

SCHEDULE 18

FORM OF DEVELOPMENT ORDER

THE DEVELOPMENT ORDER

Legal Notice of 2007

Made: 2007
Commencement: 2007
Published in the Gazette: 2007

INTERHEALTH GROUP - DEVELOPMENT ORDER 2007

MADE by the Governor under Section 4 of the Encouragement of Development Ordinance Cap. 165.

Citation

1. This Order may be cited as the "Interhealth Group Development Order 2007".

Interpretation

2. **In this Order:**
 - (a) Defined terms not otherwise defined herein shall have the same meaning as in the Project Agreement.
 - (b) "The Project Agreement" means the Agreement dated the day of 2007 and made between the Crown (in right of its Government in the Turks and Caicos Islands), Interhealth Canada Infrastructure (TCI) Limited ("**InfraCo**") and Interhealth Canada Clinical Services (TCI) Limited ("**ClinCo**").
 - (c) "Interhealth Group" means InfraCo, ClinCo, Ringfenced Services Provider and Construction & Services Co.

Development Enterprise

3. The Project is declared to be a "development enterprise" in accordance with the Encouragement of Development Ordinance Cap. 165.

Developer

4. Each member of the Interhealth Group is declared to be a "Developer" in accordance with Encouragement of Development Ordinance Cap. 165.

Premises of Development Enterprise

5. The Project shall be constructed, managed and otherwise operated at the Facilities on the Sites.

Commencement of Development Enterprise

6. The construction by InfraCo of the Works in respect of the Project shall commence on or about the date of execution of the Project Agreement.

Completion of Development Enterprises

7. The date on or before which it is anticipated that the Project shall be completed is at the end of the Project Term.

Other Conditions

8. The construction and operation of the Project shall be carried out in accordance with the terms and conditions of the Project Agreement as the same may be amended from time to time. The benefits and covenants expressed therein shall form part of this Order.

Declared Benefits

9. Each member of the Interhealth Group, and any contractor or sub-contractor operating on the instructions of any member of the Interhealth Group (as the case may be) (each a "**Sub-Contractor**") for the purposes of the Project, shall be entitled to:
 - (a) subject to the provisions of the Encouragement of Development Ordinance (Cap. 165) and provided that: (1) a Developer gives at least seven (7) days prior notice to the importation of any article into the Turks and Caicos Islands pursuant to this Order; (2) any Sub-Contractor importing any article into the Turks and Caicos Islands pursuant to this Order obtains a certificate duly signed by the relevant member of the Interhealth Group certifying that the articles such Sub-Contractor wishes to import shall be used for the purposes of the Project only (the "**Certificate**"); and (3) the relevant member of the Interhealth Group shall furnish the Collector of Customs with a Certificate (if applicable) together with a list which shall be agreed with the Collector of Customs describing the articles that are to be imported including their categories and their quantities, for a period commencing on the date of this Order and expiring at the end of the Project Term, exemption from customs import duties in respect of;

Materials:

- (i) all building and construction materials which the Collector of Customs is satisfied are imported for and to be used solely in the operation, construction, fitting out, repair, maintenance, refurbishment, rebuilding or replacement from time to time of the Project including any temporary accommodation to be used exclusively on the Sites;

Non-medical Equipment:

- (ii) all construction plant and machinery, lifting gear, construction vehicles, scaffolding, formwork systems, and all other construction equipment, appliances and tools. All permanent mechanical, electrical and plumbing equipment including, but not limited to, Air Handling Equipment, Chillers, Electrical Equipment, Laundry Equipment, Sewage and Water Treatment Equipment, Reverse Osmosis Plant, Control Systems, Parking Lot Lights and Equipment, Staff Training Equipment, Standby and Emergency Generators, commercial Garbage Compactors, Fire fighting and Fire Alarm Systems Equipment and Supplies, Security Systems and Equipment, lawnmowers, trimmers, power-washers, power-sweepers, electrical Parts and Equipment, Sound and Light Equipment, Information Technology and Computer Systems, General Maintenance Parts and Equipment (together "**the Non-Medical Equipment**") and all replacement and/or spare parts, upgrades and the like associated with and/or required for the proper and efficient performance of the Non-Medical Equipment which the Collector of Customs is satisfied are imported for and are to be used solely in the operation, construction, fitting out, repair, maintenance, refurbishment, rebuilding or replacement from time to time of the Facilities;

Medical Equipment:

- (iii) all medical equipment, appliances and supplies for the following clinical areas including but not limited to MRI, CT, X-Ray, Ultrasound, Intensive Care, Surgical Suite, Patient Wards, Maternity Wards, Accident & Emergency, Dialysis, Laboratories, CSSD, Dental, Rehabilitation, Pharmaceuticals, Mortuary, In-patient Services (together "**the Medical Equipment**"), and all replacement and/or spare parts, upgrades and the like associated with and/or required for the proper and efficient performance of the Medical Equipment, which the Collector of Customs is satisfied are imported for and are to be used solely in the operation, construction, fitting out, repair,

maintenance, refurbishment, rebuilding or replacement from time to time of the Facilities;

Furniture, Fixtures and fittings:

- (iv) furniture, fixtures, fittings and appliances which the Collector of Customs is satisfied are imported for and to be used in the operation, construction, fitting out, repair, maintenance, refurbishment, rebuilding or replacement from time to time of the Facilities;

Operational Items:

- (v) all operational items including but not limited to uniforms, paper supplies, cleaning supplies, chemical products and supplies, laundry chemicals, identification products, china, cutlery and flatware, glassware, utensils, kitchen pots and pans, tools, terry and towels, general linens, facsimile machines, television sets, audio video cassettes, cartridges or disks (or any new audio video storage format), audio/visual media players such as video cassette players, CD and DVD players and any new format of audio/visual player, sound systems, clock radio, computers, all computer equipment and peripherals (including but not limited to all computer hardware and software, printers, scanners, servers, screens, disks, memory storage formats), data wiring, supplies, transmission equipment, telecommunications equipment and other such communication equipment, office equipment, office supplies, light bulbs, and all other operational items which the Collector of Customs is satisfied are necessary for the operation, construction, fitting out, repair, maintenance, refurbishment, rebuilding or replacement from time to time of the Facilities;

Promotional Materials

- (vi) promotional literature including brochures, room amenities, posters, video cassettes, DVD and CD discs (or any new audio video storage format); and
- (b) for a period commencing on the date of this Order and expiring at the end of the Project Term, exemption from:
- (i) any taxes or profits gain or turnover attributable to the Project; and

- (ii) any real property tax, capital levy or other taxes on capital Invested in the Project; and
- (c) for a period commencing on the date of this Order and expiring at the end of the Project Term, exemption from any dock and cargo dues in relation to the Project which would usually be payable under the provisions of the Dock Ordinance (Cap. 57)

PROVIDED THAT if a Developer fails to give at least seven (7) days notice prior to the importation of any article the Collector of Customs shall be entitled to charge customs duties at the full rate in respect of such article **AND PROVIDED FURTHER** that duties on articles imported may become payable as provided by Section 9(1) of the Encouragement of Development Ordinance (Cap. 165) in the event of their being disposed of in any manner within five (5) years from the date of importation. This proviso shall not apply to any articles comprised in or incorporated in any assets transferred to TCIG following the termination of the Project Agreement for any reason whatsoever.

Variation

10. This Order may be varied or extended at the discretion of TCIG, on reasonable request by a Developer for such a variation or extension.

This Order shall automatically be varied to conform to any relevant variations or extensions of time granted under the Project Agreement.

Made this day of 2007

RICHARD TAUWHARE, GOVERNOR