

THE INDUSTRIAL INCENTIVES (FACTORY CONSTRUCTION)  
ACT

REGULATIONS  
(under section 16)

THE INDUSTRIAL INCENTIVES (FACTORY CONSTRUCTION) REGULATIONS,  
1962

(Made by the Minister on the 11th day of January, 1962)

L.N. 7/62

1. These Regulations may be cited as the Industrial Incentives (Factory Construction) Regulations, 1962.

2. Every company desiring a licence in respect of the construction of a factory under the Act shall make an application in triplicate in the Form A of the Schedule.

Schedule.  
Form A.

3. Every application for a licence in respect of the construction of a factory shall be accompanied by—

- (a) a certified copy of the agreement entered into by the applicant with the recognized enterprise concerned for the lease of the factory for a period of at least five years;
- (b) a statement of the nature and extent of any interest held in the recognized enterprise by the company applying for the licence and of the nature and extent of any interest held by the recognized enterprise in the company applying for the licence;
- (c) a statement that neither beneficially nor as trustee do the recognized enterprise or shareholders in the recognized enterprise hold in the aggregate whether jointly or otherwise, more than 10 per cent of the share capital or of the voting rights of the approved builder and a statement that neither beneficially nor as trustee do the approved builder or shareholders of the approved builder hold in the aggregate jointly or otherwise more than 10 per cent of the share capital or the voting rights of the recognized enterprise;
- (d) a statement that the Articles of Association of the approved builder empowers the directors to refuse to approve the sale

*THE INDUSTRIAL INCENTIVES (FACTORY CONSTRUCTION)  
REGULATIONS, 1962*

and transfer of the shares of the company to the recognized enterprise;

- (e) a statement that the Articles of Association of the approved builder prohibits the acquisition of shares without the prior approval of the approved builder by shareholders of the approved builder in the recognized enterprise and that the Articles of Association of the approved builder empowers the directors of the company to forfeit shares of any shareholder who contravenes this provision.

Form B.

4. Every licence granted by the Minister shall be in the Form B of the Schedule.

5. Every licence on being granted by the Minister shall be accompanied by a schedule of those articles, if any, for factory construction relating to which, prior to the grant of the licence, the Minister had, in accordance with subsection (2) of section 8 of the Act notified the Commissioner of Customs and Excise that the provisions of subsection (1) of section 8 of the Act should not apply or if there has been no such notification a statement to that effect.

Form C.

6. Where a factory in relation to which a licence is granted under regulation 5 is sold by the approved builder, the approved builder shall surrender the licence to the Minister forthwith, and except where the purchase of the factory is not a company or is a recognized enterprise or is a manufacturer acquiring the factory for use in his business, the Minister shall endorse the licence transferring it to such purchaser in the manner set forth in Form C of the Schedule and shall thereupon transmit the licence to the said purchaser.

Form D.

7. An approved builder desiring to dispose of articles for factory construction which have been imported into the Island and are no longer required for the purpose of constructing the factory in respect of which the licence was granted, shall make application to the Minister for a permit in the Form D of the Schedule.

8. Every application for a permit under regulation 7 must be accompanied by proof that the approved builder has paid to the Commissioner of Customs and Excise or has given security to his satisfaction that it will so pay all sums which but for the exemption given in section 8 of the Act would have been payable by way of customs duties upon the importation of such articles for factory construction.

**9.** Every permit granted by the Minister for the disposal of articles for factory construction shall be in the Form E of the Schedule.

Form E.

**10.** A half-yearly return shall be submitted by every approved builder to the Minister in the Form F of the Schedule during the months of January and July in each year, the particulars thereon shall relate to the position as at the end of the preceding month. The Minister may appoint any person or persons to verify such returns from the books or records of the approved builder and such person or persons shall on proof that he or they are authorized for the purpose be given such access to such books and records as is necessary to enable him or them to do so.

Form F.

An approved builder which fails to comply with the provisions of this regulation shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding six hundred dollars:

Provided, however, that an approved builder shall not be prosecuted under this regulation unless after the date of the default complained of it is served with not less than 30 days' notice requiring it to comply with the requirements of this regulation and it fails to do so.

**11.** An approved builder desiring to sell a factory under paragraph (b) or (c) of subsection (2) of section 4 of the Act shall make application to the Minister for permission to make such sale and such application shall be in the Form G of the Schedule.

Form G.

**12.** Any person who wilfully makes any false or misleading statement in any application or statement made or record kept under these Regulations shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding two hundred dollars.

**THE INDUSTRIAL INCENTIVES (FACTORY CONSTRUCTION)  
REGULATIONS, 1962**

**SCHEDULE**

**FORM A**

(Regulation 2)

THE INDUSTRIAL INCENTIVES (FACTORY CONSTRUCTION) REGULATIONS, 1962

*Application for a Licence in respect of the Construction of a Factory*

TO: THE MINISTER OF INDUSTRY,  
KINGSTON, JAMAICA.

We,....., a company duly  
Name of company  
incorporated under the laws of.....with registered  
office at....., hereby apply for a licence  
in respect of the construction of a factory to be located at.....  
.....for....., a  
Name of recognized enterprise  
recognized enterprise operating under.....  
Name of Act

Attached is a certified copy of the agreement entered into by us with the recognized enterprise for the lease of the factory together with a declaration by a director and the secretary that this agreement has been entered into between the parties acting at arm's length.

2. We also submit the following particulars—

*A. Particulars relating to applicant*

1. Date and Place of Incorporation.....  
.....;
2. Capital Structure.....
3. List of Shareholders as at date of this application—

<u>Name</u>	<u>Address</u>	<u>Shareholding</u>
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(Use additional sheet, if necessary)

4. List of Directors and Officers—

<u>Name</u>	<u>Address</u>	<u>Office</u>
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5. Schedule of Factories already built by applicant under licence issued under the Act.

**THE INDUSTRIAL INCENTIVES (FACTORY CONSTRUCTION)  
REGULATIONS, 1962**

-7

SCHEDULE, *contd.*  
FORM A, *contd.*

<u>Date</u> <u>Authorized</u>	<u>Location</u>	<u>Date</u> <u>Completed</u>	<u>Tenant</u>	<u>Cost</u>	<u>Remarks</u>
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**B. Particulars relating to recognized enterprise**

- (a) Name.....
- (b) Address.....
- (c) Parent company (if any).....
- (d) Product(s) to be manufactured.....
- (e) Date and place of Incorporation.....
- (f) Shareholders:
- (g) Management:

**C. Particulars of Factory to be erected.**

- (a) Location.....
- (b) Area of Land.....acres—      Est. Cost \$
- (c) Area of Building—Work space      sq. ft.
- Welfare "      "      "
- Office "      "      "

<b>Total</b>	sq.	ft.	"	\$
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(d) *Special Features*

"	\$
"	\$

**D. General Remarks:**

3. We declare that to the best of our knowledge, information and belief the particulars furnished herein are true and correct.

.....  
Name of Applicant

By.....

Date.....

.....  
Title

FORM B

(Regulation 4)

LICENCE No.....

THE INDUSTRIAL INCENTIVES (FACTORY CONSTRUCTION) REGULATIONS, 1962

*Licence in respect of Construction of a Factory*

....., a company duly incorporated

Name of approved builder

under the laws of.....with registered office at

.....is pursuant to an application made by the

[The inclusion of this page is authorized by L.N. 154/1986]