

SAINT CHRISTOPHER AND NEVIS

STATUTORY RULES AND ORDERS

No. 7 of 2018

Saint Christopher and Nevis Citizenship by Investment (Amendment) (No. 2) Regulations.

In exercise of the power conferred by section 15 of the Saint Christopher and Nevis Citizenship Act, Cap. 1.05, the Minister makes the following Regulations:

[Published 29th March 2018, Official Gazette No. 18 of 2018.]

1. Citation.

These Regulations may be cited as the Saint Christopher and Nevis Citizenship by Investment (Amendment) (No. 2) Regulations, 2018.

2. Interpretation.

In these Regulations

“principal Regulations” mean the Saint Christopher and Nevis Citizenship by Investment Regulations, No. 52 of 2011.

3. Amendment of regulation 2.

Regulation 2 of the principal Regulations is amended by adding a definition for the term “US” immediately after the definition of the term “Unit”, as follows

“US” refers to United States dollars or the equivalent amount in any currency that is legal tender in Saint Christopher and Nevis.

4. Amendment of regulation 5.

Regulation 5 of the principal Regulations is amended

(a) in sub-regulation (5), by replacing paragraph (a) as follows

“(a) has issued

- (i) all of its authorised shares to the main applicant, for an investment under paragraph 2 (a) of the First Schedule;
- (ii) authorised shares worth a minimum of US\$200,000.00 to the main applicant, for investments under paragraph 2 (b) of the First Schedule.

(b) in sub-regulation (5), by replacing paragraph (d) as follows

“(d) submits through the main applicant

- (i) irrefutable evidence as to its beneficial ownership, which shall be certified by the Registrar of Companies, for an investment under paragraph 2 (a) of the First Schedule;
 - (ii) irrefutable evidence as to the beneficial ownership of the company, which shall be certified by the Registrar of Companies, for an investment under paragraph 2 (b) of the First Schedule.
- (c) in sub-regulation (6), by replacing it as follows
- “(6) Real estate that has been purchased that qualifies an applicant for citizenship under the Citizenship by Investment programme shall not be resold
- (a) in the case where the applicant contributes a minimum investment under paragraph 2 (a) of the First Schedule, for a period of at least five (5) years after the granting of citizenship;
 - (b) in the case where the applicant contributes a minimum investment under paragraph 2 (b) of the First Schedule, for a period of at least seven (7) years after the granting of citizenship.”.
- (d) in sub-regulation 7 (b), by inserting the expression “and sub-regulation 5(6) (a)” immediately after the expression “pursuant to paragraph (a)”.

5. Insertion of regulation 6B.

The principal Regulations are amended by adding the following new regulation 6B, as follows

“6B. Establishment and specific requirements Sustainable Growth Fund.

- (1) There is hereby established a Fund to be known as the Sustainable Growth Fund and the Fund shall be used
- (a) for the funding of school construction and education related initiatives, including, funding for computers, books, scholarships and bursaries;
 - (b) to mitigate the effects of climate change in St Kitts and Nevis, including, preparation for increased hurricane threats, droughts, emergency preparedness, public education, disaster planning and preparedness.
 - (c) to support economic growth in St Kitts and Nevis, including, improve competitiveness, support small and medium sized business enterprises, support manufacturing and industrial activities, support agricultural diversification and development, support the fisheries sector, support development of financial services, support further development of domestic and export driven manufacturing, support improvement in the ease of doing business and to support improvements in technological advancement.
 - (d) for the build out of infrastructure that supports all ports of entry, to repay loans for ports of entry, to enhance the port facilities of the airports and sea ports and to support the build out of roads and utilities.

- (e) for the development and enhancement of medical facilities of St Kitts and Nevis.
- (f) to support tourism development;
- (g) to promote, preserve, protect and develop St Kitts and Nevis' culture and heritage; and
- (h) to support other sustainable growth initiatives in St Kitts and Nevis.

(2) The Sustainable Growth Fund shall consist of

- (a) all monies contributed into the Fund for the purposes of an application for Citizenship by Investment;
- (b) any monies donated or contributed by any other source into the Fund; and
- (c) any monies derived from any other source and placed into the Fund.

(3) The Minister shall appoint a Board charged with the responsibility of the management of the Fund established under sub-regulation (1) and

- (a) the membership of the Board shall consist of not less than three persons, including
 - (i) the Financial Secretary in Saint Christopher and Nevis;
 - (ii) the Permanent Secretary in the Office of the Prime Minister; and
 - (iii) one other person, appointed by the Minister by instrument, from persons appearing to him to have wide experience in the law, law enforcement, management or finance;
- (b) the Minister shall appoint one of the members to be the Chairperson;
- (c) the member appointed by the Minister, in accordance with sub-regulation (3) (a) (iii), shall
 - (i) hold office for a period specified in the instrument of appointment unless he or she resigns or his or her appointment is revoked before the end of that period;
 - (ii) be eligible for further appointment on the expiration of the period of his or her appointment.
- (d) the Minister may appoint any person to act temporarily in the place of any member who is absent from Saint Christopher and Nevis or is unable to act.
- (e) where a vacancy is created by the death, resignation or removal from office of a member of the Board, another person may be appointed in accordance with sub-regulation (3) (a) to fill that vacancy but shall hold office only for the unexpired portion of the period of the former member.
- (f) the Board shall regulate its own meetings and procedures.
- (g) any action or proceedings taken by the Board under these Regulations shall not be questioned on the grounds of

- (i) the existence of any vacancy in the membership or any defect in the Constitution of the Board;
 - (ii) any omission, defect or irregularity that does not affect the merits of the action or proceedings.
- (h) the appointment and cessation of appointment of any member of the Board shall be notified in the Official *Gazette*.

(4) An account and record of the contributions to the Sustainable Growth Fund shall be kept by the Board.

(5) The contributions to the Sustainable Growth Fund, minus the commissions of the International Marketing Agents, shall be placed into the Consolidated Fund and the manner of deductions shall be in accordance with the Finance Administration Act, Cap. 20:13.

(6) In this regulation, the expression "full contribution" means the total required investment amount in accordance with paragraph 5 of the First Schedule.

(7) Within three months of the submission of an application for Citizenship by Investment, the Unit shall notify the authorised person on behalf of the main applicant whether the application has been

- (a) approved in principle;
- (b) denied; or
- (c) delayed for cause and still being processed.

(8) Not later than ninety days after the date of a notification of approval in principle pursuant to sub-regulation (7), the main applicant shall be required to show that the non-refundable full contribution to the Sustainable Growth Fund has been deposited into the account of the Fund before the grant of Citizenship by Investment may occur.

(9) The period for receipt of applications for Citizenship by Investment, by way of the Sustainable Growth Fund, shall be the 1st day of April, 2018.

6. Amendment of First Schedule.

The First Schedule is amended by

- (a) replacing paragraph 2 as follows

"2. The minimum real estate investment required on the basis of an investment in real estate is

- (a) US\$400,000.00 for each main applicant. Two or more applicants may apply for citizenship by investment together by purchasing one piece of real estate, provided that each main applicant contributes the minimum investment of US\$400,000.00 towards the investment; or
- (b) US\$200,000.00 for each main applicant. Two or more applicants may apply for citizenship by investment together by investing in one piece of real estate, provided that each main applicant

contributes the minimum investment of US\$200,000.00 in real estate worth a minimum of US\$400,000.00 and the transfer shall be exempt from stamp duty under the Stamps Act, Cap. 20:40.

(b) inserting a new paragraph 5 as follows

"5. Minimum non-refundable Contribution to the Sustainable Growth Fund, established under regulation 6(B), to qualify persons to apply to Citizenship by Investment

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| (a) Contribution for single applicant | US\$150,000.00 |
| (b) Spouse of the main applicant | US\$25,000.00 |
| (c) Additional qualified dependents can be included in the Application at | US\$10,000.00 each |
| (d) An International Marketing Agent Commission to be paid on approval of the applicant's file." | US\$15,000.00 |

Made this 29th day of March, 2018.

TIMOTHY S. HARRIS
Minister responsible for Citizenship