

No. 28 of 2011.

*Saint Christopher and Nevis Vacation Plan  
and Time-Share (Amendment) Act, 2011.*

Saint Christopher  
and Nevis

I assent,



CUTHBERT M SEBASTIAN  
*Governor-General*

26<sup>th</sup> October 2011.

## SAINT CHRISTOPHER AND NEVIS

### No. 28 of 2011

**AN ACT** to amend the Saint Christopher and Nevis Vacation Plan and Time-Share Act, No. 34 of 2005.

*[Published 26<sup>th</sup> October 2011 Extra Ordinary Gazette No. 56 of 2011]*

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 Vacation Plan and Time-Share (Amendment) Act, 2011.

**2. Interpretation.**

In this Act, unless the context otherwise requires, Act means the Saint Christopher and Nevis Vacation Plan and Time-Share Act, No. 34 of 2005.

**3. Amendment to section 2 of the Act.**

The Act is amended in section 2 thereof by inserting immediately after the definition of the word "owner's association" the following new definition:

"planned community time-share project" means a time-share project within a planned community registered in accordance with the provisions of St. Kitts Peninsula Resort District (Planned Community) Act, No. 21 of 2008;"

**4. Amendment to section 3 of the Act.**

The Act is amended in section 3 thereof by inserting immediately after subsection (3) thereof the following new subsection:

" (4) Notwithstanding the provisions of subsection (3) of this section the Board may grant a developing owner's licence under this section notwithstanding that the

planned community time-share project has not yet been registered as a condominium under the Condominium Act provided that

- (a) the applicant undertakes, in such form as the Board may require, to register the planned community time - share project under the provisions of the Condominium Act within such time as the Board may specify;
- (b) the Board shall, without prejudice to the Board's power to impose other conditions to the grant of the licence pursuant to any other provisions of this Act, grant the developing owner's licence upon condition that the applicant registers the planned community time - share project under the Condominium Act within such time, not to be less than one hundred and eighty days, as the Board may specify; and
- (c) if the planned community time-share project is not registered under the Condominium Act within the time specified by the Board pursuant to the provisions of paragraph (b), the developing owner's licence shall be deemed to have been revoked by the Board."

**5. Amendment to section 12 of the Act.**

The Act is amended in section 12 thereof by renumbering that section as section 12.(1) and by inserting immediately thereafter the following new subsection:

“ (2) The Board may, notwithstanding any other provision of this Act, grant a developing owner's licence in accordance with the provisions of section 3.(4) of this Act before commencement of the construction of a planned community time-share project or any part thereof.”

**6. Amendment to section 20 of the Act.**

The Act is amended in section 20 thereof by inserting immediately after subsection (2) thereof the following new subsection:

“ (3) The holder of a developing owner's licence may, notwithstanding any other provision of this Act, enter into time-share contracts before commencement of the construction of a planned community time-share project or any part thereof provided that every time-share contract entered into by the developing owner in respect of a time-share interest prior to the completion of the construction of the planned community time-share project shall contain a covenant by the developing owner to

- (a) register the time-share project under the Condominium Act in accordance with the conditions of the developing owner's licence;
- (b) take all reasonable steps to complete the construction of the time-share project without delay;
- (c) take all reasonable steps to sell the other time-share interests included in the time-share project without delay; and
- (d) take all reasonable steps to deliver to the purchaser a registrable transfer of the time-share interest without delay.”

**7. Amendment to section 54 of the Act.**

The Act is amended in section 54 thereof by

- (a) replacing the word “A time-share” which appears in the first line of subsection (10) with the words “Subject to the provisions of subsection (11), a time-share”;
- (b) inserting immediately after subsection (10) the following new subsection:

“ (11) Any land upon which it is proposed to erect a planned community time-share project which is to be included in any time-share plan, and in respect of which the proposed developer has been granted a developing owner’s licence, shall be registered as a condominium under the Condominium Act, and shall, in this regard, be exempt from the provisions of sections 8.(1)(a), (b) and (e), 24.(6), 39, 40, 41 and 42 of the Condominium Act.”;
- (c) renumbering subsections (11) and (12) as subsections (12) and (13), respectively.

CURTIS A MARTIN  
*Speaker*

Passed by the National Assembly this 30<sup>th</sup> day of September 2011.

JOSÉ LLOYD  
*Clerk of the National Assembly*