

CHAPTER 13.32

EXPORT SAINT LUCIA ACT

Revised Edition

Showing the law as at 31 December 2022

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• Act • Subsidiary Legislation •

ACT

(Act 16 of 2013 and 8 of 2019)

Act 16 of 2013 .. in force 16 December 2013

Amended by Act 8 of 2019 .. in force 11 February 2019

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**CHAPTER 13.32
EXPORT SAINT LUCIA ACT**

AN ACT to provide for the establishment of Export Saint Lucia and a National Export Council and for related matters. *(Amended by Act 8 of 2019)*

Commencement [16th December 2013]

**PART 1
PRELIMINARY**

1. Short title and commencement

This Act may be cited as the Export Saint Lucia Act. *(Amended by Act 8 of 2019)*

2. Interpretation

In this Act—

“**Agency**” *(deleted by Act 8 of 2019)*

“**Council**” means the National Export Council established under section 8;

“**exporter**” means a person engaged directly or indirectly in the production, manufacture or trade of products or services for sale to another country;

“**export promotion**” means the range of export activities which the public or private sectors undertake, including—

- (a) the provision of export support services;
- (b) the provision of advisory services;
- (c) the provision of trade or market information;
- (d) the publication of export-related documents;
- (e) the organization of trade fairs and missions; and
- (f) the conduct of seminars, lectures, workshops, conferences and training on export-related subjects;

“**Export Saint Lucia**” means the body established under section 3; *(Inserted by Act 8 of 2019)*

“**Minister**” means the Minister responsible for commerce except where this Act specifically designates another Minister; and

“**strategy**” means the National Export Development Strategy.

**PART 2
ESTABLISHMENT, CONSTITUTION, MANAGEMENT AND STAFF OF EXPORT
SAINT LUCIA**

(Heading amended by Act 8 of 2019)

3. Establishment of Export Saint Lucia

There is hereby established a body to be known as the Export Saint Lucia which is a body corporate to which, subject to this Act, section 19 of the Interpretation Act applies.

(Amended by Act 8 of 2019)

4. Functions of Export Saint Lucia

It is the function of Export Saint Lucia—

- (a) to serve as the focal point for export development through advocacy, information dissemination and public education;
- (b) to implement policies for export development;
- (c) to coordinate the trade export services network;
- (d) to coordinate the implementation of the strategy;
- (e) to develop and implement future strategic plans for export promotion;
- (f) to carry out the function of export promotion at the national and international level; and
- (g) to manage the resources allocated for export development and the implementation of the strategy.

(Amended by Act 8 of 2019)

5. Staff of Export Saint Lucia

The Staff of Export Saint Lucia consists of—

- (a) a Chief Executive Officer;
- (b) a Finance Officer; *(Amended by Act 8 of 2019)*
- (c) a Corporate Marketing and Promotions Officer; and
- (d) any other person required to carry out the functions of Export Saint Lucia under this Act. *(Amended by Act 8 of 2019)*

(Amended by Act 8 of 2019)

6. Chief Executive Officer

The Council shall appoint the Chief Executive Officer of Export Saint Lucia.

(Amended by Act 8 of 2019)

7. Duties of the Chief Executive Officer

(1) The Chief Executive Officer shall be responsible for the overall administration of Export Saint Lucia. *(Amended by Act 8 of 2019)*

(2) The Chief Executive Officer shall—

- (a) supervise the conduct and manage the staff of Export Saint Lucia; *(Amended by Act 8 of 2019)*
- (b) attend meetings of the Council as an *ex officio* member;
- (c) handle the main representation of Export Saint Lucia and to act as a conduit between Export Saint Lucia and the Council; *(Amended by Act 8 of 2019)*

- (d) coordinate resources and professional services for Export Saint Lucia;
(*Amended by Act 8 of 2019*)
- (e) prepare and submit proposals on export strategy for approval by the Council; and
- (f) perform any other duties in relation to his or her employment.

8. National Export Council

There is hereby established an advisory body to be known as the National Export Council.

9. Constitution of the Council

(1) The Council shall comprise the following—

- (a) a person nominated by the Chamber of Commerce;
- (b) a person nominated by the Saint Lucia Industrial and Small Business Association;
- (c) a person nominated by the Saint Lucia Coalition of Services;
- (d) a person nominated by the Saint Lucia Hotel and Tourism Association;
- (e) a person nominated by the Saint Lucia Manufacturers Association;
- (f) a person nominated by the Saint Lucia Bureau of Standards;
- (g) four persons, nominated by the Minister from the public sector, each of whom is employed in a senior capacity in the Ministry of trade, finance, agriculture and tourism, respectively;
- (h) the Permanent Secretary of the Ministry responsible for commerce.

(2) Before the first occasion on which a member referred to under subsection (1)(a) to (h), and on each later occasion when the office of a member becomes vacant, the Minister shall, in writing, request the body referred to in the appropriate paragraph to nominate, within 28 days of receiving the request, a person for appointment to the Council.

(3) If a nomination is not received by the Minister within the period requested, the Minister may appoint such person as he or she thinks fit and a person appointed under this subsection shall hold office as if he or she has been nominated as required under subsection (1).

(4) The Minister shall appoint the members nominated to the Council by Order published in the *Gazette*.

(5) The Minister shall appoint from any of members of the Council a person to be the Chairperson of the Council and a person to be the Deputy Chairperson of the Council.

(6) A member of the Council shall hold office for a term not exceeding three years and is eligible for re-appointment.

(7) The names of all members of the Council as first constituted and every change in membership of the Council shall be published in the *Gazette*.

(8) A vacancy in the membership of the Council shall not preclude the Council from carrying out its functions.

10. Disqualification of a member of the Council

A person is disqualified from being a member of the Council if that person—

- (a) is declared a bankrupt under Chapter 9 of the Commercial Code;

- (b) is declared by a Court to be mentally incapacitated by reason of unsoundness of mind; or
- (c) has been charged with and convicted of a criminal offence except where the offence is a minor traffic offence or is spent under the Criminal Records (Rehabilitation of Offenders) Act.

11. Revocation of appointment

The Minister may, in writing, revoke the appointment of any member of the Council.

12. Resignation

Non-governmental appointed members of the Council may at any time resign from his or her office, by giving written notice to the Minister and such notice shall take effect from the date of receipt of this notice by the Minister.

13. Vacation of office

The office of a member of the Council is vacated—

- (a) upon the death of the member;
- (b) if the member becomes disqualified under section 10;
- (c) if the Minister revokes the appointment of that member under section 11;
- (d) if the member resigns from membership under section 12;
- (e) if the member fails to attend three consecutive meetings of the Council without providing a reasonable excuse.

14. Meetings

(1) The Council shall meet at least once in every quarter and at such times as may be necessary or expedient for carrying out the business of Export Saint Lucia. *(Amended by Act 8 of 2019)*

(2) The meetings referred to in subsection (1) shall be held at such place and time and on such days as the Chairperson or in his or her absence the Deputy Chairperson of the Council may determine.

(3) The Chairperson shall preside at all meetings of the Council at which he or she is present and the Deputy Chairperson shall preside in the absence of the Chairperson.

(4) The quorum for a meeting under subsection (1) is by a simple majority of the members of the Council.

(5) Decisions of the Council are by a majority of votes and where the voting is equal the Chairperson has, in addition to his or her original vote, a casting vote.

(6) Minutes of the proceedings of each meeting of the Council shall be kept in such manner as the Council may determine and shall be confirmed by the Council as soon as is practicable at a subsequent meeting.

(7) Subject to this section, the Council has the power to regulate its own proceedings.

15. Functions of the Council

The functions of the Council are—

- (a) to report to the Minister on matters related to or affecting the strategy including matters which affect the international competitiveness of the

business environment and the specialised needs of the sectors with export potential;

- (b) to coordinate and monitor the implementation of the strategy adopted by the public and private sector organisations;
- (c) to conduct quarterly and annual assessments of the strategy; and
- (d) to collaborate with the Ministry responsible for commerce on future strategic planning for exports.

PART 3 FINANCIAL PROVISIONS

16. Funds and resources of Export Saint Lucia

The funds and resources of Export Saint Lucia consist of—

- (a) such sums as may be paid to its accounts out of moneys voted by Parliament;
- (b) such sums as may be borrowed by Export Saint Lucia; *(Amended by Act 8 of 2019)*
- (c) such sums as may become available from any other source approved by the Minister responsible for finance.

(Amended by Act 8 of 2019)

17. Application and investment of funds

(1) The funds of Export Saint Lucia must be applied towards discharging the obligations and performing any of the functions of Export Saint Lucia under this Act. *(Amended by Act 8 of 2019)*

(2) Export Saint Lucia may, with the approval of the Minister of finance, invest any of its funds not required to be expended in meeting its obligations or in the performance of its functions. *(Amended by Act 8 of 2019)*

(3) The Minister responsible for finance may require that any balance standing to the credit of Export Saint Lucia at the end of the financial year, after full allowance has been made for the matters under subsection (1), be paid into the Consolidated Fund. *(Amended by Act 8 of 2019)*

18. Borrowing powers

(1) Subject to the provisions of this Act, Export Saint Lucia may borrow sums required by it for meeting any of its obligations or discharging any of its functions under this Act. *(Amended by Act 8 of 2019)*

(2) The power of Export Saint Lucia to borrow is exercisable only with the approval of the Minister responsible for finance which includes approval for the amount, the sources of borrowing and the terms on which the borrowing may be effected. *(Amended by Act 8 of 2019)*

(3) Approval given under subsection (2) may be either general or limited to a particular borrowing or otherwise and may be subject to conditions.

19. Guarantee of borrowing by Export Saint Lucia

(1) With the approval of Parliament the Minister responsible for finance may guarantee, in such manner and on such conditions as he or she may think fit the payment of the principal, interest and other charges on any authorized borrowing by Export Saint Lucia. *(Amended by Act 8 of 2019)*

(2) Where the Minister responsible for finance is satisfied that there has been default in the payment of any principal or interest guaranteed under this section he or she shall direct the repayment out of the Consolidated Fund the amount in respect of which there has been such default.

(3) Export Saint Lucia shall make to the Accountant General, at such times and in such manner as the Minister responsible for finance may direct—

- (a) payments of such amounts towards repayment of any sums issued in fulfilment of any guarantee given under this section;
- (b) payment of interest on what is outstanding for the time being, in respect of any sums so issued at such rate as the Minister responsible for finance may direct and different rates of interest may be directed to different sums and for different periods.

(Amended by Act 8 of 2019)

20. Financial year

The financial year of Export Saint Lucia shall coincide with the financial year of the Government of Saint Lucia.

(Amended by Act 8 of 2019)

21. Budget and plan of action of Export Saint Lucia

The Council shall, no later than 30 November in each year, cause to be prepared and shall adopt and submit to the Minister in respect of the next financial year of Export Saint Lucia—

- (a) a budget with the estimates of income and expenditure; and
- (b) a plan of action.

(Amended by Act 8 of 2019)

22. Accounts of Export Saint Lucia

Export Saint Lucia shall keep proper records of accounts in accordance with generally accepted international accounting standards and principles and shall prepare and retain financial statements in respect of each financial year.

(Amended by Act 8 of 2019)

23. Audit of Export Saint Lucia

(1) Export Saint Lucia shall, as soon as is practicable after each financial year, have its accounts audited annually by an independent auditor appointed by the Council, who shall conduct the audit in accordance with generally accepted international auditing standards and principles. *(Amended by Act 8 of 2019)*

(2) The auditor appointed under subsection (1) shall be a chartered or certified accountant.

(3) The members, staff and servants of Export Saint Lucia shall grant to the auditor appointed under subsection (1) access to all books, documents, cash and securities of Export Saint Lucia and shall give him or her, on request, all such information as may be within their knowledge in relation to the operation of Export Saint Lucia. *(Amended by Act 8 of 2019)*

(4) Export Saint Lucia may, with prior approval of the Minister responsible for finance, write off bad debts. *(Amended by Act 8 of 2019)*

(Amended by Act 8 of 2019)

24. Audit report of Export Saint Lucia

Export Saint Lucia shall cause an independent auditor, appointed under section 23(1), as soon as practicable and not later than 2 months after the end of each financial year, to submit copies of the audited financial statements of Export Saint Lucia and a report on the financial statements to the Council.

(Amended by Act 8 of 2019)

25. Annual report of Export Saint Lucia

(1) Export Saint Lucia shall not later than 3 months after the expiration of each financial year, submit to the Minister an annual report containing—

- (a) a detailed account of its activities for the preceding financial year; and
- (b) a statement of its audited financial statement and the auditors report thereon.

(Amended by Act 8 of 2019)

(2) The Minister shall cause a copy of the reports referred to in subsection (1) to be laid in Parliament and published in the *Gazette*.

PART 4 MISCELLANEOUS

26. Directions

The Minister may from time to time issue written directions to the Council with respect to the policy for export development.

27. Regulations

The Minister may make regulations for the purpose of giving effect to the provisions of this Act.

28. Transitional

(1) The body corporate constituted as the Trade Export Promotion Agency continues in existence for the purposes of this Act but shall be known after the 1st day of July, 2018 as Export Saint Lucia.

(2) The corporate identity and rights of the body corporate are not affected by the change of its name.

(3) An agreement entered into by or on behalf of, or undertaking given to the Export Saint Lucia has effect as if Trade Export Promotion Agency was the original party to it, and a reference in that agreement or undertaking to the Trade Export Promotion Agency is construed as a reference to Export Saint Lucia.

(4) Anything commenced by the Trade Export Promotion Agency may be carried on and completed by Export Saint Lucia.

(5) An action, proceedings and any matter commenced or pending by or against the Trade Export Promotion Agency may be continued as if Export Saint Lucia was a party to it.

(6) The debts and liabilities of the Trade Export Promotion Agency become the debts and liabilities of Export Saint Lucia.

(Inserted by Act 8 of 2019 and amended by Act 8 of 2019)

CHAPTER 13.32
EXPORT SAINT LUCIA ACT

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

1. Export Saint Lucia (Appointment of the National Export Council) Order – Section 9
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**Export Saint Lucia (Appointment of the National Export Council) Order –
Section 9(1), (4) and (5)**

(Statutory Instrument 20/2022)

Statutory Instrument 91/2016 (Terminated 19 September 2019)

Amended by S.I. 12/2017

Amended by S.I. 68/2019

Statutory Instrument 11/2020 .. in force 3 February 2020 (Terminated 19 September 2022)

Statutory Instrument 20/2022 .. in force 11 October 2021 (Terminating 10 October 2024)

ARRANGEMENT OF ORDER

1. Citation
 2. Appointment of the National Export Council
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**EXPORT SAINT LUCIA (APPOINTMENT OF THE NATIONAL EXPORT COUNCIL)
ORDER – SECTION 9(1),(4) AND (5)**

Commencement [11 October 2021]

1. Citation

This Order may be cited as the Export Saint Lucia (Appointment of the National Export Council) Order.

2. Appointment of the National Export Council

For a period of three years commencing from the 11th day of October, 2021 and terminating on the 10th day of October, 2024 the following persons are appointed as members of the National Export Council—

- | | | | |
|-----|------------------|---|---|
| (a) | Yvonne Agard | – | nominated by the Saint Lucia Coalition of Services as the Chairperson; |
| (b) | Alison Gajadhar | – | nominated by the St. Lucia Chamber of Commerce, Industry and Agriculture as the Deputy Chairperson; |
| (c) | Kirk Elliot | – | nominated by the St. Lucia Hotel and Tourism Association; |
| (d) | Marguerite Desir | – | nominated by the St. Lucia Manufacturers Association; |
| (e) | Verne Emmanuel | – | nominated by the Saint Lucia Bureau of Standards; |
| (f) | Marina Monroque- | – | nominated by the Saint Lucia Industrial and Small |

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Business Association;

- (g) Lenita Joseph – nominated by the Minister from the Ministry of Tourism;
 - (h) Dexter K. Cornibert – nominated by the Minister from the Ministry of Agriculture;
 - (i) Nadia Wells-Hyacinth – nominated by the Minister from the Department of Finance;
 - (j) Ricky Jn Baptiste – nominated by the Minister from the Ministry of Trade; and
 - (k) Sophia M. Alfay-Henry – Permanent Secretary of the Ministry of Commerce.
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