

CHAPTER VIII

PROVISIONAL RETURN, PAYMENT ON PROVISIONAL RETURN, FINAL RETURN, AND PAYMENT ON FINAL RETURN

ARTICLE 42.

1. A return is filed for the current tax year using the provisional tax return form and for the previous year using the final tax return form.
2.
 - 1°. Anyone to whom a tax return form has been issued is obligated to file a return.
 - 2°. Anyone who is obligated to file a return and to whom no tax return form has been issued is required to request a form from the tax service;
 - 3°. The return is filed in writing using a tax return form that has been sent by the Inspector of Direct Taxes or has been made available free of charge.
 - 4°. The tax return forms and the instructions for completing such forms are established by the Minister of Finance.
 - 5°. The tax return forms are available in Paramaribo from the Inspector of Direct Taxes and in the districts from the Collector of Direct Taxes or from offices designated by him.
3.
 - 1°. Without prejudice to the obligation to keep books as set forth in the Commercial Code [*Wetboek van Koophandel*]:
 - a. accounts shall be kept of the activities of partnerships, associations, or companies as referred to in article 1, paragraph 2, item b, sub-items 1°, 2°, and 3° in such a way that it is possible to determine from the accounts the annual profit earned from operations and from capital not employed for operations;
 - b. accounts shall be kept of the activities engaged in by associations, foundations, or bodies as referred to in article 1, paragraph 2, item b, sub-items 4° and 5° and in article 1, paragraph 3, item b – as regards the bodies referred to in article 1, paragraph 3, item b, insofar as the operations are carried out in Suriname – in such a way that it is possible to determine from the accounts the annual profit earned from operations;

- c. with regard to other taxpayers, if the operating or occupational profit is SRD 1,200.00 or greater, or if the gross sales or other income is 12,000.00 or greater, then records of the operating or occupational income of businesses and of self-employed persons shall be kept in such a way that the net profit can be calculated, and in other cases note must be made of the operating or occupational income received in such a way that this can be easily estimated.
- 2°. Accounts shall be kept in the Dutch language.
- 3°. Without prejudice to paragraph 2 of this article, the accounts of taxpayers or groups of taxpayers designated by state decree shall be kept in the currency designated pursuant to article 36, paragraph 4; article 36, paragraph 4, second sentence, applies *mutatis mutandis*.

PROVISIONAL RETURN AND PAYMENT ON PROVISIONAL RETURN

ARTICLE 42a

- 1. The following are required to file a provisional return by no later than April 15 of the current tax year or no later than two and a half months after the beginning of the current fiscal year, even if no provisional tax return form has been issued to the taxpayer:
 - a. the individuals liable to pay tax who are covered by article 1, paragraph 2, item a;
 - b. the bodies liable to pay tax who are covered by article 1, paragraph 2, item b, or article 1, paragraph 3.
- 2. In the case of a minor or a taxpayer placed under guardianship, the legal representative or, in his absence, his authorized agent within Suriname is obligated to file the provisional return.
- 3. If two or more representatives, authorized agents, or general partners as referred to in article 1, paragraph 3, item b, exist, the main representative or the party who with the general management [...]

ARTICLE 14.

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ARTICLE 15.

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ARTICLE 16.

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ARTICLE 17.

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[handwritten:] deductible items

ARTICLE 18.

- 1 In calculating the net income, the following are deducted from the gross income, with due observance of the provisions of article 31:
- a. annuities, pensions, and other periodic payments made by the taxpayer, as referred to in article 8, first paragraph;
 - b. premiums paid by the taxpayer for annuities – including endowment insurance containing an annuity clause – pensions, and other periodic payments as referred to in article 8, first paragraph, the purpose of which being to provide for reasonable care of the taxpayer, his spouse, and minor or foster children in the event of old age, death, or disability, up to a maximum of 10% of the gross income;
 - c. premiums paid pursuant to the General Old Age Benefits Fund Act [*Wet Algemeen Oudedagsvoorzieningsfonds*].
 - d. necessary payments and distributions by the taxpayer for the maintenance of needy relations by blood or affinity in the first degree who do not reside with the taxpayer, including foster children, insofar as the payments and distributions exceed 10% of the gross income and are not made in an amount that exceeds the needs of the party receiving the payment or distribution and the income of the taxpayer;
 - e. necessary study costs paid by the taxpayer for the vocational education of his own children, step-children, or foster children, insofar as the costs exceed 10% of the gross income, provided that no deduction is provided for room, board, clothing, and pocket money of children living at home.

- f. necessary costs paid by the taxpayer in connection with illness, childbirth, accident, disability, or the death of the taxpayer, his spouse, or minor children of his own or foster children, insofar as the costs exceed 10% of the gross income;
 - g. interest paid by the taxpayer on mortgage debt, such debt qualifying up to a maximum amount of SRD 125,000.00 (one hundred twenty five thousand Suriname dollars), issued on a dwelling used or intended for owner occupation or own household purposes;
 - h. expenses paid by the taxpayer for exterior painting on a dwelling used or intended for owner occupation or own household purposes, said deduction to be taken no more than once every three (3) years.
2. For each minor child of his own or foster child age 18 or older who lives at home and who cannot provide for his own maintenance because of permanent physical or mental disabilities, an amount of SRD 8,000.00 (eight thousand Suriname dollars) is deducted from the gross income insofar as no benefits of any kind are received for said child with respect to said permanent physical or mental disability.
3. For taxpayers who receive a wage from gainful employment, the deductible costs referred to in the first paragraph of article 10, set at 4 (four) percent of the wage with a maximum of SRD 1,200.00 (one thousand two hundred Suriname dollars) per year, insofar as with regard to those costs no untaxed expense allowance [...]

2. In the year in which the proof referred to in the first paragraph is not submitted, the policy is considered surrendered unless it is shown that the insurance has been converted to an immediate annuity contract.
3. Upon termination, disposition, or surrender of the policy, the interest component is taxed in the amount received in respect of said termination, disposition, or surrender. This interest component comes to the received amount less the paid premiums.
4. If the interest component cannot be determined in the manner indicated in the third paragraph, the interest component is specified for each year of the term of the policy at 25 percent of the single premium or the premiums paid.

3. If a taxpayer required to file a return is deceased, the final return shall be filed, if necessary, by the executor or the estate administrator or, in the absence of such a person, by the joint heirs, who may or may not choose one among them to represent them.
4. If two or more representatives, authorized agents, or general partners as referred to in article 1, paragraph 3, item b, exist, then the main representative or the party responsible for the general management of affairs in Suriname or, in the absence of instructions as to who is the main representative or is responsible for the general management of affairs, the party designated by the Inspector of Direct Taxes is obligated to file the final tax return.
5. The bodies liable to pay tax as referred to in article 1, paragraphs 2 and 3, are obligated to file the final return within six months after the end of the tax year or fiscal year, even if no tax return form has been issued to them.

ARTICLE 44.

1. The final tax return form shall be completed by the taxpayer in accordance with the instructions accompanying the form, and shall be signed and submitted to the Collector of Direct Taxes and in the districts to the Collector of Direct Taxes or the offices designated by him; a confirmation of receipt is issued upon submission of the final tax return form.
2. The tax calculated in accordance with the instructions shall, if the calculation results in an amount payable by the taxpayer, be paid in one installment to the Collector of Direct Taxes and in the districts to the Collector of Direct Taxes or the offices designated by him; payment shall be made at the same time as the submission of the final tax return form.
3. If the tax calculated in accordance with the instructions results in an amount to be refunded to the taxpayer, an assessment shall be made.

CHAPTER IX

ARTICLE 46 through ARTICLE 49.

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REGULATION OF ASSESSMENTS

ARTICLE 50.

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ARTICLE 51.

1. Assessments are made by the Inspector of Direct Taxes.
2. If the final return is incorrect or incomplete, an assessment is made within two years of submission of said return; the taxpayer shall receive written notice of this, accompanied by reasons.
3. An assessment is made if the taxpayer fails to comply with the provisions of article 42a, paragraph 1, 42b, or 42c.
4. If the taxpayer has filed a provisional return pursuant to article 42b and article 42c, the Inspector of Direct Taxes can make an assessment within three months of submission of that return if he believes that the estimated income was too low; the taxpayer shall receive written notice of this, accompanied by reasons.
5. An assessment is made if the taxpayer fails to comply with the provisions of article 44, paragraph 1.
6. If an assessment is imposed on the basis of paragraph 3 or paragraph 5 or on the basis of article 44, paragraph 2, the tax included in the assessment is, after due notice, increased by 100 percent; the increase is 10 percent if the failure to comply with the imposed obligations is not attributable to intent or gross negligence on the part of the taxpayer.

(B. 956,962)

The Suriname Civil Code is, insofar as in this
[illegible]

(K. 10, 12, 157-157r, 161, 162:2, 166, 243:1, and 5, 289, 352, 362,
[illegible] decree of September 4, 1868 no. 17 arts. 1629 and 1973:3 (1868:14);

FIRST BOOK

[illegible]

[illegible handwritten text]

FIRST TITLE

On Accounting

[illegible] who operates a business is obligated of his financial position and
[illegible] concerning his business, in keeping with the requirements of his business, in one of the
following

[illegible], German, French, English, Italian, Portuguese, or Spanish,

to keep in such a way that from the kept records at all

rights and obligations can be [illegible]

[illegible]

General Provision

(B. 956,962)

Art. 1. The Suriname Civil Code is, insofar as is not provided otherwise in this Code, also applicable to the objects addressed in this Code. (K. 10, 12, 157-157r, 161, 162:2, 166, 243:1 and 5, 289, 352, 362, 952; Royal Decree of September 4, 1868 no. 17 arts. 1629 and 1973:3 (1868:14); AB. 2).

FIRST BOOK On Commerce in General

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FIRST TITLE On Accounting

Art. 2. Anyone who operates a business is obligated to keep records of his financial position and of everything concerning his business, in keeping with the requirements of his business, in one of the following languages: Dutch, German, French, English, Italian, Portuguese, or Spanish, in such a way that his rights and obligations can be identified from the kept records at all times (K. 4, 156b, 168, 445; Sr. 403:3, 404:4, 405:3, 406:4, IB 1922 art. 42 bis (1921:112); Pricing and Price Monitoring Ordinance 1941 (*Prijzsettings- en Prijsbewakings-verordening 1941*) art. 8 (1941: 101); Fruit Wine Excise Duty Ordinance (*Verordening op de vruchtenwijnaccijns*) art. 16 (1942:131), Implementing Decree for the Pricing Ordinance 1941 (*Besluit ter uitvoering van de Prijzsettingsverordening 1941*) art. 3 bis (1943:13); Regulation on the Spelling of the Dutch Language (*Voorschrift schrijfwijze Nederlandsche Taal*) (1947:113) 1955:10); Investment Ordinance (*Investeringsverordening*) art. 2 (1960: 17).

Art. 3. He is also obligated each year, within the first six months of the year, to prepare a balance sheet laid out in keeping with the requirements of his business and to sign it in his own hand (K. 73; Sr. 399, 404:3°, 404:4°, 405:3°, 406:4°).

Art. 4. He is required to retain for ten years the books and documents in which he has kept the records pursuant to article 2, as well as the balance sheets, received letters and telegrams, and copies of outgoing letters and telegrams. (K. 6; Rv. 466:2; Sr. 403-406; Seal, art. 19f (1872:13); IB 1922 art. 42 bis (1921: 112).

(Article 4 was amended by the national ordinance of April 18, 1970 (1970:38).

Art. 5. The court is free to confer on the accounting of any person an evidentiary value that it considers appropriate in each individual case (K. 4, 6, 9, 100, 136, 168:2, 453, 895; B. 1902; Cooperative Associations Ordinance 1944 (*Verordening Coöperatieve Vereenigen 1944*) art. 20:1 (1944:93).

Art. 6. The court is authorized over the course of a legal proceeding, upon request or *ex officio*, to order each or any one of the parties to disclose books, records, and documents that he must keep, make, or retain pursuant to article 4 for the purpose of inspecting, causing to inspect, taking an excerpt, or causing an excerpt to be taken from them, if it deems this necessary in connection with the matter in dispute (K. 4; Cooperative Associations Ordinance 1944 art. 20:2 (1944:93).

Art. 7. The court is free to draw the conclusion from noncompliance with his order that seems appropriate to it. (K. 156c; B. 1909, 1937; Rv. 492; Sr. 378; Cooperative Associations Ordinance 1944 art. 20:2 (1944:93).

5. The net proceeds from business and labor over a fiscal year that ends in or with the tax year or the tax period is considered to belong to the net income for that tax year or tax period.

ARTICLE 5.

1. Regarded as the proceeds from real property are the gains that, apart from those from the operation of a business or practice of an occupation, are drawn from real property that does not comprise buildings, parts of buildings, or land in own use for dwellings or household purposes, such as:
 - rental or leasing fees and other payments by renters or lessees,
 - benefits whose enjoyment is reserved upon renting or leasing;
 - payments in respect of structures, ground leases, or fixed rentals;
 - payments in respect of rent charges or other indebtedness relating to real property.
2. For the purposes of application of this law, real property is understood to include mines, stone pits, and other natural resources, as well as rights to the prospecting, exploration, or exploitation of natural resources and rights to fixed or variable payments received in respect of or in connection with the granting or relinquishment of rights to the prospecting, exploration, or exploitation of natural resources.

ARTICLE 6.

1. Regarded as proceeds from movable capital are the returns on capital that is not invested in real property or in one's own business or occupation, such as: interest on entries in the Dutch, colonial, or foreign debt registry, dividends and interest on stock certificates, bonds, and other securities; contributions to limited partnerships; interest on other debts of any kind, regardless of whether a debt certificate has been issued and whether the payment is secured by mortgage or in some other way; interest included in the discharge of debt claims; perpetual interest.