

ANTIGUA AND BARBUDA



THE SMALL BUSINESS DEVELOPMENT REGULATIONS, 2008.

STATUTORY INSTRUMENT

2008 No. 5

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THE SMALL BUSINESS DEVELOPMENT REGULATIONS, 2008

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The Small Business Development Regulations, 2008.

2008 No. 5

ANTIGUA AND BARBUDA

THE SMALL BUSINESS DEVELOPMENT REGULATIONS, 2008

2008 No. 5

THE SMALL BUSINESS DEVELOPMENT REGULATIONS, 2008 made in exercise of the powers contained in section 16 of the Small Business Development Act, 2007.

1. Short title

These Regulations may be cited as the Small Business Development Regulations, 2008.

2. Interpretation

In these Regulations “the principal Act” means the Small Business Development Act, 2007.

3. Prescribed activities

The prescribed activities referred to in subsection 4(1) and paragraph 4(4) (b) of the principal Act are the activities listed in Schedule I.

4. Prescribed forms and particulars

(1) The prescribed form for subsection 4(2) of the principal Act is the one set out in Form 1 of Schedule II and the prescribed documents are those listed in Schedule III.

(2) The particulars to be entered by the Registrar in the Register of Small Businesses under paragraph 5(2)(c) of the principal Act are the particulars listed in Part 2 of Schedule III.

(3) The prescribed form of certificate of registration issued by the Registrar under subsection 5(3) of the principal Act is that set out in Form 2 of Schedule II.

(4) The prescribed form of statement of changes to the particulars of an approved small business under section 6 of the principal Act is that set out in Form 3 of Schedule II.

(5) The prescribed form of application for a concession under subsection 7(1) of the principal Act is that set out in Form 4 of Schedule II.

5. Technical assistance

The prescribed technical assistance that may be provided by a designated body under section 9 of the principal Act is

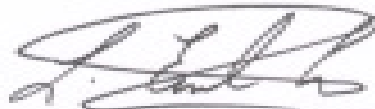
- (a) the development of products design;

- (b) the development of package and label designs;
- (c) the provision of assistance in the development and maintenance of quality control;
- (d) the provision of marketing assistance for the local and export market;
- (e) the provision of assistance to businesses seeking to participate in overseas trade shows;
- (f) the preparation of business plans to facilitate the initial financing and management of the business;
- (g) the financing of feasibility studies relating to the development of new businesses or products;
- (h) the provision of assistance in managerial, accounting or budgetary analysis; or
- (i) the provision of assistance in general or production management.

6. Fees

The fees payable under sections 5 and 6 of the principal Act are the fees specified in Schedule IV.

Made the 16th day of January, 2008



Minister of Finance and the Economy.

SCHEDULE I

Prescribed Activities

1. Agriculture, Forestry and related service activities.
2. Arts and cultural activities.
3. Construction services.
4. Entertainment services
5. Financial services.
6. Fishing, operation of fish hatcheries and fish farms and service activities incidental to fishing.
7. Health care services.
8. Hotel and restaurant and other tourism related services.
9. Manufacturing

10. Personal care services.
11. Real estate, renting and other related business services.
12. Repair of personal and household goods and vehicles.
13. Sanitation, sewage and refuse disposal services.
14. Sporting and recreational services.
15. Transport, storage and communication services.
16. Wholesale and retail trade.
17. Information and communication technology services.
18. Education and human resource development services.
19. Consultancy services.

SCHEDULE II

Forms

FORM 1

APPLICATION FOR APPROVED SMALL BUSINESS STATUS

1. Name (including the trading name of business)_____
2. Company Incorporation or Certificate of Registration No: _____
3. Type of business: _____

4. Address of principal place of business: _____

5. Address of principal or registered office of company: _____

6. DIRECTORS (if a registered company)

FIRST DIRECTOR:

- (i) Name (First, Middle and Surname): _____
- (ii) Residential Address: _____

(iii) Occupation: _____

(iv) Any former Christian or surname: _____

(v) Any other business or occupation: _____

(vi) Present nationality: _____

(vii) Nationality of Origin: _____

(viii) Signature: _____

SECOND DIRECTOR:

(i) Name (First, Middle and Surname): _____

(ii) Residential Address: _____

(iii) Occupation: _____

(iv) Any former Christian or surname: _____

(v) Any other business or occupation: _____

(vi) Present nationality: _____

(vii) National of Origin: _____

(viii) Signature _____

THIRD DIRECTOR:

(i) Name (First, Middle and Surname): _____

(ii) Residential Address: _____

(iii) Occupation: _____

(iv) Any former Christian or surname: _____

(v) Any other business or occupation: _____

(vi) Present nationality: _____

(vii) Nationality of Origin: _____

(viii) Signature: _____

Continue details of any further directors on a separate sheet to be attached to this form

7. SHAREHOLDERS/OWNERS/PARTNERS

First Shareholder/Owner/Partner:

(i) Name (First, Middle and Surname): _____

(ii) Residential Address: _____

(iii) Occupation: _____

(iv) Any former Christian or surname: _____

(v) Any other business or occupation: _____

(vi) Present nationality: _____

(vii) Nationality of Origin: _____

(viii) Percentage of Shares/Ownership: _____

(ix) Percentage interest in other businesses or companies: _____

(x) Signature: _____

Second Shareholder/Owner/Partner:

(i) Name (First, Middle and Surname): _____

(ii) Residential Address: _____

(iii) Occupation: _____

(iv) Any former Christian or surname: _____

(v) Any other business or occupation: _____

(vi) Present nationality: _____

(vii) Nationality of Origin: _____

(viii) Percentage of Shares/Ownership: _____

(ix) Percentage interest in other businesses or companies: _____

(x) Signature: _____

Third Shareholder/Owner/Partner:

(i) Name (First, Middle and Surname): _____

(ii) Residential Address: _____

(iii) Occupation: _____

(iv) Any former Christian or surname: _____

(v) Any other business or occupation: _____

(vi) Present nationality: _____

(vii) Nationality of Origin: _____

(viii) Percentage of Shares/Ownership: _____

(ix) Percentage interest in other businesses or companies: _____

(x) Signature: _____

Continue details of any further Shareholders/Owners/Partners on a separate sheet to be attached to this form

8. Existing or Estimate Capital Investment: _____

9. Existing or Estimate Total Annual Income _____

10. Number of persons employed or to be employed: _____

11. Particulars of:

(i) Level of exports: _____

(ii) Foreign exchange earnings/savings: _____

12. Date of commencement of business, or date on which the business is likely to commence:

Signed

Owner/Partner/Director/Secretary

Statutory Declaration

I, hereby declare on oath that the information contained in the above form is true and correct to the best of my knowledge, information and belief

Owner/Partner/Director/Secretary

Sworn before me

at

On the *day of* *20*

Justice of the Peace

Form 2

CERTIFICATION OF REGISTRATION

1. Name (including the trading name of business)_____
2. Company Incorporation or Certificate of Registration No:_____
3. Small Business Registration No.:_____

I hereby certify that the above named Small Business was registered under the Small Business Development Act, 2007 on the _____ day of _____ 200 .

Registrar of Intellectual Property and Commerce

Form 3

STATEMENT OF CHANGE

To the Antigua and Barbuda Investment Authority:

In accordance with s. 6(1) of the Small Business Development Act, 2007, I/we hereby give you notice of the following change which has taken place in the particulars supplied to you at the time of the application for approved small business status.

(Please fill in particulars of change as required or indicate "not applicable")

1. Name (including the trading name of business)_____
2. Company Incorporation or Certificate of Registration No.:_____
3. Type of business:_____
- _____
4. Address of principal place of business:_____
- _____
5. Address of principal or registered office of company:_____

6. DIRECTORS (If a registered company)

(i) Name (First, Middle and Surname): _____

(ii) Residential Address: _____

(iii) Occupation: _____

(iv) Any former Christian or surname: _____

(v) Any other business or occupation: _____

(vi) Present nationality: _____

(vii) Nationality of Origin: _____

(viii) Signature: _____

7. SHAREHOLDERS/OWNERS/PARTNERS

(i) Name (First, Middle and Surname): _____

(ii) Residential Address: _____

(iii) Occupation: _____

(iv) Any former Christian or surname: _____

(v) Any other business or occupation: _____

(vi) Present nationality: _____

(vii) Nationality of Origin: _____

(viii) Percentage of Share/Ownership: _____

(ix) Percentage interest in other businesses or companies: _____

(x) Signature: _____

8. Existing or Estimated Capital Investment:

9. Existing or Estimated Total Annual Income:

10. Number of persons employed or to be employed:

11. Particulars of:

(i) Level of exports: _____

(ii) Foreign exchange earnings/savings: _____

12. Date of commencement of business, or date on which the business is likely to commence:

Signed

Owner/Partner/Director/Secretary

FORM 4

**APPLICATION FOR CONCESSIONS UNDER THE SMALL BUSINESS
DEVELOPMENT ACT, 2007**

Section A

1. Name (including the trading name of business) _____

2. Company Incorporation or Certification of Registration No: _____

3. Type of Business: _____

4. Address of principal place of business: _____

5. Address of principal or registered office of company: _____

6. Telephone number of principal place of business _____

7. Telephone number of registered office of company _____

8. Facsimile number of principal place of business _____

9. Facsimile number of registered office of company _____

10. Residential Address: _____

11. Residential Telephone Number: _____

12. Email address: _____

13. Is the small business

- an individual a sole proprietor a partnership
- a firm a company a micro/small enterprise

14. Is the small business

- new established

15. Date established _____

16. Date business registered _____

17. Type of Business _____

18. Number of persons employed _____

- 19. Does the business contribute to Social Security yes no
- Medical Benefits yes no
- Board of Educaiton yes no

20. Tax identificaiton number _____

Section B

(Please indicate below all items for which concessions are sought

1. Exemption from/reduction of duty on raw materials, building materials, furniture, furnishings, fixtures, fittings, appliances, tools, spare parts, plant, machinery and equipment for use in the construction and operation of the business
2. Exemption from/reduction of duty on importation or purchase of motor vehicle for use in the operation of the business - *specify type and how many*
3. Reduction of Property Tax in respect of land and buildings used in the operation of the business
4. Exemption from/reduction of Income tax on the income of the business (how many years)
5. Exemption from/reduction of stamp duty on loan documents
6. Reduction of stamp duty on Non-citizens Land Holding Licence
7. Reduction of stamp duty on land transfers

Section C

Purpose for which concession is sought: _____

Section D

Please provide values for which concession is sought.

1. Cost Price of item:\$ _____

(b) Estimated value of concession sought:\$ _____

Section E

Have you or your business been granted concessions before? []yes []No

Certification

The undersigned hereby certifies that the information contained in the above form and in the accompanying attachments is true and correct to the best of my knowledge, information and belief. The undersigned agrees to notify the Authority immediately of any material change in this application. The undersigned authorises the Authority to contact, without further notice to the undersigned, any person or institution for the purpose of verifying information in this application

Owner/Partner/Director/Secretary

Date _____

SCHEDULE III

Documents and Particulars

Part 1 - Documents to Accompany an Application for Recognition as an Approved Small Business

1. A certificate of registration issued under the Business Names Registration Act or a certificate of incorporation issued under the Companies Act, as appropriate, along with the tax identification number.
2. A declaration verifying the particulars specified in Part 2 of this Schedule.
3. Where the business has been in operation prior to the date of enactment of this Act, an audited financial statement of accounts for the financial year immediately preceding that in which the application is made.

Part 2- Particulars to be Entered in the Register of Small Businesses

The particulars referred to item 2 of Part 1 of this Schedule and to be registered by the Registrar under paragraph 5 (2) (c) of the principal Act are:

- (a) the name, residential address and occupation of each owner, shareholder and director;
- (b) the percentage of ownership or the number of shares held or to be held by each owner or shareholder in the business or company to which the application relates;
- (c) the names of all other businesses or companies in which the owners, shareholders and directors referred to in paragraph (a) are also owners, shareholders or directors, and the percentage of ownership or extent of such shareholding;
- (d) the type of business and location;
- (e) the existing or estimated capital investment;
- (f) the number of persons employed or to be employed;
- (g) the existing or estimate annual income of the business;
- (h) where applicable, particulars to enable a determination of the level of exports, foreign exchange earning and foreign exchange savings;
- (i) the date of the commencement of the business or the date on which the business is likely

to commence, as the case may be; and

(j) such other information as the Minister considers necessary.

SCHEDULE IV

FEE

1. On application to the Registrar for registration as a small business under section 5 together with the issue of a Certificate of registration- \$100.
2. For certified copy of any document under subsection 5(4)-\$10.
3. For inspection of a document under subsection 5(4) - \$5.
4. For filing a statement of any change within the meaning of subsection 6(2), (including one certificate of registration)-\$25.