ARRANGEMENT OF SECTIONS

PART I
PRELIMINARY

Section

1. Short title.
2. Interpretation.
3. Objectives of the Act.

PART II
OBJECTIVES

PART III
DEVELOPMENT AGREEMENTS

4. Authority to Enter into Development Agreements.
5. Conditions Precedent to Development Agreements.
6. Other Conditions of Development Agreements.
7. Ratification and Declaration Requirements.

PART IV
EXEMPTION

8. Concessions and Exemptions.

PART V
MISCELLANEOUS

9. Independent Oversight Bodies.
10. Application to Nevis.

I assent,

MARCELLA ALTHEA LIBURD

Governor-General.

21st August, 2025.

SAINT CHRISTOPHER AND NEVIS

No. 21 of 2025

AN ACT to authorise and empower the Prime Minister, with approval of Cabinet and, if necessary, the Nevis Island Administration, to enter into development agreements for the establishment of Special Sustainability Zones on real property within Saint Christopher and Nevis; and to provide for related or incidental matters.

[Published 25th August 2025, Extra-Ordinary Gazette No. 46 of 2025.]

BE IT ENACTED by the King'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:

PART I
PRELIMINARY

1. Short Title.

This Act may be cited as the Special Sustainability Zones Authorisation Act, 2025.

2. Interpretation.

In this Act, unless the context otherwise requires—

"Area" means the area of a Special Sustainability Zone, determined in accordance with the provisions of this Act;

"Cabinet" means the Cabinet of Ministers established pursuant to section 53 of the Constitution of Saint Christopher and Nevis;

"Constitution" means the Constitution of Saint Christopher and Nevis as set out in the Schedule to the Saint Christopher and Nevis Constitution Order, 1983;

"Development Agreement" means an agreement entered into pursuant to this Act, including any amendment thereof;

"Enactments" includes any Act, Ordinance or other statutory instrument, whether of general or specific application, and any treaty, convention or international obligation which has been ratified or acceded to by Saint Christopher and Nevis;

"Government" means the Government of Saint Christopher and Nevis;

"Government Charges" includes duties, taxes, levies, tariffs, assessments, charges, surcharges, and fees of every type or description, or any other payments due to the Government or Nevis Island Administration or related or affiliated entities, but excludes any fee related to the Citizenship by Investment programme;

"Nevis Island Administration" means the Nevis Island Administration established pursuant to section 102(1) of the Constitution;

"Nevis Island Assembly" means the Nevis Island Assembly established pursuant to section 101 of the Constitution;

"Premier" means the Premier of Nevis appointed pursuant to section 102(2) of the Constitution;

"Prime Minister" means the Prime Minister of Saint Christopher and Nevis appointed pursuant to section 52(1) of the Constitution;

"Special Sustainability Zone" means a designated geographical area in the Federation which is the subject of a Development Agreement made under this Act;

"Zone Bylaws" means the bylaws, rules and guidelines established by a Development Agreement governing a Special Sustainability Zone;

"Zone Developer" means a person or entity responsible for developing a Special Sustainability Zone, including affiliates and subsidiaries;

"Zone Governance" means the administration, enforcement, introduction, and amendment of Zone Laws and Zone Bylaws within a Special Sustainability Zone, consistent with the Constitution, and shall include the power to—

(a) administer, enforce, introduce and amend Zone Laws, provided that for any new Zone Laws or amendments to be effective they shall be ratified by, and contained in, a law passed by the National Assembly of Saint Christopher and Nevis and, if the Area is within the Island of Nevis, also by the Nevis Island Assembly; and

(b) administer, enforce, introduce and amend Zone Bylaws;

"Zone Laws" means the laws established by a Development Agreement governing a Special Sustainability Zone and enacted by the National Assembly of Saint Christopher and Nevis and, if the Area is within the Island of Nevis, also by the Nevis Island Assembly.

PART II
OBJECTIVES

3.Objectives of the Act.

The objectives of this Act are to—

(a) promote sustainable development in Saint Christopher and Nevis which coexists in harmony with nature for generations to come;

(b) to enable the establishment of Special Sustainability Zones through Development Agreements to facilitate long term economic opportunities, create permanent employment, attract foreign and domestic investment, and generate revenue for the benefit of the people of Saint Christopher and Nevis;

(c) to attract financially and technically qualified Zone Developers, as well as investors and other participants in Special Sustainability Zones, in order to promote the effective realization of Special Sustainability Zones and the associated investments;

(d) to enhance both the region and Saint Christopher and Nevis' prominence as an extraordinary investment and lifestyle destination;

(e) to outline principles for the establishment of Zone Governance within Special Sustainability Zones which accord with the Constitution and which facilitate operational discretion in accordance with international best practice;

(f) to promote the protection of the investments made by Zone Developers and other investors in real property within Special Sustainability Zones, as well as the interests of lenders holding security over such properties; and

(g) to promote developments that advance multiple of the seven pillars of Sustainable Development to which Saint Kitts and Nevis has committed as part of its sustainable island state agenda; such pillars being:

(i) water security, ensuring reliable access to clean and safe water through investments in infrastructure like desalination plants and watershed management, vital for both public health and climate resilience;

(ii) energy transition, shifting from fossil fuels to renewable energy sources, including solar and geothermal, to achieve energy independence and reduce carbon emissions;

(iii) food security, enhancing local agricultural production to reduce dependency on imports, improve nutrition, and strengthen resilience against global supply chain disruptions;

(iv) sustainable industry, promoting industries that are environmentally friendly and economically viable, such as eco-tourism and green manufacturing, to diversify the economy sustainably;

(v) sustainable settlements, developing climate-resilient infrastructure and housing, particularly in vulnerable communities, to ensure safe and sustainable living environments;

(vi) circular economy, implementing practices that minimize waste and promote the reuse and recycling of resources, fostering environmental sustainability and economic efficiency; and

(vii) social protection, expanding social safety nets and health services to support vulnerable populations, ensuring equitable access to essential services and opportunities.

PART III
DEVELOPMENT AGREEMENTS

4. Authority to Enter into Development Agreements.

(1) The Prime Minister may enter into Development Agreements— (a) with the prior approval of Cabinet;

(b) for the purpose of giving effect to the provisions of this Act; (c) subject to the conditions precedent in section 5 of this Act; and (d) notwithstanding anything contained in any enactment.

(2) Where the Area is within the Island of Nevis—

(a) the Prime Minister shall consult with the Nevis Island Administration before entering into Development Agreements;

(b) should the Nevis Island Administration approve, the Nevis Island Administration shall be a party to any such Development Agreements; and

(c) no Development Agreement shall be entered into without the prior approval of the Nevis Island Administration.

5. Conditions Precedent to Development Agreements.

(1) The conditions precedent to any Development Agreement shall be as follows—

(a) the Zone Developer shall present an economic analysis by a reputable economic advisory professional, firm or institution forecasting that the proposed Special Sustainability Zone is likely to generate long term economic opportunities, create permanent employment, attract foreign and domestic investment, and generate revenue for the benefit of the people of Saint Christopher and Nevis for at least ten years after operationalization;

(b) the Zone Developer shall present plans to develop the necessary infrastructure, utilities and facilities within the Special Sustainability Zone that—

(i) will endure over time without causing harm to the environment, people or the planet;

(ii) are designed for comfort, luxury and sustainability;

(iii) generate and supply reliable access to clean and safe water within the Special Sustainability Zone;

(iv) aims to secure renewable energy for no less than seventy percent of the Special Sustainability Zone’s energy needs;

(v) minimize waste and promote the reuse and recycling of resources, fostering environmental sustainability;

(vi) are climate-resilient and hurricane and earthquake resistant;

(vii) provide public safety and security services and rapid emergency response mechanisms;

(viii) provide dispute resolution services and mechanisms; and (ix) provide health services.

(c) the Zone Developer shall demonstrate that it has, or has organised, the capability, financial and technical capacity, and other qualifications needed to develop and operate the Special Sustainability Zone; and

(d) the Zone Developer shall provide evidence of ownership or lease of, or of agreement to purchase or lease, the real property comprising the Area as of the time of entering the Development Agreement.

(2) In considering any Development Agreement, the Cabinet and, where applicable, the Nevis Island Administration, shall be guided by the conditions precedent set out in this Act.

6. Other Conditions of Development Agreements.

(1) A Development Agreement shall—

(a) be deemed to have been authorised and be enforceable between the parties of that Development Agreement;

(b) define and designate the Area and delineate the Area by way of a legally sufficient description;

(c) define development timelines, milestones and commitments by Zone Developers and the action to be taken if Zone Developers fail to meet the timelines, milestones and commitments;

(d) provide that time is of the essence;

(e) provide for the terms and conditions for granting to Zone Developers the exclusive right to develop the Area;

(f) establish and detail the objectives set out in section 3 of this Act, and the rights and responsibilities set out in section 6 of this Act;

(g) provide for the terms and conditions for granting, and specify the agreed concessions on Government Charges related to the development and operation of the Special Sustainability Zone as well as related to living or working in the Special Sustainability Zone;

(h) define commercial terms, provide for investment protection and dispute resolution mechanisms;

(i) provide for express acknowledgement that the following government matters are within the exclusive legislative, governance and administrative domain

and control of the Government of Saint Christopher and the Nevis Island Administration, where applicable, whether within the Special Sustainability Zone or otherwise located in Saint Christopher and Nevis—

(i) foreign affairs, including treaty negotiation, execution and ratification;

(ii) military defence;

(iii) citizenship and residence;

(iv) elections related to the National Assembly or Nevis Island Assembly and registration of voters;

(v) jurisdiction of the Eastern Caribbean Supreme Court, Caribbean Court of Justice and Judicial Committee of the Privy Council, where stipulated as exclusive jurisdiction by the Constitution; and

(vi) any obligation, right or responsibility not transferable to any other person or entity under the Constitution.

(2) A Development Agreement may contain provisions related to the following matters—

(a) full or partial transfer of rights granted to a specific Zone Developer to other persons or entities;

(b) the timely issuance of all relevant Government permits, licences, and approvals;

(c) respect for the natural beauty and integrity of the Area;

(d) special emphasis on ecological sustainability and related solutions and offerings;

(e) leasing of adjacent seabed;

(f) approval of development, including environmental impact assessments;

(g) public health coordination;

(h) addition of real property, within parameters to be defined in the Development Agreement, to expand the Area;

(i) financial damages or penalties for breach of the Development Agreement by any party;

(j) applicability of Enactments in the Special Sustainability Zone;

(k) Zone Governance; and

(l) the import and export of goods and other chattel into, and out of, the Special Sustainability Zone.

7. Ratification and Declaration Requirements.

(1) A Development Agreement containing provisions referenced in sections 6(2)(f) through (l) shall be ratified by, and contained in, a law passed by the National Assembly of

Saint Christopher and Nevis and, if the Area is within the Island of Nevis, also by the Nevis Island Assembly.

(2) Upon the execution of a Development Agreement under this Act, and following any ratification required pursuant to section 7(1), for a Special Sustainability Zone—

(a) in the Island of Saint Christopher, the Prime Minister shall by Order published in the Gazette declare the Area defined in the Development Agreement to be a Special Sustainability Zone for the purposes of this Act; or

(b) in the Island of Nevis, the Premier shall by Order published in the Gazette declare the Area defined in the Development Agreement to be a Special Sustainability Zone for the purposes of this Act.

(3) Any such Order shall—

(a) specify the boundaries and description of the Area as delineated in the Development Agreement, and any parameters pursuant to section 6(2)(h);

(b) state the effective date of the declaration, which shall not be earlier than the date of publication in the Gazette; and

(c) include any other particulars necessary to give effect to the Development Agreement, including references to the objectives under section 3 and the conditions under sections 5 and 6.

(4) The Prime Minister or Premier, as applicable, may, by further Order published in the Gazette, amend or revoke a declaration made under this section if the Development Agreement is terminated, materially amended, or if the Zone Developer fails to meet the timelines, milestones, or commitments specified therein.

PART IV
CONCESSIONS

8. Concessions and Exemptions.

(1) Where a Zone Developer enters into a Development Agreement with the Government in accordance with the provisions of this Act, the Zone Developer may be granted such concessions, exemptions, reductions, rebates and other rights with respect to Government Charges in accordance with the provisions of this Act for the purpose of— (a)

inducing investment in, and development of, a Special Sustainability Zone;

(b) allowing a financial return to Zone Developers and others who may assist or participate in the development of Special Sustainability Zones;

(c) assuring a beneficial economic climate for the sale and leasing of the real property and the improvements, and the provision of goods and services, to other persons within the Special Sustainability Zone; and

(d) enhancing the economic viability of the Special Sustainability Zone and encouraging the development thereof to take place in a proper and prompt manner.

(2) The concessions, exemptions, reductions, rebates, or rights with respect to Government Charges that may be granted to a Zone Developer in a Development Agreement shall be those the Prime Minister, with the approval of Cabinet, shall determine are in proportion to the anticipated benefits to the public and the Government.

(3) Where the Area is within the Island of Nevis, the concessions, exemptions, reductions, rebates, or rights with respect to Government Charges that may be granted to a Zone Developer in a Development Agreement shall also be those the Nevis Island Administration shall determine are in proportion to the anticipated benefits to the public in Nevis and the Nevis Island Administration.

(4) The granting of certain concessions, exemptions, reductions, rebates, or rights with respect to Government Charges in one Development Agreement shall not constitute a basis or precedent for granting them in another Development Agreement for a Special Sustainability Zone.

(5) The Government shall not be required to grant any exemptions, concessions, reductions, rebates, or rights with respect to Government Charges, and may grant only those that are in proportion, in the Prime Minister's or Nevis Island Administration's estimation, to the anticipated benefits to the public and Government to be derived over time from a particular Special Sustainability Zone.

(6) Subject to section 6, any exemptions, concessions, reductions, rebates, or rights with respect to Government Charges granted in a Development Agreement shall take effect upon the publication of the relevant law or where section 6 does not apply on a date specified in the Development Agreement.

PART V
MISCELLANEOUS

9. Independent Oversight Bodies.

The Prime Minister with respect to the Government, or the Premier with respect to the Nevis Island Administration, may establish independent oversight bodies to receive and review applications from potential Zone Developers or to monitor Zone Developer compliance with the terms of any Development Agreement.

10. Application to Nevis.

Pursuant to section 37(3) of the Constitution, the Nevis Island Administration has consented to this Act insofar as it applies to its authority on the Island of Nevis.

LANEIN K. BLANCHETTE
Speaker

Passed by the National Assembly this 11th day of August , 2025.

Special Sustainability Zones Authorisation Act, 2025 - 21.

TREVLYN STAPLETON
Clerk of the National Assembly

GOVERNMENT PRINTERY
ST. KITTS, W. I.