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SCHEDULE



GRENADA

ACT NO. 30 OF 2016

I assent,



CÉCILE E. F. LA GRENADE
Governor-General.

5th October, 2016.

AN ACT to provide for the establishment of the Grenada Investment Development Corporation as an Economic Development Corporation with responsibility to promote and facilitate foreign and local investment in Grenada; to deliver assistance, services, and incentives to investors for related purposes; to develop and advocate investment policies to encourage new, existing, and emerging businesses; and to provide for related matters.

[By Notice].

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Grenada, and by the authority of the same as follows—

PART I

PRELIMINARY

Short title and commencement.

1. This Act may be cited as the—

GRENADA INVESTMENT DEVELOPMENT
CORPORATION ACT, 2016,

and shall come into operation on a date to be fixed by the Minister by a Notice published in the *Gazette*.

Interpretation.

2. In this Act—

“Board” means the board of directors of the Corporation appointed under section 6;

“business plan”, for a financial year, means—

- (a) the business plan approved under section 35; and
- (b) all amendments to the business plan approved under that section, for the financial year;

“capital” means cash contributions, plant, machinery, equipment, building, spare parts, raw materials and other business assets other than goodwill;

“client” means a person who conducts business with the Corporation and includes an Investor;

“Chairperson” means the chairperson of the Corporation appointed by the Minister under section 6;

“Corporation” means the Grenada Investment Development Corporation established by section 3(1);

“deputy chairperson” means the deputy chairperson of the Corporation;

“Director” means a person who is a Director on the Board of the Corporation;

“enterprise” means an industry, project, undertaking or business or an expansion of that industry, project, undertaking, or business or any part of that industry, project, undertaking, or business;

“foreign investor” has the meaning assigned to it in section 2 of the Investment Act No. 42 of 2014;

“financial year” means the financial year referred to in section 34;

“investor” has the meaning assigned to it in section 2 of the Investment Act No. 42 of 2014;

“incentives” means any exemption or relief, in respect of any tax, duty, fees, levy, fine or other impost, that is granted to an investor under the Acts specified in the Schedule;

“investment incentives certificate” means an instrument which sets out the incentives that an investor may be granted upon investing in Grenada;

“investment” has the meaning assigned to it in section 2 of the Investment Act No. 42 of 2014;

“joint venture” includes an investment in an enterprise—

(a) between a foreign investor and a local investor; or

(b) between two local investors;

“local investor” has the meaning assigned to it in section 2 of the Investment Act No. 42 of 2014;

“Minister” means the Minister with responsibility for finance;

“priority sector” means the sectors set out in regulation 3 of the Investment (Priority Sectors) Regulations SR&O No. 32 of 2016;

“projects” means investment projects as detailed in the Investment Act, No. 42 of 2014;

“remuneration” includes allowances;

“secretary” means the secretary of the Corporation.

PART II

CONSTITUTION, MANAGEMENT AND FUNCTIONS OF THE CORPORATION

Establishment of
the Corporation.

3.—(1) There is hereby established a body corporate to be known as the Grenada Investment Development Corporation to carry out such functions as are conferred upon it by this Act.

(2) Subject to this Act, section 49 of the Interpretation and General Provisions Act Chapter 153 applies to the Corporation.

4. The Corporation shall—

Functions of
the Cor-
poration.

- (a) formulate investment promotion policies and plans, and marketing strategies to attract foreign and local investments;
- (b) initiate, organise and participate in promotional activities such as exhibitions, conferences and seminars for the stimulation of investments, to present Grenada as an ideal investment destination;
- (c) collect, collate, analyse and disseminate information about investment opportunities, sources of investment capital, the incentives that are available to an investor, the investment climate and advise on the availability, choice or suitability of partners in joint venture projects;
- (d) register, monitor and keep records of all enterprises within the priority sectors for investment in Grenada, facilitated by the Corporation;
- (e) identify specific projects and prepare project profiles on investments and joint venture opportunities in Grenada to attract investors to participate in those projects;
- (f) assist investors by—
 - (i) issuing investment incentive certificates; and
 - (ii) co-ordinating with government ministries and departments to assist in

obtaining any necessary licences and permits to facilitate the making of an investment in Grenada;

- (g) develop and manage owned sites, estates or land sites together with associated facilities on the site, estates and land;
- (h) provide rental facilities to clients;
- (i) conduct market research, collect input from stakeholders, and launch initiatives designed to spur and sustain economic growth in strategic sectors of the economy;
- (j) provide entrepreneurial and business development services to enterprises and act as a facilitator between the enterprise and relevant Ministries, Departments, Agencies and other public institutions;
- (k) encourage entrepreneurship and facilitate the start-up and expansion of new and existing micro, small and medium sized enterprises; and
- (l) advocate business, economic development, and investment policy changes.

The Common Seal and authentication of documents.

5.—(1) The Common Seal of the Corporation shall be kept in the custody of the Chairperson or the deputy chairperson or the secretary of the Board; and may be affixed to instruments pursuant to a resolution of the Board, in the presence of the

Chairperson, or the deputy chairperson, and of a Director and the secretary.

(2) All documents, other than those required by law to be under seal, made by, and all decisions of, the Board may be signified under the hand of the chairperson or the deputy chairperson or the Chief Executive Officer of the Corporation.

6.—(1) The Corporation shall have a Board of Directors Board of the Corporation. which shall be responsible for the general administration of the Corporation and shall consist of at least five (5) and not more than ten (10) members appointed by the Minister from amongst persons who have qualifications, or have had proven experience, in matters relating to business, finance, accountancy, banking, economics, marketing, information technology, law, administration, agriculture or tourism.

(2) The Minister shall appoint a Chairperson and a deputy chairperson of the Corporation from amongst its members.

(3) A Director shall, subject to the provisions of subsections (5) and (6), hold office for a period not exceeding two years, but may be eligible for re-appointment.

(4) The Minister may appoint any person appearing to him or her to have the qualifications necessary for appointment under the provisions of subsection (1) to be a temporary member of the Board to act temporarily in the place of any Director who is absent or otherwise unable to act.

(5) A Director may at any time resign his or her office by instrument in writing addressed to the chairperson, who shall immediately forward same to the Minister.

(6) The Minister may at any time, if he or she thinks it expedient, revoke the appointment of a Director.

(7) A Director who is absent from three consecutive meetings of the Board without reasonable cause ceases to be a member of the Board.

(8) The appointment of a Director and the termination of office of a member, whether by death, resignation, revocation, passage of time or otherwise, shall be notified in the *Gazette*.

Functions of the Board.

7.—(1) The Board may provide policy guidance and generally advice on investment to the Minister to ensure the proper and effective performance of the functions of the Corporation.

(2) The Board may—

- (a) determine its own procedure and the internal organisation and conduct of the operations of the Corporation;
- (b) undertake such activities as may be necessary to foster entrepreneurship and facilitate the start-up and expansion of micro, small and medium sized Enterprises;
- (c) advise Government on strategies for investment policies, national investment marketing and investment aftercare, economic and industrial planning and country image building;

- (d) undertake various activities to foster the development of investments and business activities in Grenada;
- (e) act as a think tank in highlighting policy issues and making policy recommendations to Government to boost investment to attain Government economic objectives;
- (f) provide support services to investors and self-employed persons, including providing assistance to procure authorisations and permits required for establishment and operation of enterprises; and
- (g) do all things that are incidental or conducive to the performance of any of its functions under this section.

8. The Corporation shall pay to each Director of the Board in respect of his or her office, such remuneration, as the Minister may determine and to the Chairperson and to the deputy chairperson, in respect of his or her office, such remuneration, if any, in addition to any remuneration to which he or she may be entitled in respect of his or her office as a Director as may be so determined.

Remuneration
of Directors.

PART III

POWERS OF THE CORPORATION

9. The Corporation shall have power—

Powers of
Corporation.

- (a) to hold such property, and to carry on such business, as is referred to in section 4;

- (b) to carry on all activities the carrying on of which appear to it to be requisite, advantageous or convenient for or in connection with the discharge of its functions;
- (c) to promote the carrying on of any such activities by other bodies or persons, and for that purpose—
 - (i) may establish or expand, or promote the establishment or expansion of, other bodies to carry on any such activities either under the control or partial control of the Corporation or independently;
 - (ii) may give assistance to such other bodies and to such persons (if it appears to the Corporation that they have facilities for the carrying on of any such activities) including financial assistance by the taking up of share or loan capital, or by means of loans, or otherwise; and
 - (iii) may itself carry on such activities whether in association with such other bodies or persons or as managing agents or otherwise on their behalf;
- (d) to do anything and to enter into any transaction (whether or not involving expenditure, borrowing, the granting of loans or the investment of money in accordance with the

provisions of this Act in that behalf, or the acquisition of any property or rights) which in its opinion is calculated to facilitate the proper discharge of its functions or is incidental or conducive thereto;

- (e) to invest in, subscribe or acquire any securities;
- (f) to form or participate in the formation of any company for any developmental purpose;
- (g) to register all approved projects within the priority sector for investment;
- (h) to certify and issue investment incentive certificates for approved projects within the priority sectors;
- (i) to recommend priority areas for investment and their applicable incentives;
- (j) to publish in any medium the criteria for receiving investment incentives; and
- (k) to do anything needed to give effect to this Act.

10. In the exercise of its powers and the discharge of its functions, the Corporation shall comply with any general or special directions given to it by the Minister.

PART IV

**MEETINGS OF THE BOARD, APPOINTMENT OF
CHIEF EXECUTIVE OFFICER AND STAFF**

Meetings of the
Board.

11.—(1) The Board shall meet at least once every three months or at such times as may be necessary or expedient for the transaction of its business, and its meetings shall be held at such places and times and on such days, and may use such medium as the Chairperson may think fit.

(2) The Chairperson or, in his or her absence, the deputy chairperson may at any time call a special meeting of the Board; a special meeting shall be called within seven days of any requisition for that purpose addressed to him or her by three directors.

(3) The Board may meet in independent session without the Chief Executive Officer and Secretary.

(4) The Chairperson, or in his or her absence the deputy chairperson, shall preside at all meetings of the Board.

(5) The quorum for a meeting of the Board is five members including the Chairperson or in his or her absence the deputy chairperson.

(6) The decisions of the Board shall be by a majority of votes, and, in addition to an original vote, in any case in which the voting is equal the Chairperson or deputy chairperson presiding at the meeting shall have a casting vote.

(7) Minutes in proper form of each meeting shall be kept by the secretary and shall be confirmed by the Board by being signed by the Chairperson or the deputy chairperson as soon as practicable thereafter when presiding at a subsequent meeting.

(8) The Board may co-opt one or more persons to attend any particular meeting of the Board for the purpose of assisting or advising the Corporation, but no co-opted person shall have the right to vote.

(9) Subject to the provisions of this section, the Board shall have power to regulate its own proceedings.

12.—(1) Where any Director or his or her spouse or next of kin has any direct or indirect interest in a matter for consideration by the Board or a Committee, as the case may be, he or she shall—

Disclosure of interest.

- (a) disclose the nature of the interest, and the disclosure shall be recorded in the minutes of the Board or a Committee as the case may be;
- (b) request to be recused from the deliberations of the Board in respect of that matter; and
- (c) not participate in the deliberations of the Board in respect of the matter.

(2) A Director ceases to be a member of the Board if that member has an interest in a matter before the Board and—

- (a) fails to disclose that interest, and
- (b) fails to request to be recused and participates in the deliberations on the matter.

(3) The validity of anything done under this Act shall not be affected solely by reason of—

- (a) the existence of any vacancy in the membership, or any defect in the Constitution of the Corporation;
- (b) an omission or irregularity in respect of meeting any proceedings of the Corporation; and
- (c) the contravention of section 12 by a Director.

Improperly
divulging
information
acquired.

13.—(1) Subject to this section, every member of the Board, or Committee as the case may be, the Chief Executive Officer or employee of the Corporation shall maintain during and after his or her relationship with the Corporation, the confidentiality of information received in respect of the business of any client of the Corporation and in respect of any matter relating to this Act which comes to his or her knowledge and shall not disclose that information to any person except under the specific or general direction of the Board.

(2) A person who without lawful excuse contravenes section (1) shall commit an offence and shall on conviction be liable to a fine not exceeding five thousand dollars.

Power to appoint
committees.

14.—(1) The Board may appoint a Committee of the Board to examine and report to it on any matter arising out of or connected with its functions or any of its powers under this Act.

(2) A Committee appointed under subsection (1), shall consist of at least two members of the Board together with

any other persons, whether members of the Board or not, whose assistance or advice the Board may require.

(3) Where persons, not being members of the Board, are members of a Committee appointed under this section, the Board may, with the approval of the Minister, by resolution pay remuneration to such persons, which shall be payable out of the funds of the Corporation.

(4) The Board may by resolution reject a report of the Committee or adopt it either wholly or with such modifications, additions or adaptations as the Board thinks fit.

15. Subject to the provisions of this Act, the Board may delegate to any member or Committee of the Board the power and authority to carry out on its behalf such duties as the Board may determine, but so that the delegation of such power and authority does not preclude the exercise thereof by the Board itself. Power to delegate.

16.—(1) The Board, with the prior written approval of the Minister, shall appoint a suitable person as the Chief Executive Officer and fix his or her terms and conditions of service. Appointment of Chief Executive Officer, and staff.

(2) The Chief Executive Officer shall be responsible for the overall management of the Corporation, and he or she—

- (a) shall be a person who has the appropriate qualifications, relevant experience and knowledge of the private sector, strong business orientation and proven experience in managing and motivating multidisciplinary teams of professionals;

- (b) shall be responsible for the execution of the policy of the Board and for the control and management of the daily administration of the Corporation and is answerable to the Board in the performance of his or her functions under this Act;
- (c) may delegate a function to an officer but shall not be relieved for the ultimate responsibility for the performance of the delegated function;
- (d) unless otherwise directed by the Board, shall be present at every meeting of the Corporation unless he or she is incapacitated by illness or other cause or has obtained leave of absence from the Chairperson;
- (e) shall perform such duties as may be required of him or her by the Corporation;
- (f) shall act in accordance with any special or general directions that the Corporation may give him or her.

(3) In the event of any incapacity, or inability to act, of the Chief Executive Officer, the Corporation shall, with the written approval of the Minister, appoint a suitable person to act as Chief Executive Officer.

(4) The Corporation, with the prior written approval of the Minister, shall appoint, at such remuneration and on such terms and conditions as it deems proper, a secretary.

(5) Subject to sub-paragraphs (a) – (c), the Corporation shall appoint such staff as it considers necessary for the efficient performance of its functions, at such remuneration and on such terms and conditions as it deems proper–

- (a) no salary in excess of sixty thousand dollars per annum, or such other amount, as may be determined by the Minister shall be assigned to any post without the approval of the Minister;
- (b) no appointment to any post at a salary of sixty thousand dollars or more per annum, or such other amount as may be determined by the Minister shall be made without the approval of the Minister;
- (c) no provision shall be made for the payment of any pension, gratuity or other benefit to any officer or member of the staff of the Corporation in relation to any service with the Corporation without the written approval of the Minister.

(6) The secretary and other officers and the staff appointed by the Corporation shall perform such duties as may be assigned to them by the Chief Executive Officer.

(7) Public officers may be transferred or seconded to the Corporation or may otherwise give assistance to the Corporation.

(8) The Board may for the efficient discharge of the functions of the Corporation engage consultants and advisors that it considers necessary on terms and conditions that the Board considers necessary.

Collaboration
with other
public
institutions.

17.—(1) The Corporation may collaborate with Ministries, Departments, Agencies and other public sector institutions in the performance of its functions under this Act.

(2) The Corporation may appoint committees with public sector agencies and departments within the investment generation system to coordinate and accelerate the implementation of investment projects.

(3) Members of a Committee appointed under subsection (1) may include representatives from the Physical Planning Unit, the Inland Revenue Department, the Customs Department, and any other entity that may provide the required assistance to the Corporation.

PART V

CORPORATION'S FUNDING, INCLUDING BORROWING

Funds and
resources of the
Corporation.

18. The funds and resources of the Corporation shall consist of—

- (a) such sums as may be provided annually by the House of Representatives;
- (b) such sums as may be allocated to the Corporation from any loan funds;
- (c) all sums from time to time received by or falling due to the Corporation in respect of the repayment of any loan made by the Corporation and the interest payable in respect of any such loan;

- (d) monies arising from any property, investments, mortgages and debentures acquired by or vested in the Corporation;
- (e) any property, mortgages, debentures, or investments acquired by or vested in the Corporation;
- (f) sums borrowed by the Corporation for the purpose of meeting its obligations or performing its functions;
- (g) such sums as the Minister may, after approval by resolution of the House of Representatives, advance for the use of the Corporation as provided by section 19(3);
- (h) such other sums or property as may be transferred, assigned, donated or in any manner become payable to, or vested in, the Corporation whether generally or for specific purposes, including funds from donor agencies or institutions; and
- (i) monies accruing from the operation of the Corporation.

19.—(1) Subject to subsection (2), the Corporation may borrow sums required to meet its obligations or to perform its functions, or to issue debentures or otherwise. ^{Borrowing power.}

(2) The power of the Corporation to borrow shall be exercisable only with the approval of the Minister in accordance with the Public Finance Management Act No. 17 of 2015 as to the amount, as to the source of the borrowing, and as to the terms on which the borrowing is to be effected.

An approval given in any respect under this subsection may be either general or limited to a particular borrowing or otherwise, and may be either unconditional or subject to conditions.

(3) The Minister may, after approval by resolution of the House of Representatives, advance for the use of the Corporation out of the Consolidated Fund such sums as may be required for the performance of its functions under this Act.

(4) The Corporation shall make to the Accountant-General, at such times and in such manner as the Minister may direct, payments of such amounts as may be so directed in or towards repayments of such amounts as have been advanced under subsection (3), and payments of interest on what is outstanding for the time being (in respect of any sums so advanced) at such rates as the Minister may direct, and different rates of interest may be directed as regards different sums and as regards interest for different periods.

Guarantee by Minister of borrowings by Corporation, and repayment of sums issued to meet guarantees.

20.—(1) In accordance with the Public Finance Management Act No. 17 of 2015 the Minister may guarantee, in such manner and on such conditions as he or she may think fit, the repayment of the principal and the payment of interest in respect of any authorised borrowing by the Corporation.

(2) Where the Minister is satisfied that there has been default in the repayment of any principal monies or payment of interest guaranteed under the provisions of this section he or she shall direct the repayment or payment, as the case may be, out of the Consolidated Fund of the amount in respect of which there has been such default.

(3) The Corporation shall make to the Accountant-General, at such times and in such manner as the Minister may direct, payments of such sums as may be so directed in or towards repayment of any sums issued in fulfilment of any guarantee given under this section, and payment of interest on what is outstanding for the time being in respect of any sums so issued at such rate as the Minister may direct, and different rates of interest may be directed as regards different sums and as regards interest for different periods.

PART VI

INVESTMENTS AND EXPENDITURES

21. Monies standing to the credit of the Corporation may, from time to time, be invested in securities approved either generally or specifically by the Minister, and the Corporation may, from time to time, with like approval, sell or deal with any or all of such securities.

Power to invest.

22. The Corporation may from its funds and resources—

Powers of expenditure.

- (a) pay dividends, fees, expenses, costs, and meet expenditure properly incurred or accepted by it in the exercise of its powers or the performance of its functions under this Act;
- (b) purchase plant, equipment, stores and any other materials, and acquire land and erect buildings, and carry out any other works and undertakings in the exercise of its powers or the performance of its functions under this Act.

PART VII

LOANS BY CORPORATION

Power to make loans.

23. Subject to such conditions as it may deem fit to impose in particular cases, the Corporation may, out of its funds and resources, make loans in accordance with the provisions of this Act in the performance of its functions.

Interest on loans made by the Corporation.

24. In making loans under the provisions of this Act, the Corporation may charge such rates of interest not exceeding the maximum rate permitted under the Money Lending Act, Cap. 198, as it may deem fit in any particular case.

Repayment of loans made by the Corporation.

25. Subject to the provisions of sections 26 and 27, every loan shall be repaid to the Corporation in accordance with the terms and conditions under which the loan was made and the monies so repaid shall thereupon become funds of the Corporation.

Suspension of payment of principal and interest and power to extend time, compound, or release.

26. The Corporation may—

- (a) postpone, upon such terms and conditions as it may deem necessary and for a period not exceeding five years, the repayment of any principal sum and payment of interest due to it in respect of a loan made by it;
- (b) from time to time extend the period for the repayment of any principal sum or payment of interest due to it, or compound or release any loan or part thereof, subject to such terms and conditions as it may deem proper.

27. The Corporation may at any time accept repayment of the whole or any part of the amount representing the principal of a loan and interest thereon, before the time when such repayment is due, upon such terms and conditions as it may think fit.

Repayment of loan before due date.

28.—(1) Where the Corporation loans money under the provisions of this Act it shall—

Examination as to whether loan being used for purpose made.

- (a) make or cause to be made such examination as may be necessary to establish whether or not the loan is being used for the purpose for which it was made; and
- (b) require financial statements in such detail as it may determine to be submitted, by the person in receipt of the loan, annually or at shorter intervals at the discretion of the Corporation, and such person shall comply with such requirement.

(2) The Corporation may in writing authorise any of its officers or any other person to make such examination, and an officer or person so authorised shall be entitled to demand the production of all such books, documents and other matters and things as he or she may consider necessary for the purpose of making the examination.

(3) A person who fails to submit a financial statement in accordance with a requirement under subsection (1)(b), or to produce any book, document or other matter or thing demanded in accordance with subsection (2), shall be guilty of an offence and liable, on summary conviction, to a fine of five thousand dollars.

Order of Corporation upon examination under section 28.

29. If, upon an examination made under section 28, it appears to the Corporation that any sum being the whole or part of a loan was not used for the purpose for which the loan was made, the Corporation may—

- (a) order that such sum shall, within a time stipulated in the Order, be used for the purpose, for which it was made; or
- (b) that such sum together with any interest due thereon at the date of the Order shall be repaid to the Corporation within the time stipulated in the Order, and the sum together with any interest due thereon so ordered to be repaid to the Corporation shall become payable to the Corporation at the time mentioned.

Misuse of loan secured by mortgage or otherwise.

30.—(1) If a loan made under the provisions of this Act or any part of such loan in the opinion of the Corporation has been misused, the Corporation may—

- (a) where such loan has been secured by mortgage, by notice in writing addressed to the mortgagor, recall the loan or part thereof and may require that the loan or part together with any interest due thereon at the date of the notice be repaid on a date to be specified in the notice and, in default of payment on the date so specified, any security given for the purpose of the loan may thereupon be realised;
- (b) where such loan has been secured otherwise than by way of mortgage, by notice in writing

addressed to the borrower, require that the loan or part thereof together with any interest due thereon at the date of the notice be repaid on a date to be specified in the notice and, in default of payment on the date so specified, any security given for the purpose of the loan may thereupon be realised.

(2) The provisions of subsection (1) shall be in addition to any proceedings taken under any other written law.

31. Where property mortgaged as security for a loan made under section 23 is sold for the purpose of the enforcement of the security, the Corporation may purchase the property and may manage and hold it, or sell, or otherwise dispose of it, as it deems fit. Enforcement of securities.

32. If a person—

Offences in respect of loans.

- (a) obtains a loan from the Corporation by means of any false representation;
- (b) wilfully uses a loan made to him or her by the Corporation for any purpose other than a purpose for which the loan was made;
- (c) having obtained a loan from the Corporation wilfully destroys any security given in relation thereto,

he or she is guilty of an offence and liable, on summary conviction, to a fine of ten thousand dollars or imprisonment for six months.

PART VIII

ANNUAL BUSINESS PLAN, AUDIT AND REPORT

Financial year. **33.** The financial year of the Corporation is the twelve months period beginning on the first day of January and ending on the thirty-first day of December.

Annual business plan. **34.—(1)** The Corporation shall, no later than four months before commencement of each financial year and in such form as the Minister requires, prepare in respect of the financial year, and submit to the Minister, a proposal for a business plan for the financial year that must contain—

- (a) a statement of the Corporation's objectives and priorities in carrying out its responsibilities for the current financial year and the succeeding two financial years;
- (b) a comprehensive business plan that—
 - (i) shows how resources, including but not limited to financial resources, will be allocated to meeting the objectives and priorities of the Corporation for the financial year; and
 - (ii) includes *pro forma* financial statements as required by the Minister;
- (c) a comparison of the *pro forma* financial statements with the actual financial statements for the previous financial year;

- (d) a statement as to how the Corporation proposes to measure its performance in carrying out its responsibilities in the financial year; and
- (e) any other information required by the Minister by written notice to the Corporation.

(2) The Minister may, on request of the Corporation, extend the time for submitting a proposal for a business plan.

(3) The Minister shall, as soon as practicable, consider the proposal for a business plan and may—

- (a) approve the proposal as submitted;
- (b) with the approval of the Corporation, amend the proposal and approve it as amended; or
- (c) return the proposal to the Corporation with directions that the Corporation take the specified further action with respect to the proposal as the Minister considers appropriate.

(4) Where the Minister returns the proposal for a business plan to the Corporation under subsection (3)(c), he or she shall provide the Corporation with his or her reasons for not approving it.

(5) A proposal for a business plan that is returned to the Corporation under subsection (3)(c) shall be resubmitted as directed by the Minister.

(6) When a proposal in relation to a financial year is approved by the Minister, it becomes the business plan for that financial year.

(7) The Corporation—

- (a) may, of its own motion, submit to the Minister a proposal to amend an approved business plan; and
- (b) shall on request of the Minister and within the time required by the Minister, submit to the Minister a proposal to amend an approved business plan.

(8) Subsections (3), (4), (5) and (6) apply to a proposal submitted to the Minister under subsection (7).

Corporation
obligated to
implement
business plan.

35. The Corporation shall—

- (a) in each financial year implement the business plan for the financial year; and
- (b) establish a mechanism for monitoring the implementation of the business plan.

Accounts.

36.—(1) The Corporation shall, in accordance with the Public Finance Management Act, No. 17 of 2015—

- (a) keep proper books of account of its income and other receipts and expenditures; and
- (b) ensure that—
 - (i) all monies received are promptly brought to account;

(ii) all payments out of its money are correctly made and properly authorised; and

(iii) adequate control is maintained over its property and over the incurring of liabilities by the Corporation.

(2) The books of account kept under subsection (1) shall—

(a) be sufficient to record and explain the Corporation's transactions;

(b) enable the Corporation's financial position to be determined with reasonable accuracy at any time; and

(c) be sufficient to enable financial statements to be prepared and audited in accordance with this section.

(3) Within three months after the end of each financial year, the Corporation shall cause to be prepared—

(a) the following financial statements together with proper and adequate explanatory notes—

(i) a statement of the assets and liabilities of the Corporation at the end of the financial year;

(ii) a statement of the revenue and expenditure of the Corporation during the financial year;

- (iii) such other financial statements for the financial year as may be specified in writing by the Minister; and
- (b) an annual report of the Corporation on the implementation of the business plan and such other matters as the Corporation considers advisable or the Minister directs.

(4) Without delay after the completion of the financial statements and the annual report, the Corporation shall furnish a copy of each to the Director of Audit.

Audit by
Director of
Audit and report
to the House of
Representatives.

37.—(1) Not later than three months after receipt of the financial statements and annual report from the Corporation, the Director of Audit shall audit the financial statements in accordance with the Audit Act, Chapter 22A.

(2) Without delay after the completion of his or her audit of the Corporation, the Director of Audit shall submit a copy of his or her report together with the financial statements and annual report to the Minister and the Corporation.

(3) The Minister shall, not later than seven days after the House of Representatives first meets after he or she has received the report together with the financial statements and the annual report of the Corporation, lay it before the House of Representatives.

(4) If the Minister fails to lay the report together with the financial statements and the annual report of the Corporation before the House of Representatives in

accordance with subsection (3), the Director of Audit shall transmit the report, the financial statements and the annual report to the Speaker who shall, as soon as practicable, present them to the House of Representatives.

(5) As soon as reasonably practicable after the report together with the financial statements and the annual report of the Corporation have been laid before the House of Representatives, the Corporation shall cause the report, the financial statements and the annual report of the Corporation to be published in the *Gazette*.

38. The Corporation may with the written approval of the Minister, write off bad debts. Write off of bad debts.

39.—(1) The Corporation shall, not later than the 31st day of March in each year, submit to the Minister a report containing— Annual report to Minister.

- (a) an account of its transactions throughout the preceding calendar year in such detail as the Minister may direct; and
- (b) a statement of the accounts of the Corporation audited in accordance with the provisions of section 36.

(2) A copy of the report together with a copy of the auditor's report shall be printed and laid on the Table of each House of Parliament.

PART IX

MISCELLANEOUS

Validity of acts. **40.** No act done or proceeding taken under this Act shall be questioned on the ground of—

- (a) the existence of any vacancy in the membership or any defect in the composition of the Corporation; or
- (b) any omission, defect or irregularity not affecting the merits of the case.

Protection of Directors. **41.** No personal liability shall attach to a Director of the Board in respect of anything done or suffered in good faith under the provisions of this Act, and any sum of money, damages or costs which may be recovered against a member in respect of anything done or suffered in good faith for the purpose of carrying this Act into effect shall be paid out of the funds and resources of the Corporation.

Minutes receivable in evidence. **42.** Minutes of the meetings of the Corporation purporting to be duly signed by the chairperson or deputy chairperson shall be receivable in evidence in all legal proceedings without further proof, and every meeting of the Corporation in respect of which the minutes have been so signed shall be deemed to have been duly convened and held and all members present thereat shall be deemed to have been duly qualified to act.

Exemption from taxes. **43.** The income of the Corporation shall be exempt from income tax and stamp tax.

44. The Corporation may, with the approval of the Minister, make regulations—

Power of Corporation to make regulations.

- (a) governing the proceedings of the Corporation and the manner of transaction of its business;
- (b) prescribing the manner in which cheques, instruments and other documents of any description shall be signed or executed on behalf of the Corporation;
- (c) prescribing the circumstances in which members of the Corporation may receive travelling and subsistence allowances, and fixing the rates of such allowances;
- (d) imposing fees in such cases as may be determined by the Corporation;
- (e) generally for the better exercise of its powers and performance of its functions under this Act;
- (f) for procedure by which approved investors and enterprises are registered; and
- (g) for monitoring and reporting of progress of an investment or enterprise.

45.—(1) All contracts and agreements entered into by the Grenada Industrial Development Corporation are assumed by the Corporation and may be enforced by and against the Corporation as if it had been made a party thereto instead of the existing Corporation.

Transitional provisions.

(2) The real and personal property of the Grenada Industrial Development Corporation is transferred and becomes the real and personal property of the Corporation.

(3) All obligations and liabilities of the Grenada Industrial Development Corporation continue as obligations and liabilities of the Corporation.

(4) All legal proceedings and rights of action by or against the Grenada Industrial Development Corporation shall continue in force as if made by the Corporation pursuant to the powers conferred by this Act.

(5) A person in the employment of the Grenada Industrial Development Corporation immediately before the commencement of this Act shall, on the coming into force of this Act be deemed to have been duly employed by the Corporation established by this Act.

Repeal and Savings.

46.—(1) The Grenada Industrial Development Corporation Act, Chapter 130B, is repealed. Notwithstanding the repeal of the former Act, the members of the Board and the Chief Executive Officer appointed under the former Act shall be deemed to have been appointed respectively under sections 6 and 17 of this Act.

(2) On the date this Act comes into force—

- (a) the Grenada Industrial Development Corporation is dissolved and the Corporation becomes the successor;
- (b) the Corporation assumes responsibility for the management and administration of the programs of the Grenada Industrial Development Corporation; and

- (c) the assets and liabilities of the Grenada Industrial Development Corporation are transferred to and become the assets and liabilities of the Corporation.

47. In any written law, other than this Act—

References
in other
laws.

- (a) a reference to the Grenada Industrial Development Corporation Act, Chapter 130B, shall be construed as a reference to the Grenada Investment Development Corporation Act, 2016;
- (b) a reference to the Grenada Industrial Development Corporation established pursuant to the Grenada Industrial Development Corporation Act, Chapter 130B, shall be construed as a reference to the Grenada Investment Development Corporation Act as established under the Grenada Investment Development Corporation Act, 2016; and
- (c) a reference to the Grenada Industrial Development Corporation shall be construed as a reference to the Grenada Investment Development Corporation.

48. Part III of the Investment Act shall apply to an investor under this Act.

Application of
Part III of the
Investment Act.

49.—(1) The Corporation shall monitor the enterprises to which this Act applies to ensure compliance with this Act and Regulations.

Monitoring.

(2) The Corporation in the performance of its monitoring functions may request information from an enterprise, and the enterprise shall comply with the request.

(3) An enterprise shall permit an officer or designated agent of the Corporation to enter its premises at a reasonable time in pursuance of the monitoring function of the Corporation.

Investment
incentives
certificates.

50.—(1) An investor who qualifies to benefit from the incentives specified in the Acts contained in the Schedule may apply to the Corporation in the prescribed form to be issued with an investment incentive certificate.

(2) An applicant may be issued with an investment certificate if—

- (a) the investment qualifies as a priority sector under the Investment (Priority Sectors) Regulations SR&O No. 32 of 2016;
- (b) the application is complete and satisfies the applicable requirements for incentives; and
- (c) the investment and the activity related to the investment are lawful and beneficial to Grenada.

(3) In determining whether an investment and the activity related to the investment is beneficial to Grenada for the purposes for subsection (1) (c), the Corporation shall consider the extent to which the investment or activity will contribute to the conditions specified in paragraphs (a), (b) and (c), and any or all of the conditions specified in paragraphs (d), (e), (f), (g), (h) and (i)—

- (a) creation of employment for Grenadians;

- (b) acquisition of new skills or technology for Grenadians;
- (c) contribution to tax revenues or other Government revenues;
- (d) a transfer of technology to Grenada;
- (e) an increase in foreign exchange, either through exports or import substitution;
- (f) utilisation of domestic raw materials, supplies and services;
- (g) adoption of value addition in the processing of local, natural and agricultural resources;
- (h) utilisation, promotion, development and implementation of information and communication technology; and
- (i) any other factor that the Corporation deems appropriate.

(4) The Minister may make regulations to give effect to this section.

51.—(1) A person dissatisfied with a decision of the Corporation may appeal to the Minister against the decision. Appeal to Minister.

(2) The appeal shall be made within sixty days after the appellant has been informed of the decision.

(3) The Minister shall within seven working days of receiving the appeal, nominate a three member committee chaired by the Minister to determine the appeal.

(4) The committee shall, subject to the rules of natural justice and any procedures that may be prescribed by Regulations determine its own procedure.

(5) The committee shall determine an appeal within twenty-one working days after the submission of the appeal and may—

- (a) affirm the decision of the Corporation;
- (b) vary the decision of the Corporation; or
- (c) revoke the decision of the Corporation.

Investor related
disputes.

52.—(1) Where a dispute arises between a Foreign Investor and the Government in respect of an enterprise, the parties shall hold mutual discussions to reach an amicable settlement of the matter through mediation.

(2) Where a dispute under subsection (1) is not settled through mutual discussions of the matter through mediation, either party may within six months send the matter for arbitration—

- (a) in accordance with the rules of procedure for the International Centre for the settlement of International Disputes; or
- (b) in the case of a Foreign Investor, within the framework of any bilateral or multilateral

agreement on investment protection to which the Government and the country of which the Investor is a national are parties;
or

- (c) in accordance with any other national or international machinery for the settlement of investment dispute agreed to by the parties.

53. The Minister may make Regulations for the purposes ^{Regulations.} of implementing the provisions of this Act.

SCHEDULE

(Section 2)

- (1) Investment Act No. 42 of 2014;
- (2) Investment (Amendment) Act No. 7 of 2016;
- (3) Income Tax (Amendment) Act No. 8 of 2016;
- (4) Property Transfer Tax (Amendment) Act No. 9 of 2016;
- (5) Value Added Tax (Amendment) Act No. 10 of 2016;
- (6) Customs (Service Charge) (Amendment) Act No. 11 of 2016;
- (7) Excise Tax (Amendment) Act No. 12 of 2016;
- (8) Investment (Priority Sectors) Regulations SR&O No. 32 of 2016;
and
- (9) Customs (Duties Exemptions) Order SR&O No. 33 of 2016.

1034 Act 30 Grenada Investment Development Corporation 2016

Passed by the House of Representatives this 2nd day of September, 2016.

ADRIAN FRANCIS
Acting Clerk to the House of Representatives.

Passed by the Senate this 9th day of September, 2016.

ADRIAN FRANCIS
Acting Clerk to the Senate.

GRENADA

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