



I assent,

SAMUEL WEYMOUTH TAPLEY SEATON

*Governor-General*

30<sup>th</sup> December, 2015.

## SAINT CHRISTOPHER AND NEVIS

### No. 9 of 2015

AN ACT to amend the Saint Christopher and Nevis (Mutual Exchange of Information on Taxation Matters) Act, Cap. 20.60.

*[Published 31<sup>st</sup> December 2015, Official Gazette No. 64 of 2015.]*

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the National Assembly of Saint Christopher and Nevis and by the authority of the same as follows:

#### 1. Short title.

This Act may be cited as the Saint Christopher and Nevis (Mutual Exchange of Information on Taxation Matters (Amendment) Act, 2015.

#### 2. Interpretation.

For the purposes of this Act, the term "Act" means the Saint Christopher and Nevis (Mutual Exchange of Information on Taxation Matters) Act, Cap. 20.60.

#### 3. Amendment of section 5.

The Act is amended in section 5 by inserting immediately after subsection (2) thereof the following new subsections (3) and (4),

- “ (3) Notwithstanding the generality of subsection (1) and subject to the provisions of section 17, the Authority shall, for the purposes of this Act, have the power to request any person who it deems to have relevant information within his or her possession or control, to produce that information to the Authority.
- (4) Where a person is requested to produce information pursuant to subsection (3), that information shall be delivered to the Authority in the manner and within the time required by the Authority but in any case that time shall not exceed fifteen days from the date of receipt of the request from the Authority.”

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Taxation Matters)(Amendment) Act, 2015 - 9.*

**4. Amendment of section 11.**

The Act is amended in section 11 by inserting immediately after subsection (2) thereof, the following new subsection

- “ (3) Notwithstanding the generality of subsection (1), the confidentiality requirements of the Banking Act, No. 1 of 2015 shall not apply for the purposes of this Act.”.

**5. Amendment of section 17.**

Section 17 of the Act is amended as follows,

- (a) by replacing subsection (1) thereof as follows, inserting a new subsection (2) and renumbering the section accordingly.

“ (1) Any person who, having been required under this Act to produce any information which is in his care, custody, possession or under his control or which he is otherwise required by this or any other Act to collect, maintain, keep or have access to, and without lawful excuse fails to produce that information, within such time as may be specified by the Authority by notice or by a Judge by order commits an offence and is liable on summary conviction to a fine not exceeding fifty thousand dollars or to a term of imprisonment not exceeding two years or to both such fine and imprisonment.

(2) Any person having any information for the purposes of this Act and having been requested by the Authority to produce that information, alters, destroys, mutilates, defaces, hides or removes that information, commits an offence and is liable on summary conviction to a fine not exceeding one hundred thousand dollars or to a term of imprisonment not exceeding five years or to both such fine and imprisonment.

- (b) by replacing in subsection (6) the expression “to a fine of five thousand dollars and to imprisonment for one year or to both such fine and imprisonment”, with the following expression,

“ to a fine of ten thousand dollars or to imprisonment for two years or to both such fine and imprisonment”.

FRANKLIN BRAND  
*Speaker*

Passed by the National Assembly this 11<sup>th</sup> day of December, 2015.

JOSÉ LLOYD  
*Clerk of the National Assembly*