (a) goods that are subject to Part I - Section B of the Customs Tariff;
- (b) goods that are set out in the *Customs Tariff (Amendment) Order, 2004*;
- (c) motor vehicles that are subject to excise tax;
- (d) goods to which
 - (i) section 6 of the *Caribbean Community Act, Cap. 15* and Article 87 of the Revised Treaty of Chaguaramas apply; or
 - (ii) goods to which the CARICOM Trade Agreements apply in respect of the countries of
 - (A) Colombia;
 - (B) Costa Rica;
 - (C) Cuba; and
 - (D) The Dominican Republic;
- (e) goods falling under the Table of Exemptions set out in Part II - Section B of the Customs Tariff;
- (f) goods imported by
 - (i) a foreign sales corporation within the meaning assigned by the *Barbados Foreign Sales Corporation Act, Cap. 59C*;
 - (ii) an international business company within the meaning assigned by the *International Business Companies Act, Cap. 77*;

- (iii) a company that is licensed to engage in exempt insurance business under the *Exempt Insurance Act*, Cap. 308A;
 - (iv) a company that is registered as a management company under the *Exempt Insurance Act*, Cap. 308A;
 - (v) a company that is an approved shipping company under the *Shipping (Incentives) Act*, Cap. 90A;
 - (vi) a body corporate that is licensed to carry on international financial services under the *International Financial Services Act*, Cap. 325;
 - (vii) an exempt society within the meaning of section 48 of the *Societies With Restricted Liability Act*, Cap. 318B;
 - (viii) an international trust within the meaning of the *International Trusts Act*, Cap. 245;
 - (ix) a qualifying insurance company within the meaning of section 2(1) of the *Insurance Act*, Cap. 310; or
 - (x) any other body established under or pursuant to any other enactment granting exemptions similar to those granted by the enactments mentioned in sub-paragraphs (i) to (ix);
- (g) goods imported for the purposes of a tourism product or a tourism project approved under the *Tourism Development Act*, Cap. 341
- (i) in respect of which relief from tax may be claimed pursuant to the provisions of that Act;
 - (ii) for the purpose of the refurbishment of that tourism product or tourism project and where the goods are contained in a list of goods approved by the Minister for such purposes;
- (h) goods imported by an approved developer under the *Special Development Areas Act*, Cap. 237A;

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- (i) goods entered by a supplier for export that are exported in compliance with the *Customs Act*, Cap. 66 and *Customs Regulations*;
 - (j) goods imported by a company enjoying incentives under the *Fiscal Incentives Act*, Cap. 71A;
 - (k) currency notes and coins imported under the *Central Bank of Barbados Act*, Cap. 323C;
 - (l) baby foods;
 - (m) baby car seats;
 - (n) baby napkins falling under the tariff heading numbered 48.18 of the Customs Tariff;
 - (o) the following articles for use by the elderly:
 - (i) incontinence napkins;
 - (ii) walking sticks;
 - (iii) bath chairs;
 - (iv) commodes;
 - (v) bath transfer benches;
 - (vi) foot lifters;
 - (vii) bed pull-ups;
 - (viii) urinary drain bags;
 - (ix) motorized lift-out chairs;
 - (x) walking frames;
 - (xi) motorized wheelchairs; and
 - (xii) personal pager alarms;
 - (p) the following articles for use by diabetics:
 - (i) sugar-free or artificially sweetened diabetic drinks;

- (ii) artificial sweeteners;
 - (iii) sugar-free jams;
 - (iv) glucose testing meters;
 - (v) lancets;
 - (vi) glucose testing strips;
 - (vii) stainless steel jewellery (medic-alert-diabetic);
 - (viii) haemoglobin A. IC testing strips;
 - (ix) haemoglobin testing machines; and
- (q) goods that are set out in paragraph 20 of the *First Schedule* to the *Value Added Tax Act, Cap. 87*.

[2004/63; 1963/61; 2006/87]