

(2) Where a person has delivered a return, the Board may—

- (a) accept the return and make an assessment accordingly; or
- (b) refuse to accept the return and, to the best of its judgment, determine the amount of the chargeable income of the person and assess him accordingly.

Acceptance of return.

Refusal of return.

(3) Where a person has not delivered a return and the Board is of the opinion that such person is liable to pay tax, it may, according to the best of its judgment, determine the amount of the chargeable income of such person and assess him accordingly, but such assessment shall not affect any liabilities otherwise incurred by such person by reason of his refusal, failure or neglect to deliver a return.

Assessment in default of return.

(4) Subject to section 89(2) and (3), if at any time within the year of income or within six years after the expiration of the year of income or three years from the date the tax return is filed, whichever is later, the Board makes an assessment which results in a person being charged to tax for the year of income in respect of a total chargeable income in excess of the chargeable income disclosed in the return of income rendered by such person, the Board may (unless the person assessed proves to the Board's satisfaction that the omission or incorrectness of the return did not amount to fraud, covin, art or contrivance, or gross or wilful neglect) charge such person, in addition to the total tax otherwise charged in the assessment, further tax not exceeding the amount of tax charged in respect of the excess.

Additional tax on increased chargeable income.

(5) If any person neglects or refuses to render a return of income as required by this Act the Board may (unless such person proves to the Board's satisfaction that such neglect or refusal was for reasonable cause and ought fairly to be excused) charge such person additional tax equal to treble the amount of tax which would have been payable if this subsection had not been enacted.

Additional tax for non-return of income.

(6) Nothing in subsections (1) to (5) shall be construed as derogating from any other provisions of this Act.

(7) The provisions of this Act shall apply to any additional tax charged by virtue of this section as they do to tax ordinarily chargeable under this Act.

Board may remit additional tax.

(8) Without prejudice to the powers conferred by section 124 the Board may for reasons which may appear to it sufficient at any time remit in whole or in part any additional tax charged under this section.

Appeal Board's discretion *re* additional tax.

(9) A discretion to charge additional tax vested in the Board by this section may be exercised, on appeal under section 87 by the Appeal Board; but if the Appeal Board confirms the decision of the Board to charge additional tax and finds that the additional tax imposed by the Board did not exceed the maximum additional tax which could properly be charged, the appeal as regards the additional tax shall be dismissed.

Appointment of agent in the United Kingdom. [16 of 1963 29 of 1966].

84. (1) For the purposes of facilitating the assessment of the income of persons residing in the United Kingdom, the President may appoint an agent in the United Kingdom who shall make enquiries on behalf of the Board in respect of any such person as may apply to be dealt with through such agent, and shall ascertain and report to the Board the amount of the chargeable income of such person in accordance with this Act, and shall forward to the Board the accounts and computations upon which his report is based. The Board, on receipt of the report, shall enter the amount reported in the assessment list.

(2) If it appears to the Board that any error has occurred in the accounts or computation it may refer the report back for further consideration.

(3) Nothing in this section shall prevent the appeal to the Appeal Board in Trinidad and Tobago conferred by section 87.

ASSESSMENT LISTS

Lists of persons assessed and notices of assessments. [29 of 1966].

85. (1) After completing its assessment, the Board shall prepare lists of persons liable to tax.

(2) Such lists (herein called the assessment lists) shall contain the names and addresses of the persons assessed to tax, the amount of the chargeable income of each person, the amount of the tax payable by him, and such other particulars as may be necessary.

NOTICES OF ASSESSMENTS

86. (1) The Board shall cause to be served on each person whose name appears on the assessment list a notice addressed to him at his usual place of abode or business stating the amount of his chargeable income and the amount of tax payable by him, and informing him of his rights under subsection (2).

Notices to be served on persons assessed. [16 of 1963, 29 of 1966, 32 of 1969, 1 of 1986, 3 of 1994, 35 of 1998].

(2) If any person disputes the assessment he may apply to the Board by notice of objection in writing delivered to the Board to review and to revise the assessment made upon him. Such application shall state precisely the grounds of his objections to the assessment and shall be made within fifteen days from the date of the service of the notice of assessment.

(3) An application under subsection (2) may be made out of time if the Board is satisfied that there was a reasonable excuse for not making the application within the time limited and that the application was made thereafter without unreasonable delay.

(4) Where the Board disallows an objection for the reason that it is not satisfied under subsection (3), an appeal shall lie to the Appeal Board from such a decision in accordance with section 87.

(5) On receipt of a notice of objection duly made, the Board shall reconsider the assessment and may vacate or vary the assessment, or confirm the assessment and disallow the objection.

(5A) (1) Where, in reconsidering an assessment for the purposes of an objection—

(a) the Board exercises its powers under section 97 by requiring within a specified time the person objecting to the assessment—

(i) to furnish such particulars as the Board may consider necessary with respect to the assessed income, and

- (ii) to produce all books and other documents in the custody or under the control of that person relating to that income; and
- (b) the person objecting to the assessment, without lawful excuse, refuses or neglects to furnish the particulars or to produce the books or other documents within the specified time,

the notice of objection delivered by that person shall cease to have effect and the assessment shall be final and conclusive.

(2) Where new information arises in reconsidering an assessment the Board may raise any new issue at that stage and may increase such assessment.

(6) The Board shall serve on the objector notice of its decision under subsection (5).

(7) In the event of any person assessed, who has objected to an assessment made upon him, agreeing with the Board as to the amount at which he is liable to be assessed the amount so agreed shall be the amount at which such person shall stand assessed, and the assessment shall be confirmed or amended accordingly; but in the event of any person who under subsection (2) has applied to the Board for a revision of the assessment made upon him failing to agree with the Board as to the amount at which he is liable to be assessed, his right of appeal to the Appeal Board under this Act against the assessment made upon him shall remain unimpaired.

(8) Where within twenty-four months after the service of the notice of objection, the Board fails to determine the objection, the objection shall be deemed to have been determined in favour of the person who has disputed his assessment and the assessment shall be amended accordingly.

(9) Where, upon the expiration of twelve months after the service of the notice of objection the Board fails to determine the objection, the person who has disputed his assessment may, notwithstanding section 7(2) of the Tax Appeal Board Act, appeal to the Appeal Board within twelve months of such expiration.

(10) Where an objection against an assessment has been made before 27th September, 1966 (that is, the date of the passing of the Finance Act, 1966), and proceedings in respect of that objection are subsequent to the date of the coming into operation of the said Act still pending before the Board, then unless such objection is determined by the Board within one year from the passing of the Act, the objection shall be deemed to have been determined in favour of the person who has disputed his assessment and the assessment shall be amended accordingly. 29 of 1966.

(11) Upon the expiration of the time for giving notice of appeal to the Appeal Board under section 7 of the Tax Appeal Board Act, the person who has disputed his assessment shall, if no appeal is then pending, within thirty days, pay to the Board of Inland Revenue any part of the tax that was in dispute and any interest and penalties remaining unpaid as is determined by the Board. Ch. 4:50.

APPEALS AGAINST ASSESSMENT

87. Any person who has disputed his assessment by notice of objection under this Act and who is dissatisfied with the decision of the Board may appeal to the Appeal Board in accordance with the provisions of the Tax Appeal Board Act. Right of appeal against Board decision. [16 of 1963 29 of 1966]. Ch. 4:50.

ERRORS IN ASSESSMENTS AND NOTICES

88. (1) Liability for tax under this Act shall not be affected by an incorrect or incomplete assessment or by the fact that no assessment has been made. Liability not affected by inaccurate or incomplete assessments, absence of assessments, errors of form or description. [16 of 1963 29 of 1966].

(2) The Board shall not be bound by a return or information supplied by or on behalf of a person chargeable to tax and in making an assessment may, notwithstanding a return or information so supplied or if no return has been filed, assess the tax payable.

(3) No assessment, warrant or other proceeding purporting to be made in accordance with the provisions of this Act shall be squashed or deemed to be void or voidable for want of form, or be

affected by reason of a mistake, defect or omission therein if the same is in substance and effect in conformity with or according to the intent and meaning of this Act or any written law amending the same, and if the person assessed or intended to be assessed or affected thereby is designated therein according to common intent and understanding.

- (4) An assessment shall not be impeached or affected—
- (a) by reason of a mistake therein as to—
 - (i) the name or surname of a person liable;
 - (ii) the description of any income; or
 - (iii) the amount of tax charged;
 - (b) by reason of any variance between the assessment and the notice thereof; provided that in cases of assessment, the notice thereof shall be duly served on the person intended to be charged, and such notice shall contain, in substance and effect, the particulars on which the assessment is made.

ADDITIONAL ASSESSMENTS

Assessments,
additional
assessments, etc.
[16 of 1963
29 of 1966
35 of 1998].

89. (1) Subject to this section, where it appears to the Board that any person liable to tax has not been assessed, or has been assessed at a less amount than that which ought to have been charged, the Board may, within the year of income or within six years after the expiration of the year of income or three years from the date the tax return is filed, whichever is later, assess such person at such amount or additional amount as according to its judgment ought to have been charged, and the provisions of this Act as to notice of assessment, appeal and other proceedings under this Act shall apply to such assessment or additional assessment and to the tax charged thereunder.

(2) Where any fraud or any gross or wilful neglect has been committed by or on behalf of any person in connection with or in relation to—

- (a) any tax for the former years of assessment or for any subsequent year of income; or

- (b) any claim, deduction, relief, exemption or other matter having or that might have had a direct or indirect effect upon the amount of tax for the former years of assessment or for any subsequent year of income,

an assessment or additional assessment, as the case may be, may, for any such former year of assessment or year of income, be made at any time on that person under subsection (1) or section 83 or, subject to subsection (3), on the personal representative of that person under subsection (1) or section 66 and section 83.

(3) In the case of an assessment or an additional assessment made upon the personal representative of a deceased person in respect of any income of that deceased person that would but for his death have been assessed and charged to tax on him, the time allowed pursuant to subsection (1), sections 66 and 83 for the making of the assessment or additional assessment, as the case may be, shall not extend beyond the expiration of a period of three years after the former year of assessment or the year of income in which the deceased person died.

(4) Subsections (1) and (3) have effect for the former years of assessment 1961 and 1962 and subsequent years of income but do not render invalid any assessment, objection or appeal made or pending under this Act before 20th April, 1965 [that is, the date of commencement of the Income Tax (Amendment) Act 1963].

16 of 1963.

REPAYMENT OF TAX

90. (1) If it be proved to the satisfaction of the Board that any person for any year of income has paid tax in excess of the amount with which he is properly chargeable, such person shall be entitled to have the amount so paid in excess refunded. Every claim for repayment under this section shall be made within six years from the end of the year of income to which the claim relates. The Board shall give a certificate of the amount to be repaid and upon the receipt of the certificate the Comptroller of Accounts shall cause repayment to be made in conformity therewith.

Circumstances under which repayment may be made. [16 of 1963 29 of 1966].

(2) The extension of the time within which such claim for repayment shall be made has effect for the former years of assessment 1961 and 1962, and subsequent years of income.

(3) Except as regards sums repayable on an objection or appeal, no repayment shall be made to any person in respect of any year of income as regards which that person has failed or neglected to deliver a return or has been assessed in a sum in excess of the amount contained in his return, provided that he has received notice of the assessment made upon him for that year, unless it is proved to the satisfaction of the Board that such failure or neglect to deliver a true and correct return did not proceed from any fraud or wilful act or omission on the part of that person.

Refund of
excess of tax
collected under
section 99.
[23 of 1957].

91. Notwithstanding any provision of section 90 to the contrary, where, after the assessment has been made in accordance with the provisions of this Act, any amount collected as required by section 99 is found to be in excess of the amount of tax shown to be payable in an assessment, the excess shall be refunded as soon as practicable thereafter to the person from whose emoluments the tax was deducted or withheld.

Refunds.
[16 of 1963
5 of 2004].

92. (1) For the purposes of sections 79 and 82 but subject to section 90, if any person shall deliver a return of his income for a year of income within two years from the end of the year, the Board—

- (a) may, upon serving the notice of assessment for the year, refund, without application therefor, any overpayment made on account of the tax; and
- (b) shall make such a refund after serving the notice of assessment if application therefor has been made in writing by that person within twelve months from the day on which the overpayment was made or the day on which the notice of assessment was served.

(2) Instead of making a refund that might otherwise be made under this section, the Board may, where the person is liable or about to become liable to make another payment under this Act,

or any other written law administered by the Board, apply the amount of the overpayment to that other liability and notify such person of that action.

(3) For the purpose of this section, “overpayment” means the aggregate of all amounts paid on account of tax less all amounts payable under this Act or an amount so paid where no amount is so payable.

(4) Where an amount in respect of an overpayment is refunded or applied under this section to other liability, interest at the rate of four per cent a year shall be paid or applied thereon for the period commencing with the latest of—

- (a) the day when the overpayment arose;
- (b) the day on or before which the return of the income in respect of which the tax was paid was required to be filed; or
- (c) the day when the return of income was actually filed,

and ending with the day of refunding or application aforesaid, unless the amount of the interest so calculated is less than one dollar, in which event no interest shall be paid or applied under this subsection.

RELIEF IN CASES OF DOUBLE TAXATION

93. (1) If the President by Order declares that arrangements specified in the Order have been made with the Government of any country with a view to affording relief from double taxation in relation to income tax and any tax of a similar character imposed by the laws of that country, and that it is expedient that those arrangements should have effect, then subject to section 95 the arrangements shall notwithstanding anything in any written law have effect in relation to income tax in so far as—

- (a) they provide for relief from tax; or
- (b) they provide for—
 - (i) charging the income arising from sources in Trinidad and Tobago to persons not resident in Trinidad and Tobago; or

Relief from
double taxation.
[29 of 1966
32 of 1969].

- (ii) determining the income to be attributed to such persons and their agencies, branches or establishments in Trinidad and Tobago; or
- (iii) determining the income to be attributed to persons resident in Trinidad and Tobago who have special relationships with persons not so resident.

Fifth Schedule.

(2) Part I of the Fifth Schedule shall have effect where arrangements which have effect by virtue of this section provide that tax payable under the laws of the country concerned shall be allowed as a credit against tax payable in Trinidad and Tobago.

Fifth Schedule.

(3) The President may by Regulations, subject to negative resolution, add to, vary or amend the provisions of the Fifth Schedule.

(4) Where, under any arrangements which have effect by virtue of this section, relief may be given either in Trinidad and Tobago or in the country with the Government of which the arrangements are made in respect of any income, and it appears that the assessment to income tax made in respect of the income is not made in respect of the full amount thereof or is incorrect having regard to the credit, if any, which falls to be given under the arrangements, any such assessment may be made as is necessary to ensure that the total amount of the income assessed and the proper credit, if any, is given in respect thereof, and, where the income is entrusted to any person in Trinidad and Tobago for payment, any such assessment may be made on the recipient of the income under this Act.

(5) Any arrangements to which effect is given under this section may include provision for relief from tax for periods before the commencement of this section or before the making of the arrangements and provisions as to income which is not itself subject to double taxation, and the preceding provisions of this section shall have effect accordingly.

(6) Any Order made under this section may be revoked by a subsequent Order and such revoking Order may contain such transitional provisions as appear necessary and expedient.

94. Where under an arrangement to which section 93 refers provision is made whereby income, gains or profits are to be treated as arising in Trinidad and Tobago, such income, gains or profits shall, for all the purposes of this Act, be deemed to be the income, gains or profits of the person entitled thereto.

Certain income deemed to be income for purposes of Act. [32 of 1969].

95. (1) To the extent appearing from the following provisions of this section and Parts II and III of the Fifth Schedule, relief from income tax shall be given in respect of income tax payable under the law of any country outside Trinidad and Tobago by allowing the last-mentioned tax as a credit against income tax payable in Trinidad and Tobago, notwithstanding that there are not for the time being in force any arrangements under section 93 providing for such relief.

Unilateral relief. [29 of 1966]. Fifth Schedule.

(2) (a) The said relief (hereinafter referred to in this section and in Parts II and III of the Fifth Schedule as “unilateral relief”) shall be such relief as would fall to be given under Part I of the Fifth Schedule if arrangements with the Government of the foreign country containing such provision as appears in so much of Part II of the Fifth Schedule as applies to that country were in force by virtue of section 93 and any reference occurring in the said Part I which imports a reference to relief under arrangements for the time being in force by virtue of section 94 shall be deemed to import also a reference to unilateral relief.

Fifth Schedule.

Fifth Schedule.

(b) The total credit to be allowed by way of unilateral relief in the case of any income shall not, if the country is within prescribed commonwealth countries, exceed one-half and in any other case one-quarter of the sum of the limits specified in regulations 5 and 6(i) of Part I of the Fifth Schedule; and

Fifth Schedule.

(c) Part I of the Fifth Schedule shall, as respects unilateral relief, have effect subject to the provisions set out in Part III of the Schedule.

Fifth Schedule.

(3) Where unilateral relief may be given in respect of any income and it appears that the assessment to income tax made in respect of the income is not made in respect of the full amount thereof or is incorrect having regard to the credit, if any, which falls to be given by way of unilateral relief, any such assessment may be made as is necessary to ensure that the total amount of income is assessed and the proper credit, if any, is given in respect thereof, and where the income is entrusted to any person in Trinidad and Tobago for payment, any such assessment may be made on the recipient of the income under this Act.

Fifth Schedule. (4) References in this section and in Parts II and III of the Fifth Schedule to tax payable or tax paid under the law of a country outside Trinidad and Tobago include only references to taxes which are charged on income or profits and correspond to income tax in Trinidad and Tobago and, without prejudice to the generality of the preceding words, a tax which is payable under the law of a province, State or other part of a country, or which is levied by or on behalf of a municipality or other local body, shall not be deemed for the purposes of this subsection to correspond to income tax.

Power to vary withholding tax. [29 of 1966]. **96.** (1) If the President by Order so provides, the rate of withholding tax shall be reduced to the extent so provided as respects any person, notwithstanding that there are not for the time being in force any arrangements under section 93 providing for such relief.

Fifth Schedule. (2) Until arrangements are made with the Commonwealth countries set out in Part IV of the Fifth Schedule, the provisions in Part V of that Schedule shall continue to have effect for the purpose of double taxation relief with respect to those countries; and subsection (1) shall have effect for the purposes of withholding tax.

GENERAL POWERS OF THE BOARD

Power of Board to require schedule of particulars. [29 of 1966]. **97.** (1) The Board may, by notice in writing, require any person to furnish it within a specified time with a schedule containing such particulars as it may require for the purposes of this Act with respect to the income of such person.

(2) Any person who fails or neglects duly to furnish such schedules is guilty of an offence.

(3) The Board may, by not less than fourteen days notice in writing, require any person to attend before it and give evidence with respect to his income, and to produce all books or other documents in his custody or under his control relating to such income.

Power of Board to require persons to attend before it.

(4) Any person who, without lawful excuse, refuses or neglects to attend or give evidence in pursuance of such notice or to produce such books or other documents, or who refuses to answer any lawful question touching the matters under consideration or knowingly or wilfully gives any false evidence under this section, is guilty of an offence.

COLLECTION AND RECOVERY OF TAX

98. (1) Subject to the provisions of this section, every person, whether an employee or the holder of an office to whom any payment is made at any time during the year 1958 or any year thereafter of or on account of any emoluments, shall, for the purpose of enabling any deductions which may be made under section 99 to be calculated with reference to the allowances to which such person may be entitled under Regulations made under section 125, file with the person making the payment a declaration in a form approved by the Board containing such particulars as may be prescribed by Regulations made under the said section 125; but a declaration shall not be filed by a person resident outside Trinidad and Tobago.

Declaration by persons to whom emoluments are paid. [23 of 1957, 18 of 1958, 16 of 1963, 29 of 1966, 2 of 1968, 35 of 1998].

(2) (i) The Board may declare that such of the persons to whom subsection (1) applies as may be specified in a notice published in the manner prescribed by Regulations made under section 125 shall, notwithstanding subsection (1), file the declaration referred to in the said subsection with the Board in a form approved by the Board.

(ii) A person who—

(a) fails to file a declaration as required by this section; or

(b) files a declaration in contravention of this section,

is liable on summary conviction to a fine of three thousand dollars.

(3) For the purposes of this section and of section 99, the expression “employment” means the position of an individual in the service of some other person (including the State or the Government of Trinidad and Tobago); and the expression “office” means a position, not being an employment or place entitling the holder thereof to a fixed or ascertainable stipend or remuneration and includes the office of a Minister of the State, the office of a member of the Senate or the House of Representatives of Trinidad and Tobago, a member of a Corporation within the meaning of the Municipal Corporations Act and any other office the holder of which is elected by popular vote or is elected or appointed in a representative capacity and also includes the position of a company director.

Ch. 25:04.

Deductions and payment of emoluments. [23 of 1957 18 of 1958 16 of 1963 5 of 1964 29 of 1966 2 of 1968 11 of 1988 35 of 1998 91 of 2000 2 of 2002 5 of 2004].

99. (1) Notwithstanding any provision of this Act to the contrary, where emoluments arise or accrue in or are derived from or received in Trinidad and Tobago in a year of income for the benefit of an employee or the holder of an office, tax shall, subject to and in accordance with any Regulations made under section 125, be deducted or withheld by the person providing the emolument.

(1A) If any question arises as to whether—

- (a) an amount is an emolument in respect of which tax shall be deducted or withheld pursuant to this section;
- (b) an allowance claimed pursuant to section 98 should be admitted;
- (c) the quantum of the emolument is in dispute; or
- (d) the tax deducted or withheld from the emoluments of an employee is in accordance with the provisions of this Act or any Regulations made under section 125,

such question shall be determined by the Board in writing subject to the provisions of this section relating to objections and appeals against the determination of the Board.

(1B) Where the Board is of the opinion that an amount is an emolument and that the correct taxes have not been deducted or withheld, it shall—

- (a) cause to be served on the person providing the emolument, notice of its determination under subsection (1A), demanding the amount of tax to be deducted or withheld by that person; and
- (b) inform the person of his right to object.

(1C) Where a person providing an emolument under this section disputes the determination of the Board, he may apply to the Board by notice of objection in writing delivered to the Board, to review its determination and such application shall—

- (a) state precisely the grounds of his objection; and
- (b) be made within fifteen days from the date of service of the notice of determination.

(1D) The provisions of section 86(3), (4), (5), (5A), (6), (7), (8) and (11) and section 87 of this Act relating to objections and appeals shall apply *mutatis mutandis* to this section, except in relation to the period of twenty-four months stated in section 86(8), which shall for the purposes of this section be read as twelve months.

(2) The tax deducted or withheld as required by subsection (1) shall, subject to and in accordance with any Regulations made under section 125, be paid to the Board by the person deducting or withholding the same at such time or times and by such date or dates as may be prescribed by such Regulations, and on the payment thereof the Board shall send to such person a receipt which shall to the extent of the amount referred to therein be a good and sufficient discharge of the liability of such person for any amount deducted or withheld as required by this section.

(3) Subject to subsection (10), where an amount has been deducted or withheld under subsection (1) from the emoluments of any person, it shall for the purposes of this Act be deemed to have been received by such person at the time of the deduction or withholding thereof.

- (4) If any person fails—
- (a) to deduct or withhold any amount required to be deducted or withheld by him by subsection (1); or
 - (b) to remit or pay to the Board any amount which he is required by subsection (2) to pay to the Board by such date or dates as may be prescribed by Regulations made under section 125,

he is guilty of an offence; and, in addition to such amount, there shall become payable by such person to the Board, unless the Board otherwise directs, a sum of one hundred per cent of such amount, or forty dollars, whichever is the greater, and he shall pay interest at the rate of twenty per cent a year on such amount and on such additional sum, unless the Board otherwise directs, from the day on or before which he was required to make the payment to the day of payment, as if the same was tax payable by such person on the date when such amount was required to be deducted, withheld, remitted or paid, as the case may be, and the provisions of this Act relating to the collection and recovery of tax shall apply to the collection and the recovery of any such sum or amount.

(5) All amounts deducted or withheld by any person pursuant to the provisions of subsection (1) shall be deemed to be held in trust by such person for Trinidad and Tobago, whether or not they have in fact been kept separate and apart from such person's own monies, and shall not be subject to attachment in respect of any debt or liability of the said person and in the event of any liquidation, assignment or bankruptcy the said amounts shall form no part of the estate in liquidation, assignment or bankruptcy but shall be paid in full to the Board before any distribution of the property is made.

(6) Every person who has deducted or withheld any tax pursuant to subsection (1) shall deliver personally or send by post within such time or times as may be prescribed by Regulations made under section 125 to the person from whose emoluments the tax was deducted or withheld or to such other person as may be prescribed by the said Regulations such certificate of account relating to the amount of tax deducted by him as may be prescribed by the said Regulations.

(7) Any person who fails to comply with subsection (6) or who fails to deliver or send to the Board within such time or times as may be prescribed by Regulations made under section 125 any return, account or certificate or any copy thereof which he may be required by the said Regulations to deliver or send to the Board for the purpose of rendering him accountable to the Board for any tax deducted or withheld by him pursuant to this section is liable on summary conviction to a fine of seventy-five dollars for every day during which such failure continues; but it shall be a good and sufficient defence to any complaint brought under this subsection that any such failure was not due to the wilful neglect or default of the defendant or of any person acting on his behalf.

(8) No action shall lie against any person for deducting or withholding any sum of money in compliance or intended compliance with subsection (1).

(9) Where by this Act any obligation is imposed on any person to deduct or withhold any tax pursuant to subsection (1), any agreement made by any such person not to withhold or deduct such tax shall be void and of no force or effect whatsoever.

(10) Every person from whose emoluments any amount is deducted or withheld pursuant to subsection (1) shall upon the amount being so deducted or withheld be deemed to have paid the same and shall thereupon cease to be liable for tax to the extent of the amount so deducted.

(11) The provisions of this Act requiring a person to deduct or withhold an amount in respect of taxes from emoluments payable to a taxpayer applies to the State and to the Government of Trinidad and Tobago.

(12) Where a trade, business, profession or vocation is carried on by two or more persons jointly, the precedent partner of the partnership as defined in section 78(2)(a) shall be personally liable for the performance or the duties by the preceding provisions of this section required to be performed by the person making the payment or by the person deducting or withholding any amount of

tax; and where a trade, business, profession or vocation is carried on by a company, the managing director and the secretary of the company shall each, in addition to the company itself, be personally liable for the performance of the said duties.

Interpretation of emoluments. [23 of 1957 18 of 1958 16 of 1963].

100. For the purposes of sections 98, 99, 125(1)(a) and 125(2)(a), the expression “emoluments” means all salary, wages, overtime, bonus, remuneration, perquisites including the value of board and lodging, stipend, commission or other amounts for services, directors’ fees, retiring allowances or pension, arising or accruing in or derived from or received in Trinidad and Tobago and which are assessable to income tax, but does not include any salary or share of profits arising from a trade, business, profession or vocation carried on by any person either by himself or in partnership with any other person.

Board to prepare tax tables. [23 of 1957 29 of 1966].

101. The Board shall from time to time as occasion may require, prepare tax tables, a copy whereof shall be made available to any person required by this Act or any Regulations made under section 125 thereof to deduct or withhold tax pursuant to section 99(1), for the purpose of enabling any such person to calculate, subject to and in accordance with any Regulations made under section 125, the amount of tax to be so deducted or withheld.

Penalty for non-payment of tax and enforcement of payment. [23 of 1957 18 of 1958 16 of 1963].

102. (1) If any tax is not paid on or before the prescribed date, a sum equal to five per cent of the amount of the tax payable shall be added thereto, and the provisions of this Act relating to the collection and recovery of tax shall apply to the collection and recovery of such sum.

(2) Subsection (1) applies only in respect of tax which becomes payable on or before 31st December, 1957.

(3) If any tax which becomes payable on or after 1st January, 1958 is not paid on or before the prescribed date, a sum shall be added thereto calculated at the rate of twelve per cent a year of the amount of such tax remaining unpaid, and if any amount of such tax is not paid within twelve months after the prescribed date, the rate of fifteen per cent a year of the amount of

such tax remaining unpaid, and the provisions of this Act relating to the collection and recovery of tax shall apply to the collection and recovery of such sum.

(4) Subsection (3) applies only in respect of tax payable for the former years of assessment of 1958 to 1962.

103. (1) Where the amount paid on account of tax payable by any person for a year of income on or before the expiration of the time allowed for filing the return of that person's income is less than the amount of tax payable for the year, the person liable to pay the tax shall pay interest on the difference between those two amounts from the expiration of the time for filing the return of income to the day of payment at the rate of twenty per cent a year, unless the Board, on being satisfied that the difference between the two amounts did not result from the taxpayer's own default, directs a reduction in the rate of the interest payable.

Interest.
[16 of 1963
5 of 1964
29 of 1966
14 of 1987
11 of 1988
91 of 2000
2 of 2002].

(2) In addition to the interest payable under subsection (1), where any person, being required by this Act to pay a part or instalment of tax, has failed to pay all or any part thereof as required, he shall, on payment of the amount he failed to pay, unless the Board otherwise directs, pay interest at twenty per cent a year from the day on or before which he was required to make the payment to the day of the payment or the beginning of the period in respect of which he becomes liable to pay interest thereon under subsection (1), whichever is the earlier.

(3) The rate of interest referred to in subsections (1) and (2) shall come into effect on 1st May, 2001.

103A. (1) Notwithstanding any written law to the contrary but subject to subsection (2), there shall be a waiver of the following liabilities:

Waiver of
liabilities.
[91 of 2000].

- (a) interest on outstanding taxes and business levy due and payable as at 31st December, 1999, where such taxes or business levy as the case may be, are or is paid during the period 28th August, 2000 and 30th April, 2001;

- (b) interest charged on the payment, prior to 28th August, 2000, of taxes and business levy due or payable as at 31st December, 1999, where such interest has not been paid;
- (c) penalties, further tax and additional tax due and payable on outstanding taxes and business levy as at 31st December, 1999, where such taxes or business levy, as the case may be, are paid during the period 28th August, 2000 and 20th April, 2001;
- (d) penalties, further tax and additional tax in respect of taxes and business levy due or payable as at 31st December, 1999, and paid prior to 28th August, 2000, where such penalties, further tax and additional tax have not been paid;
- (e) penalties on outstanding returns for the years of income up to and including the year 1998, where such returns are filed during the period 28th August, 2000 and 30th April, 2001;
- (f) penalties with respect to returns for the years of income up to and including the year 1998 and filed prior to 28th August, 2000, where such penalties have not been paid.

(2) For the avoidance of doubt, the waiver granted in this section shall not apply to the following:

- (a) taxes and business levy;
- (b) interest, penalties, further tax and additional tax paid prior to 28th August, 2000.

(3) Where any returns, taxes and business levy remain outstanding after 30th April, 2001, the penalties, interest, further taxes and additional taxes which would have been payable on such returns, taxes and business levy shall be revived and become payable as if the waiver in subsection (1) had not been granted.

104. (1) If upon demand made by the Board a person neglects or refuses to pay any tax or any portion thereof that has become payable, the Board by warrant under its hand, in the form given in the Sixth Schedule, may authorise any person hereinafter referred to as an “authorised person” to distrain the person charged by his goods and chattels.

Distrain by Board.
[23 of 1957
18 of 1958
16 of 1963
29 of 1966].
Sixth Schedule.

(2) For the purpose of levying any such distress, the authorised person may break open, in the daytime, any house or premises, calling to his assistance any constable. Every such constable shall, when so required, aid and assist the authorised person in the execution of the warrant and in levying the distress in the house or premises.

(3) A distress levied by the authorised person shall be kept for seven days, at the costs and charges of the person neglecting or refusing to pay.

(4) If the person aforesaid does not pay the sum due, together with the costs and charges, within the said seven days, the distress shall be sold by public auction by the authorised person or any person deputed by him for payment of the sum due and all costs and charges. The costs and charges of taking, keeping and selling the distress shall be retained by the authorised person or any person deputed by him, and any overplus coming by the distress, after the deduction of the costs and charges and of the sum due, shall be restored to the owner of the goods distrained.

(5) In this section “constable” includes any member of the Police Service and any member of supplemental bodies of police established by the Supplemental Police Act or the Special Reserve Police Act.

Ch. 15:02.
Ch. 15:03.

105. (1) No goods or chattels whatever, belonging to any person at the time any tax becomes in arrear, shall be liable to be taken by virtue of any execution or other process, warrant or authority whatever, or by virtue of any agreement or assignment on any account or pretence whatever, except at the suit of the landlord for rent, unless the person at whose suit the execution of

Priority of claim for tax.
[16 of 1963
29 of 1966].

seizure is made, or to whom the assignment was made, pays or causes to be paid to the Board before the sale or removal of the goods or chattels, all arrears of tax which are due at the time of seizure, or which are payable for the year in which the seizure is made; but where tax is claimed for more than one year, the person at whose instance the seizure has been made, may, on paying to the Board the tax which is due for one whole year, proceed in his seizure in like manner as if no tax had been claimed.

(2) In case of neglect or refusal to pay the tax so claimed or the tax for one whole year, as the case may be, the authorised person shall distrain the goods and chattels notwithstanding the seizure or assignment, and shall proceed to the sale thereof as prescribed by this Act for the purpose of obtaining payment of the whole of the tax charged and claimed, and the reasonable costs and charges attending such distress and sale, and the authorised person so doing shall be indemnified by virtue of this Act.

Execution of warrants.
[16 of 1963].

106. (1) Warrants shall be executed by the respective persons to whom they are directed in any part of Trinidad and Tobago.

(2) Constables shall aid in the execution of this Act.

Obstruction of officers.
[16 of 1963].

107. Any person, who by himself or by any person in his employ, obstructs, molests or hinders—

(a) an authorised person or any person employed in relation to any duty of tax in the execution of his duty, or of any of the powers or authorities by law given to the authorised person or any other person; or

(b) any person acting in the aid of an authorised person or any person so employed,

is guilty of an offence.

Surplus on sale.
[29 of 1966].

108. (1) Any surplus moneys arising on any sales under this Act shall be paid to the person entitled thereto.

(2) The Board may, if it thinks fit, pay any such surplus moneys into Court; and the High Court or a Judge thereof may, on

the petition of any person entitled or claiming to be entitled to such moneys or any part thereof, make order for the payment of the same or any part thereof to the person entitled thereto.

RECOVERY OF TAX IN CERTAIN CASES

109. (1) Where the Board has reason to believe that a person may leave Trinidad and Tobago, the Board may before the day otherwise fixed for payment, serve a notice of assessment upon such person demanding payment of all taxes, interest and penalties for which the person is liable or would be liable if the time for payment had arrived, and the same shall be paid forthwith notwithstanding any other provision of this Act.

Persons leaving Trinidad and Tobago or defaulting. [16 of 1963, 29 of 1966, 32 of 1969].

(2) A person upon whom a demand has been made under subsection (1) may give security to the satisfaction of the Board for the payment of the tax assessed.

(3) Any person who has paid the tax in accordance with the demand made by the Board or who has given security for such payment under subsection (2) shall have the right of objection and appeal conferred by sections 86 and 87 and the amount paid by him shall be adjusted in accordance with the results of any objection or appeal.

(4) The provisions of this section shall not affect the powers conferred on the Board by section 89.

Construction.

110. (1) Where—

- (a) the amount of any tax for the time being due and payable under any assessment does not exceed three thousand dollars;
- (b) the tax under any assessment is payable by instalments and the sum for the time being due and payable in respect of any of those instalments does not exceed twelve hundred dollars,

Provisions as to recovery of tax and penalties. [29 of 1966].

the tax shall, without prejudice to any other manner of recovery, be a sum enforceable as a civil debt by proceedings commenced in the name of the Board.

(2) All or any of the sums due in respect of tax from any person and payable to the Board (being sums which are by law sums enforceable as a civil debt) may, whether or not they are due under one assessment, be included in the same complaint, summons, order, warrant or other documents required by law to be laid before a Magistrate or to be issued by a Magistrate, and every document as aforesaid shall as respects such sum be construed as a separate document and its invalidity as respects any one such sum shall not affect its validity as respects any other such sum.

(3) A written statement as to the wages, salaries, fees and other emoluments paid for any period to the person against whom proceedings under this section are brought purporting to be signed by his employer for that period or by any responsible person in the employment of the employer shall in any such proceedings be *prima facie* evidence that the wages, salaries, fees and other emoluments therein stated to have been paid to the person charged have in fact been so paid.

(4) Where a penalty other than a fine, is imposed by or under this Act in addition to tax, the penalty shall be added to the assessment, and collected and recovered in like manner as any tax included in such assessment may be collected and recovered.

(5) Any tax that is by this section a sum enforceable as a civil debt may be recovered as if it was a simple contract debt in any Court of competent jurisdiction.

(6) For the avoidance of doubt it is hereby declared to be the law that any tax charged under the provisions of this Act is a debt due to the State and may without prejudice to any other manner in which the same may at any time be lawfully recovered be sued for and recovered from the person charged therewith in the manner provided in the State Liability and Proceedings Act.

Ch. 8:02.

(7) Any person who in the opinion of the Court may be able to give information concerning the property or goods of the person charged may lawfully be summoned to give evidence in any civil or criminal proceedings.

111. (1) Where any amount payable to the Board under section 99 or under any other provision of this Act has not been paid within thirty days after payment thereof became due, the Board may make out a certificate in such form as may be prescribed stating the amount payable and the name, the trade or profession and usual or last known place of abode of the person by whom such amount is payable. Certificates. [23 of 1957 29 of 1966].

(2) On production thereof to the Registrar of the Supreme Court, a certificate made under this section shall be registered by him in the High Court and when so registered shall have the same force and effect, and all proceedings may be taken thereon as if the said certificate were a judgment for the State obtained in the said Court for a debt of the amount specified in the certificate together with any interest required to be paid by this Act to the day of payment.

(3) Rules of Court may be made under section 77 of the Supreme Court of Judicature Act providing for the procedure to be followed upon the registration of such certificates. Ch. 4:01.

(4) All reasonable costs and charges attendant upon the registration of the certificate shall be recoverable in like manner as if they had been included in such certificate.

112. (1) Where the Board has knowledge or suspects that a person is or is about to become indebted or liable to make any payment to a person liable to make a payment of tax under this Act, it may, by registered letter or by a letter served personally, require such first-mentioned person to pay the moneys otherwise payable to such second-mentioned person in whole or in part to the Board on account of the liability of the second-mentioned person under this Act. Garnishments. [23 of 1957 29 of 1966].

(2) The receipt of the Board for moneys paid as required under this section shall to the extent of the payment be a good and sufficient discharge of the original liability—

- (a) of the person who pays such moneys to the Board to the person liable to make a payment of tax under this Act;

(b) of the person liable to make a payment of tax under this Act to the Board.

(3) Where the Board, under this section, has required an employer to pay to it on account of an employee's liability under this Act, moneys otherwise payable by the employer to the employee as remuneration, the requirement shall be applicable to all future payments by the employer to the employee in respect of remuneration until the liability of the employee under this Act is satisfied and shall operate to require payments to the Board out of each payment of remuneration due to the employee of such amount as may be stipulated by the Board in the registered or other letter.

(4) Every person who has discharged any liability to a person liable to make a payment of tax under this Act without complying with a requirement under this section shall be liable to pay to the Board as a debt due to the State an amount equal to the liability discharged or the amount which he was required under this section to pay to the Board, whichever is the less.

Service of
garnishees.

(5) Where the person who is or is about to become indebted or liable carries on business under a name or style other than his own name, the registered or other letter under subsection (1) may be addressed to the name or style under which he carries on business and, in the case of personal service, shall be deemed to have been validly served if it has been left with an adult person employed at the place of business of the addressee.

(6) Where the persons who are or are about to become indebted or liable carry on business in partnership, the registered or other letter under subsection (1) may be addressed to the partnership name and, in the case of personal service, shall be deemed to have been validly served if it has been served on one of the partners or left with an adult person employed at the place of business of a partnership.

NOTICES

Signatures of
notices.
[29 of 1966].

113. (1) Every notice to be given by the Board under this Act shall be signed by the Board or by some person or persons from time to time appointed by it for that purpose, and every such notice

shall be valid if the signature of the Board or of such person or persons is duly printed or written thereon; but any notice in writing under this Act to any person requiring him to furnish particulars to the Board, or any notice under this Act requiring the attendance of any person or witness before the Board shall be personally signed by the Board or by any person duly authorised by it.

(2) A signature attached to any notice and purporting to be the signature of any person so appointed shall be taken to be the signature of that person until the contrary is shown.

114. (1) Notice may be served on a person either personally or by being sent by post to his last known business or private address; but service by post in the case of a notice requiring the attendance of any person or witness before the Board shall be by registered post.

Service of notices.
[16 of 1963
29 of 1966].

(2) A notice sent by post shall be deemed to have been served, in the case of persons resident in Trinidad and Tobago, not later than the fifteenth day succeeding the day when posted and, in the case of persons not so resident, not later than the thirtieth day succeeding the day on which the notice would have been received in the ordinary course by post, and in proving such service it shall be sufficient to prove that the letter containing the notice was properly addressed and posted.

IMPRISONMENT OF DEFAULTERS

115. (1) If a person neglects or refuses to pay the tax charged upon him by virtue of this Act and no sufficient distress can be found whereby the same may be levied, the President may, by warrant under his hand and the Public Seal of Trinidad and Tobago, commit such person to prison, there to be kept without bail until payment be made of that sum or security given to his satisfaction for payment thereof, together with such further sum as he may adjudge to be reasonable for the costs and expenses of apprehending and conveying such person to prison, where he shall be detained and kept according to the tenor and effect of the warrant.

In case of refusal to pay where there are no distrainable effects, defaulter may be imprisoned.
[16 of 1963].

Release.

(2) The President may issue his warrant to the Commissioner of Prisons directing the liberation of any defaulter, and, on receipt thereof, the Commissioner of Prisons shall forthwith release and discharge such defaulter out of custody, unless he is under detention for some other cause than that set forth in the warrant of commitment.

GENERAL

Traders, etc., to
keep accounts,
books and
records in
English
language.
[29 of 1966
22 of 1974
35 of 1998].

116. (1) Every person engaged in any trade, business or profession, and every person who is required by or pursuant to this Act to deduct or withhold and to pay taxes or other amounts, shall keep in the English language and in the currency of Trinidad and Tobago proper records and books of account (including an annual inventory) at his place of business or residence in Trinidad and Tobago or at such other place as may be approved by the Board, and in such form as required by the Board and containing such information as in the opinion of the Board will enable the taxes payable under this Act or the taxes or other amounts that should have been deducted, withheld or paid to be determined.

(2) Where a person has failed to keep adequate records and books of account for the purposes of this Act, the Board may require him to keep such records and books of accounts as it may specify and that person shall thereafter keep records and books of account as so required.

(3) Every person required by this section to keep records and books of account shall retain every such record or book of account and every account or voucher necessary to verify the information in any such record or book of account for a period of at least six years from the year of income, or three years from the date the tax return is filed, whichever is later, to which the records or books relate, so however that where the Board by notice in writing so requires, a person shall retain any such record or book of account and every such account or voucher as aforesaid until written permission for their disposal is obtained from the Board.

(4) Any person who fails to keep such records, books of account and every account or voucher as may be required to be so kept by this section is guilty of an offence.

117. (1) The Board may for any purpose related to the administration or enforcement of this Act require any person, except a person engaged in confidential professional relationship with such person, to give it information in such manner and detail and at such time as the Board may from time to time require by notice in writing with respect to his income or assessment or assets or the income or assessment or assets of any other person or to permit it or any person duly authorised by it in writing to inspect any record of any moneys, funds or other assets held by that person on his own behalf or which may be held by him for, or any moneys due by him to, any other person.

Powers of inspection of records.
[29 of 1966
22 of 1974
38 of 1989].

(2) Notwithstanding any rule of law to the contrary, but subject to this section, the Board may, for the purpose of determining any objection to an assessment, require by writing any bank or any officer thereof to furnish information in writing or may summon any such officer to appear before it to give evidence respecting the assessment or to furnish statements of accounts and affairs verified in the manner specified by it, and the Board may examine such officer on oath or otherwise.

(3) Where the Board proposes to exercise the powers conferred on it under subsection (2) it shall give notice of its intention to do so to the person who has disputed his assessment and shall inform such person of his rights under this section.

(4) If the person who has disputed his assessment is aggrieved by the proposals of the Board to exercise its powers under subsection (2), he may, within seven days of receipt of notice thereof from the Board, apply to a Judge in Chambers for a declaration of his rights in the matter, and the Judge shall hear and determine such application and shall make such order as the justice of the case requires.

- (5) A person is guilty of an offence who—
- (a) fails to give to the Board any information in accordance with this section; or
 - (b) fails to produce for the inspection of the Board or any person duly authorised by it any records which he may be required by the Board or such duly authorised person to produce.

Ch. 76:51. (6) For the purposes of giving effect to a declared agreement within the meaning of the Tax Information Exchange Agreements Act, the Board is deemed to have the powers set out in subsection (2) notwithstanding the absence of an assessment or objection, and subsections (3), (4) and (5) shall apply *mutatis mutandis*.

Powers of entry for certain purposes. [29 of 1966 35 of 1998].

118. (1) Subject to this section and to section 117, the Board or any person authorised by it for any purpose related to the administration or enforcement of this Act may, at all reasonable times, enter into any premises or place where any business is carried on or any property is kept or anything is done in connection with any business or any books or where records are, or are required to be kept pursuant to this Act and—

- (a) audit or examine the books and any account, voucher, letter, telegram or other document, which relates or may relate to the information that is or should be in the books or records or to the amount of tax payable under this Act;
- (b) examine property described by an inventory or any property, process or matter the examination of which may, in its opinion, assist it in determining the accuracy of an inventory or in ascertaining the information that is or is required to be contained in the books or records or the amount of any tax payable under this Act;
- (c) require the owner or manager of the property or business and any other person on the premises or place to give it all reasonable assistance with its audit examination and to answer all questions relating to the audit or examination either orally or, if it so requires, in writing, on oath or by statutory declaration and, for that purpose require the owner or manager to attend at the premises or place with it;
- (d) search, if necessary with the assistance of any police officer, any building, receptacle or place

for documents, books, records, papers or things which may afford evidence as to the violation of any provision of this Act or the Regulations;

- (e) if, during the course of the audit or examination, it appears to it that there has been a violation of this Act or the Regulations, seize and take away any of the records, books of account, vouchers, letters, telegrams and other accounts and retain them until they are produced in any proceedings.

(2) Admission to any premises shall not be demanded as of right unless twenty-four hours' notice of the intended entry has been given to the occupier, so however that if any person is aggrieved by any such notice he may, within the said period of twenty-four hours, so inform the Board in writing, and thereupon section 117(4) shall apply as if the reference to subsection (2) occurring therein was a reference to subsection (1) of this section.

(3) If it is shown to the satisfaction of a Magistrate on sworn information in writing—

- (a) that admission to any premises has been refused, or that refusal is apprehended, or that an application for admission would defeat the object of the entry; and
- (b) that there is reasonable ground for entry into the premises for any purpose as is mentioned in subsection (1),

the Magistrate may by warrant under his hand authorise the Board by any authorised officer to enter the premises, if need be by force, except that such a warrant shall not be issued unless the Magistrate is satisfied either that notice of the intention to apply for a warrant has been given to the occupier, or that the giving of such notice would defeat the object of the entry. Where it is shown to the satisfaction of the Magistrate that the giving of the notice would defeat the object of the entry, the provisions of this subsection shall apply notwithstanding anything to the contrary in subsection (2).

(4) An authorised officer entering any premises by virtue of this section, or of a warrant issued thereunder, may take with him such other persons as may be necessary.

(5) Every warrant granted under this section shall continue in force until the purpose for which the entry is necessary has been satisfied.

(6) Any person who in compliance with the provisions of this section, or of a warrant issued thereunder, is admitted into a factory or workplace, discloses to any person any information obtained by him in the factory or workplace with regard to any manufacturing process or trade secret, is, unless such disclosure was made in the performance of his duty, liable to a fine of fifteen thousand dollars or to imprisonment for twelve months.

(7) Any person who hinders or molests or interferes with any person doing anything that he is authorised to do or prevent or attempts to prevent any person from doing any such thing and any person who, unless he is unable to do so fails or refuses to do anything he is required by or pursuant to this section to do is guilty of an offence and liable on summary conviction to a fine of fifteen thousand dollars and to imprisonment for two years.

Offence in
respect of fraud.
[17 of 1985
6 of 1991
35 of 1998
5 of 2004].

119. (1) Any person who—

- (a) knowingly or recklessly makes or participates in or assents to or acquiesces in the making of false or deceptive statements or representations in a return, certificate, statement, declaration or answer made under this Act or any Regulations;
- (b) with intent to evade payment of a tax imposed by this Act, destroys, alters, mutilates, secretes or otherwise disposes of any records or books of account;
- (c) knowingly or recklessly makes or assents to or acquiesces in the making of false or deceptive entries, or omits or assents to or acquiesces in the omission to enter a material particular in any records or books of account;

- (d) wilfully in any manner evades or attempts to evade, compliance with this Act or payment of taxes imposed by this Act;
- (e) with intent to deceive, furnishes the Central Bank or Public Agency under section 76A(1) with a B.I.R. file number which is not his own;
- (f) being an employee or an officer, and who, with intent to deceive, furnishes his employer under section 76B, with a B.I.R. file number which is not his own;
- (g) being an employer, and who knowingly or recklessly records under section 76B, a B.I.R. file number of an employee or officer which is different from the number furnished by that employee or officer;
- (h) conspires with any person to commit an offence described in paragraphs (a) to (g),

is guilty of an offence, and in addition to any penalty otherwise provided is liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for three years.

(2) Any proceedings under a law establishing summary jurisdiction which may be taken against any person in respect of any offence punishable under this Act, may, notwithstanding anything to the contrary in that law, be taken at any time within three years from the date of the commission of the offence or within twelve months from the date on which evidence sufficient in the opinion of the Board to justify the proceedings come to the knowledge of the Board, whichever period last expires, or where the person in question was outside Trinidad and Tobago at the date last mentioned, within twelve months from the date on which he first arrives in Trinidad and Tobago thereafter.

(3) For the purposes of this section a certificate of the Board as to the date on which such evidence as aforesaid comes to the knowledge of the Board shall be conclusive evidence thereof.

120. Any person who fails or neglects to perform any duty required to be performed under this Act is guilty of an offence.

Failure to perform required duty.

Offences and penalties.
[29 of 1966
11 of 1988
8 of 1996
35 of 1998].

121. (1) Any person guilty of an offence under this Act is, unless some other penalty is specifically provided for any such offence, liable on summary conviction to a fine of thirty thousand dollars or to imprisonment for two years or both.

(2) Where a person is guilty of an offence under this Act, the Court may, in addition to any penalty which it may impose, make an order for the immediate payment of any tax or for the penalty imposed or for both such tax and such penalty and the Court may make such order for imprisonment in default for any period not exceeding two years as it may consider fit.

Prosecution of offences.
[8 of 1996].

Ch. 4:20.

121A. (1) Subject to this Act, an offence under this Act may be prosecuted and any penalty or forfeiture imposed by this Act may be sued for, prosecuted and recovered summarily, and all sums whatsoever payable may be recovered and enforced in the manner prescribed by the Summary Courts Act, or as near thereto as the circumstances of the case will permit, on the complaint of the Board.

(2) A person authorised in writing by the Board may prosecute and conduct any complaint or other proceedings under this Act in respect of any offence or penalty.

Time limit for proceeding to recover fines and penalties.
[16 of 1963
5 of 1964
29 of 1966].

122. (1) Proceedings for the recovery of any fine or penalty incurred under this Act in connection with or in relation to tax may be commenced at any time within seven years next after the date on which it was incurred.

(2) The time limited by subsection (1) for commencing proceedings for the recovery of any fine or penalty from any person in connection with or in relation to any tax covered by any assessment shall, where any form of fraud or wilful default has been committed by him or on his behalf in connection with or in relation to that tax, be extended so as to authorise the commencement of such proceedings at any time within three years from the final determination of the amount of tax covered by the assessment.

(3) For the purposes of subsection (2), the amount of the tax covered by any assessment shall not be deemed to be finally

determined until that assessment can no longer be varied or revised, whether by the Board of Inland Revenue or by the Appeal Board or by the order of any Court.

(4) Nothing in subsection (2) shall extend the time for the bringing of any proceedings against the personal representatives of any person by whom or on whose behalf any form of fraud or wilful default has been committed.

123. The provisions of this Act shall not affect any criminal proceedings under any other written law.

Saving for criminal proceedings.

124. The President may remit or refund the whole or any part of the tax payable or paid, as the case may be, by any person if he is satisfied that it would be just and equitable to do so.

President may remit tax. [26 of 1955].

125. (1) The President may make Regulations generally for carrying out the provisions of this Act or of any other Act which confers on the Board powers to administer any tax on income or profits similar to those conferred in this Act and may, in particular, by those Regulations provide—

Regulations. [26 of 1955, 23 of 1957, 16 of 1963, 29 of 1966, 11 of 1988, 35 of 1998].

- (a) for the collection, recovery and refund of tax in respect of emoluments and with respect to any matter for which by any provision of this Act, Regulations may be made under this section;
- (b) for the payment of tax by monthly or other instalments;
- (c) for any such matters as are authorised by this Act to be prescribed; and
- (d) for any other matter or thing, whether similar or not to those above mentioned, in respect of which it may be expedient to make Regulations for the purpose of carrying this Act into execution.

(2) Without prejudice to the provisions of subsection (1), Regulations made under this section may, in particular, include provision—

- (a) for requiring any person, including the State and the Government for Trinidad and Tobago, making

any payment of, or on account of, any emoluments, at the time of making the payment to make a deduction of tax calculated by reference to the tax tables prepared by the Board under section 101 and for rendering persons who are required to make any such deduction accountable to the Board;

- (b) prescribing the allowances which may be included in a declaration for the purposes of section 98(1) and which may be admitted for the purposes of calculating the amount of tax to be deducted or withheld pursuant to section 99(1);
- (c) for the production to and inspection by the Board or any person authorised by it of wages sheets and other documents and records for the purpose of satisfying the Board that tax has been and is being deducted and accounted for in accordance with the Regulations;
- (d) for appeals with respect to matters arising under the Regulations which would not otherwise be the subject of appeal;
- (e) for regulating the times when, the dates on which or the periods within which declarations may be filed under section 98;
- (f) for the purpose of safeguarding the collection of tax.

(3) Regulations made under subsection (1) may prescribe in respect of any contravention of or failure to comply with any provision thereof a penalty on summary conviction of a fine of five thousand dollars or imprisonment for three months.

(4) Any Regulations made under the provisions of this section shall not affect any right of appeal to the Appeal Board which a person would have apart from such Regulations.

The Appeal Board.

Transitional provisions. [23 of 1957 18 of 1958 16 of 1963].

126. (1) Notwithstanding anything contained in this Act but subject to the provisions of this section, income tax on all emoluments arising or accruing in or derived from or received in Trinidad and Tobago during the year 1957 is hereby discharged.

(2) Income tax shall not be discharged as aforesaid unless the person entitled to any emoluments arising or accruing in or derived from or received in Trinidad and Tobago during the year 1957 is at some time during the year 1958 in receipt of emoluments arising or accruing in or derived from or received in Trinidad and Tobago during the year 1958 from which deductions are made in accordance with the provisions of section 99 of this Act.

(3) If any person is in receipt for part only of the year 1958 of emoluments arising or accruing in or derived from Trinidad and Tobago during that year the amount of income tax to be discharged shall be an amount that bears to the full amount of income tax which would but for the provisions of this subsection be discharged the same proportion that the part of the year 1958 during which he is in receipt of such emoluments bears to the whole of that year.

(4) Where any person in the same employment or holding the same office during the years 1956 and 1957 received in respect of the year 1957 any emoluments by virtue of that employment or office and such emoluments are in excess of the emoluments received by him by virtue of that employment or office in respect of the year 1956 by reason wholly or in part of—

- (a) an additional amount being granted on or after 1st January, 1957; or
- (b) a change in the conditions of service attaching to that employment or office being effected on or after 1st January, 1957,

income tax on so much of the amount of the excess as is attributable to either such reason shall not be discharged; but this subsection shall not apply to any increase of emoluments arising from—

- (a) promotion in the ordinary course of events, or the ordinary application of an incremental scale of emoluments; or
- (b) overtime paid at ordinary rates.

(5) For the purposes of subsection (3) the income tax on the amount of the excess which shall not be discharged shall be an amount that bears to the difference between the income tax on the emoluments received in respect of the year 1957 and the income tax on the emoluments received in respect of the year 1956 the same proportion that the amount of the excess of emoluments in respect of which income tax is not discharged as provided for in the said subsection (3) bears to the difference between the emoluments received in respect of the year 1957 and the emoluments received in respect of the year 1956.

(6) For the purpose of determining the amount of income tax on any emoluments which form a part only of the total income assessed to income tax pursuant to the provisions of this Act the amount of income tax on such emoluments shall be an amount that bears to the full amount of income tax so assessed the same proportion that the emoluments bear to the total income.

(7) For the purposes of this section the expressions “employment”, “office” and “emoluments” have the respective meanings assigned to those expressions by section 98 or section 100.

Discharge of tax
for 1962.
[16 of 1963
5 of 1964
29 of 1966]

127. (1) Notwithstanding anything contained in this Act other than the provisions of section 126 but subject to this section, income tax on all income (other than income tax on all emoluments within the meaning of section 100) that would have been chargeable to tax for what would have been the year of assessment 1963 had the Income Tax (Amendment) Act 1963 not been passed, is hereby discharged.

16 of 1963.

(2) Where the tax payable by any person for the year of income 1963 is less than the tax that would have been payable for what would have been the year of assessment 1963 had the Income Tax (Amendment) Act 1963 not been passed, the amount of tax to be discharged shall not exceed the amount of tax assessed and paid for the year of income 1963, if—

- (a) such person was in receipt of income for part only of the year of income 1963; or

- (b) such person was in receipt of income for part or the whole of the year of income 1963, but the income—
- (i) did not include income from such of the sources from which the total income for what would have been the year of assessment 1963, had the said Act not been passed, was derived, as the Board may in any case determine; or
 - (ii) was income arising, accruing in, derived from or received in Trinidad and Tobago in respect of a business, trade, profession or vocation that, in the opinion of the Board, has been voluntarily curtailed or reduced by such person.

(3) For the purpose of determining the amount of income tax to be discharged where the total income of an individual includes emoluments within the meaning of section 100 the tax to be discharged shall be an amount that bears to the full amount of income tax assessed in accordance with this Act the same proportion that the income from sources other than emoluments bears to the total income without any deductions allowable under section 17, 18 or 31 but allowing deductions under section 12 other than an allowance in respect of an annual payment under section 12(f).

(4) Notwithstanding the provisions of this Act no loss that may have been allowed to be set-off in computing the chargeable income of any person (who carried on any trade, business, profession or vocation either solely or in partnership) for what would have been the year of assessment 1963 had the Income Tax (Amendment) Act 1963 not been passed, may be set-off in computing the chargeable income of that person for any year of income. 16 of 1963.

(5) Nothing in subsection (4) shall prevent any loss incurred during a former year of assessment that is permitted under this Act to be set-off in a subsequent year, from being so set-off in a year of income in computing the chargeable income of such person for that year of income.

LAWS OF TRINIDAD AND TOBAGO

16 of 1963. (6) Where the amount of tax to be discharged as determined by subsection (2) is less than the tax that would have been payable for what would have been the year of assessment 1963, had the Income Tax (Amendment) Act 1963 not been passed, the remainder of the tax that would have been so payable shall be deemed to be tax payable in respect of the year of income 1963.

Assessments deemed to be those of previous years. [16 of 1963 5 of 1964].

128. (1) Notwithstanding the provisions of this Act, assessments on all emoluments as defined in section 100 for the former years of assessment 1959 to 1962 inclusive shall be deemed to have been assessments for the former years of assessment 1958 to 1961, respectively, and tax paid or payable in respect to the former years of assessment 1959 to 1962 inclusive shall be deemed to have been paid or to be payable in respect of those years at the then prevailing rates.

16 of 1963. (2) Amounts deducted in the year 1962 from emoluments, as defined in section 100 earned in that year on account of tax which would have been assessable on such emoluments in what would have been the year of assessment 1963 had the Income Tax (Amendment) Act 1963 not been passed, shall be deemed to have been chargeable and deductible on account of tax for the former year of assessment 1962 at the then prevailing rates and the remainder of such tax, on such emoluments if any, shall be deemed to be chargeable and payable in respect of tax for the said former year of assessment 1962 at the then prevailing rates.

(3) Nothing in subsections (1) and (2) shall be construed as permitting adjustments to be made that would not otherwise have fallen to have been made if this section had not been enacted.

Assessments already made for 1963. [16 of 1963 29 of 1966].

129. Notwithstanding that any assessment has been made upon any person before the Income Tax (Amendment) Act 1963 was passed in respect of his chargeable income for what would have been the year of assessment 1963 had that Act not been passed, the provisions of this Act shall have effect in relation to that income and the Board may refund the amount paid, if any, in respect of the tax discharged by this Act or instead of making a refund, may, where the person is liable or about to become liable to make a

payment under this Act for the year of income 1963, apply any part of that amount to that other liability and refund any balance to such person and notify such person of that action.

MISCELLANEOUS POWERS OF THE BOARD

130. (1) Subject to subsections (2) and (3), every person carrying on a trade or business either on his own behalf or who, in the ordinary course of the operations thereof, receives or retains money in such circumstances that interest becomes payable thereon which is paid or credited, and, in particular, every person carrying on the trade or business of banking shall, if required to do so by notice from the Board, make and deliver to the Board, within the time specified in the notice, a return of all interest paid or credited by him as aforesaid during a year specified in the notice in the course of his trade or business or any such part of his trade or business as may be so specified, giving the names and addresses of the persons to whom the interest was paid or credited and stating in each case the amount of interest.

Power to obtain information as to interest paid or credited without deduction of tax. [16 of 1963, 29 of 1966, 14 of 1987, 11 of 1988, 35 of 1998].

(1A) Every person required by subsection (1) to make a return in accordance with that subsection shall obtain from a person to whom is paid or credited interest in the sum of two hundred and fifty dollars or to whom interest becomes payable in respect of a deposit exceeding ten thousand dollars (in this section referred to as “a depositor to whom this section applies”) the Board of Inland Revenue file number of such person and shall enter such file number in the return made and delivered under the subsection.

(1B) A depositor to whom this section applies shall, at the request of a person required by subsection (1), to make a return in accordance with the provisions of that subsection, supply his Board of Inland Revenue file number to such person.

(1C) Subject to subsection (1D), a person required by subsection (1) to make a return in accordance with that subsection who fails to obtain or to enter the Board of Inland Revenue file number in accordance with subsection (1A), is guilty of an offence but it is a good defence to a complaint brought under this subsection that any such failure was not due to the wilful neglect or default of the person so required to obtain or to enter the said file number.

(1D) A depositor to whom this section applies who fails to supply his Board of Inland Revenue file number in accordance with subsection (1B) is guilty of an offence and liable on summary conviction to a fine of fifteen thousand dollars and to imprisonment for one year.

(2) No interest paid or credited to any person shall be required to be included in any such return if the total amount of the interest paid or credited to that person which would otherwise have fallen to be included in the return does not exceed two hundred and fifty dollars.

(3) The year specified in a notice under subsection (1) shall not be a year ending more than three years before the date of the service of the notice.

(4) Without prejudice to the generality of so much of subsection (1) as enables different notices to be served thereunder in relation to different parts of a trade or business, separate notices may be served under that subsection as respects the transactions carried on at any branch or branches respectively specified in the notices, and any such separate notice shall, if served on the manager or other person in charge of the branch or branches in question, be deemed to have been duly served on the person carrying on the trade or business; and where such a separate notice is so served as respects the transactions carried on at any branch or branches, any notice subsequently served under the said subsection (1) on the person carrying on the trade or business shall not be deemed to extend to any transaction to which the said separate notice extends.

Ch. 79:04.

(5) This section shall, with any necessary adaptations, apply in relation to the Post Office Savings Bank as if it were a trade or business carried on by the Postmaster General.

(6) Subsection (5) shall have effect notwithstanding anything in section 15 of the Post Office Savings Bank Act, but save as aforesaid that section shall remain in full force and effect.

(7) This section shall apply to interest paid or credited on or at any time after 31st December, 1962.

(8) This section shall apply only to money received or retained in Trinidad and Tobago, and if a person to whom any interest is paid or credited in respect of any money received or retained in Trinidad and Tobago by notice in writing served on the person paying or crediting the interest—

- (a) declares that the person who was beneficially entitled to that interest when it was paid or credited was not then ordinarily resident in Trinidad and Tobago; and
- (b) requests that the interest shall not be included in any return under this section,

the person paying or crediting the interest shall not be required to include that interest in any such return.

(9) This section does not apply to interest paid or credited to a resident individual.

131. (1) The Board may, in relation to any particular matters or class of matters, by writing under its hand delegate to a Commissioner or other person all or any of its powers or functions under this Act except this power of delegation, so that the delegated powers or functions may be exercised by the Commissioner or other persons with respect to the matters or class of matters specified in the instrument of delegation.

Delegation by Board.
[16 of 1963
29 of 1966].

(2) Every delegation under this section shall be revocable at will, but any delegation shall not prevent the exercise of any power or function by the Board.

(3) Any delegation under this section may be made subject to a power of review and alteration within the period specified in the instrument of delegation by the Board of any act done in pursuance of the delegation and the decision given upon such review or alteration shall be deemed to be that of the Board.

132. The Board, a Commissioner or any officer acting under its authority shall be indemnified against any liability with respect to any act or thing performed or done by it or in its name in connection with any duty imposed by this Act.

Indemnity for liability.
[16 of 1963].

**EXPENSES ALLOWANCES TO DIRECTORS
AND OTHERS**

Expenses
allowances, etc.
[16 of 1963
5 of 1964
6 of 1989].

133. (1) Subject to sections 134 to 141, any sum paid in respect of expenses by a company to any of its directors or to any person employed by it in an employment to which these sections apply shall be treated as a perquisite of the office or employment of that director or employee and included in the emoluments as defined in section 100 of such director or employee and chargeable to income tax accordingly; but nothing in this subsection shall prevent a claim for deduction being made under this Act in accordance with section 10(1)(a).

(2) In this section, and, in relation to any director or person employed in an employment to which this section and sections 134 to 141 apply, in so much of section 76 as requires employers in certain cases to give particulars of payments to directors and employees in respect of expenses, any reference to a sum paid in respect of expenses includes a reference to any sum put by a company at the disposal of a director or employee and paid away by him.

Benefits in kind
to be taken into
account.
[16 of 1963
5 of 1964
11 of 1988
6 of 1989
25 of 1992
6 of 1993
5 of 2004].

***134.** (1) Subject to sections 135 to 141, where a company incurs expense in or in connection with the provision, for any of its directors or for any person employed by it in an employment to which sections 133 to 141 apply, of living or other accommodation, of entertainment, of domestic or other services or of other benefits or facilities of whatsoever nature, and, apart from this section the expense would not be chargeable to tax as income of the director or employee, so much of the said expenses as is not made good to the company by the director or employee shall be chargeable to tax under the provisions of this Act as if the expense had been incurred by the director or employee and the amount thereof had been refunded to him by the company by means of a payment in respect of expenses, and section 76 and subsection (2) of this section shall have effect in relation thereto.

* The approval required by the Board of Inland Revenue under subsection (6A) of this section for a contract under this section has been validated under section 13 of the Finance Act, 2004 (Act No. 5 of 2004) which validated approval given prior to the commencement of the said Act, i.e., 30th January, 2004.

(2) If the director or employee is wholly, exclusively and necessarily obliged to incur and defray out of the emoluments of his employment or office (within the meaning of section 100) the expenses of travelling in the performance of the duties of the employment or office, or of keeping or maintaining means of transport to enable him to perform the same, there may be deducted in computing the chargeable income of the director or employee, the expenses so wholly, exclusively and necessarily incurred and defrayed.

(3) Subsection (1) shall not apply to expense incurred by the company in or in connection with the provision for a director or employee in any of its business premises, of any accommodation, supplies or services provided for the director or employee himself and used by him solely in performing the duties of his office or employment.

(4) Subsection (1) shall not apply to expense incurred by the company in or in connection with the provision of living accommodation for an employee in part of any of its business premises which include living accommodation if the employee is, for the purposes of enabling him properly to perform his duties, required by the terms of his employment to reside in the accommodation and either—

- (a) the accommodation is provided in accordance with a practice which commonly prevails in trades of the class in question as respects employees of the class in question; or
- (b) it is necessary, in the case of trades of the class in question, that employees of the class in question should reside on premises of the class in question,

but this subsection shall not apply where the employee is a director of the company in question or of any other company over which that company has control or which has control over that company or which is under the control of a person who also has control over that company.

(5) Subsection (1) shall not apply to expense incurred by the company in or in connection with the provision of meals in any canteen in which meals are provided for the staff generally.

(6) Subject to subsection (6A), subsection (1) shall not apply to expense incurred by the company in or in connection with the provision for a director or employee himself or for his spouse, children or dependants of any pension, annuity, lump sum, gratuity or other like benefit to be given on his death or retirement.

(6A) Subsection (6) shall not apply where the employer contributes to a fund or contracts with any person to provide the benefit referred to in that subsection unless the fund or contract is approved by the Board.

(6B) The Board shall not approve a fund or contract to provide such benefit where—

(a) the total of—

- (i) the contributions made in respect of the director or employee to the fund or under the contract, as the case may be; and
- (ii) any contributions made by the director or employee to an approved pension fund plan or approved deferred annuity plan,

exceed one-third part of the chargeable income of the employee computed in accordance with the provisions of this Act before making the deductions specified in section 20;

(b) the fund or contract—

- (i) allows for the issuance of a loan in respect of such fund or contract;
- (ii) allows for such fund or contract to be used as a security for a loan; or
- (iii) except in accordance with paragraph (c) or (d), allows for the commutation in whole or in part, the surrender or the assignment of the benefits to be derived from such fund or contract;

(c) a lump sum or gratuity is payable before the employee attains the age of fifty other than on the death of the employee;

(d) the lump sum or gratuity payable on retirement exceeds twenty-five per cent of the capitalised value of the annual pension or annuity.

(6C) Subsection (6A) shall not apply to contributions made by an employer to a group life insurance policy.

(6D) In this section—

“group life insurance policy” means a life insurance policy under which—

- (a) the lives of a group of employees are insured under a single insurance policy made between a life insurance company and an employer;
- (b) the only benefit payable is a lump sum on death or disability of the life insured; and
- (c) the life insurance policy has no cash surrender value;

“life insurance policy” has the same meaning as in section 34(6).

(7) Any reference in this section to expense incurred in or in connection with any matter includes a reference to a proper proportion of any expense incurred partly in or in connection with that matter.

(8) Where a motor vehicle or any equipment belonging to a company is made available to any of its directors or to any person employed by it in an employment to which sections 133 to 141 apply, and the motor vehicle or equipment is available for the private use of the director or employee, such private use shall be treated as a perquisite of the office or employment of the director or employee and included in the emoluments as defined in section 100 of the director or employee and is chargeable to income tax.

(9) The value per month of the perquisite referred to in subsection (8) is deemed to be one per cent of the cost of acquisition of the motor vehicle or equipment or $33\frac{1}{3}$ per cent of the monthly rental of the motor vehicle or equipment incurred by the company, as the case may be.

Tax on refund
of premiums.

134A. (1) Where an amount is payable by a company in respect of a fund or contract approved by the Board under section 134(6B) upon the death of a director or employee by way of refund of premiums, there shall be deducted or withheld, a tax equal to ten per cent of the amount payable and the remainder of the amount, when received by the beneficiary of the director or employee, shall be deemed not to be the income of the beneficiary for the purposes of this Act.

(2) The tax referred to in subsection (1) shall be paid by the company to the Board by the fifteenth day of the month following that in which the refund of premiums was paid.

(3) There shall be payable by the company a penalty of one hundred per cent of the tax owed for failure to pay the tax within the time specified in subsection (2).

(4) There shall be payable from the due date, interest at the rate of twenty per cent a year on the amount of tax remaining unpaid.

(5) In this section and in section 134, “refund of premiums” has the meaning assigned to it in section 28(1)(m).

Valuation of
benefits in kind.
[16 of 1963
5 of 1964].

135. (1) Any expense incurred by a company in the acquisition or production of an asset which remains its own property shall be left out of account for the purposes of section 134.

(2) Where the making of any such provision as is mentioned in section 134(1) takes the form of a transfer of the property in any asset of the company, and, since the acquisition or production thereof by the company the asset has been used or has depreciated, the company shall be deemed to have incurred in the making of the said provision expense equal to the value of the asset at the time of the transfer.

(3) Where a company is assessable in respect of any premises the whole or any part of which is made available by it as living or other accommodation for any of its directors or employees, and either the company pays no rent in respect of the premises or the annual amount of the rent paid by it is less than the annual

value of the premises, section 133 shall have effect as if the company paid in respect of the premises an annual rent equal to the amount of the assessment.

(4) Where an asset which continues to belong to the company is used wholly or partly in the making of any such provision as is mentioned in section 134(1) and the asset is not premises in respect of which the company is assessable under this Act, the company shall be deemed for the purposes of section 134 to incur in addition to any other expense incurred by it in connection with the asset, not being expense to which subsection (1) applies, annual expense in connection therewith of an amount equal to the annual value of the use of the asset; but where any sum by way of rent or hire is payable by the company in respect of the asset—

- (a) if the annual amount of the rent or hire is equal to or greater than the annual value of the use of the asset, this subsection shall not apply; and
- (b) if the annual amount of the rent or hire is less than the annual value of the use of the asset, the rent or hire shall be left out of account for the purposes of section 134.

(5) Any reference in this section to a company which is assessable under this Act in respect of any premises shall be deemed to include a reference to a company which would be so assessable if a state of affairs which subsists during any part of the year had subsisted for the whole of the year.

136. (1) In this section and in sections 133 to 135 and 137 to 141 “director” means—

- (a) in relation to a company, the affairs whereof are managed by a board of directors or similar body, a member of that board or similar body;
- (b) in relation to a company, the affairs whereof are managed by a single director or similar person, that director or person;
- (c) in relation to a company, the affairs whereof are managed by the members themselves, a member of the company,

Meaning of “director”, “employment” and “employ”. [16 of 1963].

and includes any person in accordance with whose directions or instructions the directors of a company, defined in accordance with the preceding provisions of this subsection, are accustomed to act; but a person shall not within the meaning of this subsection be deemed to be a person in accordance with whose directions or instructions the directors of a company are accustomed to act by reason only that the said directors act on advice given by him in a professional capacity.

(2) In this section, “employment” means an employment such that any emoluments thereof would fall to be assessed under this Act and references to persons employed by, or employees of, a company include any person who takes part in the management of the affairs of the company and is not a director thereof.

(3) (a) Subject to this subsection and subsections (4) and (5), the employments to which sections 133 to 141 apply are employments the emoluments of which, calculated on the basis that they are employments to which those sections apply and without any deduction being made in respect of money expended in performing the duties thereof, are at the rate of nine thousand six hundred dollars a year or more.

(b) Where a person is employed in several employments by the same company, and the total of the emoluments of those employments, calculated as aforesaid, is at the rate of nine thousand six hundred dollars a year or more, all those employments shall be treated as employments to which sections 133 to 141 apply.

(c) Where a person is director of a company, all employments in which he is employed by the company shall be treated as employments to which the sections 133 to 141 apply.

(4) All the directors of and persons employed by a company over which another company has control shall be treated for the purposes of subsection (3)(b) and (c) but not for any other purpose, as if they were directors of, or, as the case may be, as if the employment were an employment by, that other company.

(5) Notwithstanding anything in the preceding provisions of this section, no employment of a person by a company at a

school or other educational establishment carried on by that company shall be an employment to which sections 133 to 141 apply or be taken into account in determining whether any other employment is an employment to which those sections apply.

137. (1) If a company furnishes to the Board a statement of the cases and the circumstances in which payments of a particular nature are made or things of a particular nature are provided for any of its directors or employees and the Board is satisfied that no additional tax would fall to be paid if sections 133 to 136 and 138 to 141 were to apply in relation to payments made or things provided by the company in accordance with the statement, the Board shall notify the company accordingly and, where such a notification is given, those sections shall not apply in relation to payments made or things provided by the company in accordance with the statement.

Saving for certain payments and expenses. [16 of 1963 29 of 1966].

(2) Notwithstanding subsection (1), the Board may, if in its opinion there is reason to do so by notice in writing served on the company, revoke any such notification, either as from the date of the making of the notification or as from such later date as may be specified in the notice and thereupon all such tax shall become chargeable, and all such returns shall be made by the company and by the directors or employees in question, as would have been chargeable or would have had to have been made in the first instance if the notification had never been given or, as the case may be, if it had ceased to have effect on the specified date.

138. (1) Where, for the purposes of a return under section 76, a company apportions expenses incurred partly in or in connection with a particular matter and partly in or in connection with other matters, the return shall contain a statement that the sum included in the return is the result of such an apportionment and the company, if required to do so by notice from the Board, shall prepare and deliver to the Board, within the time limited by the notice which shall be not less than fourteen days from the receipt of such notice, a return containing full particulars as to the amount apportioned and the manner in which and the grounds on which the apportionment has been made.

Additional provisions as to information. [16 of 1963 29 of 1966]

(2) The provisions of this Act relating to returns under section 76 shall apply in relation to any return required under subsection (1).

Charities and
non-trading
bodies.
[16 of 1963].

139. Sections 133 to 138, 140 and 141 shall not apply in relation to any company established for charitable purposes only, or to any other company unless it carries on a trade or its functions consist wholly or mainly in the holding of investments or other property or, except in relation to persons employed by it in an employment to which those sections apply wholly or mainly for the purposes of a trade carried on by it, to any municipal corporation within the meaning of the Municipal Corporations Act.

Ch. 25:04.

Interpretation.
[16 of 1963].

140. (1) In sections 133 to 141 “business premises”, in relation to a company, includes all premises occupied by that company for the purposes of any trade carried on by it; but where the reference is expressly to premises which include living accommodation, the said expression does not include so much of any such premises as aforesaid as is used wholly or mainly as living accommodation for any of the directors of the company or for any persons employed by the company in any employment to which those sections apply.

(2) Any reference in sections 133 to 141 to anything provided for a director or employee shall, unless the reference is expressly to something provided for the director or employee himself, be construed as including a reference to anything provided for the spouse, family, servants, dependants or guests of that director or employee, and the reference in subsection (1) to living accommodation for directors or employees shall be construed accordingly.

(3) In sections 133 to 141 “control”, in relation to a company, means the power of a person to secure, by means of the holding of shares or the possession of voting power in or in relation to that or any other company or by virtue of any powers conferred by the articles of association or other document regulating that or any other company, that the affairs of the first-mentioned company are conducted in accordance with the wishes of that person and, in relation to a partnership, means the right to a share of more than half of the assets, or of more than one-half of the income, of the partnership.

141. (1) Sections 133 to 140 shall apply in relation to a body of persons as they apply in relation to a company, and, in connection with the said sections, the definition of “control” in section 140 shall, with the necessary adaptations, also so apply.

Unincorporated
bodies and
partnerships.
[16 of 1963].

(2) Subject to subsection (3), sections 133 to 140 shall apply in relation to any partnership carrying on any trade, profession or vocation as they would apply in relation to a company carrying on a trade if so much thereof as relates to directors of the company or persons taking part in the management of the affairs of the company were omitted.

(3) In subsection (2)—

Construction of
reference in Act.

(a) “control” has, in relation to a partnership, the meaning assigned to it by section 140 in relation to a company;

(b) where such a partnership as aforesaid has control over a company to which sections 133 to 140 apply—

(i) any employment of any director of that company by the partnership shall be an employment to which those sections apply; and

(ii) all the employments of any person who is employed both by the partnership and by the company, being employments by the partnership or the company, shall, for the purpose of determining whether those employments or any of them are employments to which those sections apply, be treated as if they were employments by the company.

(4) Subsections (2) and (3) apply in relation to individuals as they apply in relation to partnerships; but nothing in subsection (3) shall cause an individual to be treated in any circumstances as under the control of another person.

General as to
exemption.
[29 of 1966].

142. (1) Notwithstanding any written law to the contrary, where, under any enactment conferring exemption from income tax with respect to distributions or payments of interest made to members of a company that is exempt from income tax, the period during which such company may distribute profits that are exempt from tax is limited, such company may nevertheless distribute the exempt profits at any time thereafter and every such sum when so distributed is exempt from the payment of income tax in the hands of such members, if a special account showing the distribution and payments of interest made by the exempt company is maintained by the company to the satisfaction of the Board.

(2) Where by any written law conferring exemptions from income tax with respect to the distributions or payments of interest made to members of a company that is itself exempt from tax, a member of such a company is another company, then that other company is entitled at any time to distribute a sum equal to the exempt distributions or payments of interest received by it to its members, and every such sum when so distributed is exempt from payment of income tax in the hands of such members, if a special account showing the distribution and payments of interest received from the exempt company is maintained by the other company to the satisfaction of the Board.

FIRST SCHEDULE

Section 5.
[16 of 1963
29 of 1966].CAPITAL GAINS (SUPPLEMENTARY
PROVISIONS) RULES

INTERPRETATION

1. (1) In these Rules—

“allowable loss” means any loss that is permitted to be deducted in computing the chargeable gains of any person for a year of income under rules 3 and 5;

“assets” means all forms of property whether situated in Trinidad and Tobago or not, including—

- (a) options, debts and incorporeal property generally;
- (b) any currency other than the currency of Trinidad and Tobago;
- (c) any form of property created by the person disposing of it, or otherwise coming to be owned without being acquired;

“branch or agency” means any factorship, agency, receivership, branch or management;

“chargeable gains” means every gain accruing on the disposal of an asset after 1st January, 1966 (that is the commencement of the Finance Act 1966) 29 of 1966. except so far as otherwise expressly provided by these Rules;

“control” shall be construed in accordance with rule 3 of the Third Schedule of the Corporation Tax Act; Ch. 75:02.

“disposal” except as otherwise expressly provided by these Rules has the meaning assigned to that expression in rule 4;

“legatee” includes any person taking under a testamentary disposition or on an intestacy or partial intestacy, whether he takes beneficially or as trustee, and a *donatio mortis causa* shall be treated as a testamentary disposition and shall not be treated as a gift;

“market value” in relation to any asset, means subject to rule 7, the price which that asset might reasonably be expected to fetch on a sale in the open market;

“non-resident company” has the meaning assigned to that expression for the purposes of the Corporation Tax Act in section 2 thereof; Ch. 75:02.

“person” includes a company;

“part disposal” has the meaning given by subrule (2);

“personal representative” means an executor, original or by representation, or administrator for the time being of a deceased person, and as regards any

liability for the payment of death duties, includes any person who takes possession of, or intermeddles with, the property of the deceased person without the authority of the personal representative or the Court;

“principal” means, in relation to a branch or agency, the person, by whatever name called, managing or in charge of the branch or agency;

Ch. 75:02.

“resident company” has the meaning assigned to that expression for the purposes of the Corporation Tax Act in section 2 thereof;

“short-term capital gains” means chargeable gains accruing on a disposal of an asset within twelve months of its acquisition;

“trading stock”, in relation to any trade, means any property of any description whether real or personal being either—

- (a) property such as is sold in the ordinary course of the trade or would be so sold if it were mature, or if its manufacture, preparation or construction were complete; or
- (b) materials such as are used in the manufacture, preparation or construction of any such property as is referred to in paragraph (a).

(2) For the purposes of these Rules—

- (a) references to a disposal of an asset include references to a part disposal of the asset;
- (b) there is a part disposal of an asset where an interest or right in or over the asset is created by the disposal, as well as where it subsists before the disposal, and generally, there is a part disposal of an asset where, on a person making a disposal, any description of property derived from the asset remains undisposed of.

(3) In the case of a disposal within the meaning of rule 4(1)(a), (b) and (c), the time of the disposal shall be the time when the right to the capital sum is derived as described in that subrule.

(4) A hire purchase or other transaction under which the use and enjoyment of an asset is obtained by a person for a period at the end of which the property in the asset will or may pass to that person shall be treated for the purposes of these Rules, both in relation to that person and in relation to the person from whom he obtains the use and enjoyment of the asset, as if it amounted to an entire disposal of the asset to that person at the beginning of the period for which he obtains the use and enjoyment of the asset, but, subject to such adjustments of tax, whether by way of repayment or discharge of tax or otherwise, as may be required, where the period for which that person has the use and enjoyment of the asset terminates without the property in the asset passing to him.

PART I

CHARGE TO TAX

GENERAL

2. Where a person is not resident and not ordinarily resident in Trinidad and Tobago the tax shall be so charged on chargeable gains accruing on the disposal of assets that are immovable property situated in Trinidad and Tobago.

COMPUTATION OF CHARGEABLE GAINS

3. In ascertaining the chargeable gains accruing to any person chargeable with tax in a year of income, there may be deducted any allowable loss accrued to that person in that year of income and, (so far as such loss has not been allowed as a deduction in ascertaining chargeable gains accruing in any previous year of income), any allowable loss accruing to that person in any previous year of income, not earlier than the year of income 1966.

DISPOSAL OF ASSETS

4. (1) Subject to subrule (4), and to the exceptions in these Rules, there is for the purposes of these Rules a disposal of assets by their owner where the right to any capital sum is derived from assets notwithstanding that no asset is acquired by the person paying the capital sum, and this subrule applies in particular to the right to—

- (a) capital sums by way of compensation for any kind of damage or injury to assets or for the loss, destruction or dissipation of assets or for any depreciation or risk of depreciation of an asset;
- (b) capital sums under a policy of insurance of the risk of any kind of damage or injury to, or the loss or depreciation of, assets;
- (c) capital sums in return for forfeiture or surrender of rights, or for refraining from exercising rights.

(2) Subject to the provisions of these Rules, a person's acquisition of an asset and the disposal of it to him shall for the purposes of these Rules be deemed to be for a consideration equal to the market value of the asset—

- (a) where he acquires the asset otherwise than by way of a bargain made at arm's length and in particular where he acquires it by way of gift or by way of distribution from a company in respect of shares in the company; or
- (b) where he acquires the asset wholly or partly for a consideration that cannot be valued, or in connection with his own or another's loss of office or employment or diminution of

emoluments, or otherwise in consideration for or in recognition of his or another's services or past services in any office or employment or of any other service rendered by him or another; or

- (c) where he acquires the asset as trustee for creditors of the person making the disposal.

(3) In relation to assets held by a person as nominee for another person, or as trustee for another person absolutely entitled as against the trustee, or for any person who would be so entitled but for being an infant or other person under disability (or for two or more persons who are or would be jointly so entitled), these Rules shall apply as if the property were vested in, and the acts of the nominee or trustee in relation to the assets were the acts of, the person or persons for whom he is the nominee or trustee (acquisitions from or disposals to him by that person or persons being disregarded accordingly).

(4) In this rule, "capital sum" means any money or money's worth which is not excluded from the consideration taken into account in the computation under these Rules.

Losses.

5. (1) Except as otherwise expressly provided, the amount of a loss accruing on a disposal of an asset shall be computed in the same way as the amount of a gain accruing on a disposal.

(2) Except as otherwise expressly provided, all the provisions of these Rules which distinguish gains which are chargeable gains from those which are not, or which make part of a gain a chargeable gain, and part not, shall apply also to distinguish losses which are allowable losses from those which are not, and to make part of a loss an allowable loss, and part not, and references in these Rules to an allowable loss shall be construed accordingly.

(3) Subject to these Rules, the occasion of the entire loss, destruction, dissipation or extinction of an asset shall, for the purposes of these Rules, constitute a disposal of the asset whether or not any capital sum by way of compensation or otherwise is received in respect of the destruction, dissipation or extinction of the asset.

(4) For the purposes of subrules (1) and (3), a building and any permanent or semi-permanent structure in the nature of a building, may be regarded as an asset separate from the land on which it is situated, but where either of those subrules apply in accordance with this subrule, the person deemed to have made the disposal of the building shall be treated as if he had also sold, and immediately re-acquired the site of the building or structure (including in the site any land occupied for purposes ancillary to the use of the building or structure) for a consideration equal to its market value at that time.

(5) A loss accruing to a person in a year of income shall not be an allowable loss for the purposes of these Rules unless he would be chargeable to

income tax in respect of a chargeable gain if there had been a gain instead of a loss on that occasion.

(6) In no case shall any allowable loss be deducted from income other than short-term capital gains, nor shall any loss under this Act be deducted in computing short-term capital gains.

6. (1) Rights and winnings obtained by participating in pool betting or lotteries or games with prizes, lawfully carried on under or by virtue of the provisions of the Gambling and Betting Act, shall not be chargeable assets and no chargeable gain or allowable loss shall accrue on their disposal. Ch. 11:19.

(2) No chargeable gain shall accrue—

- (a) upon the disposal by an individual of currency of any description acquired by him for personal expenditure outside Trinidad and Tobago of himself or his family or dependants (including expenditure on the provision or maintenance of any resident outside Trinidad and Tobago);
- (b) from sums obtained by way of compensation or damages for any wrong or injury suffered by an individual in his person or in his profession or vocation;
- (c) from winnings from betting lawfully carried on under or by virtue of the Gambling and Betting Act, including pool betting and lotteries or games with prizes; Ch. 11:19.
- (d) on the disposal of an asset by an individual or a company which is under the provisions of this Act or of the Corporation Tax Act, exempt from tax; Ch. 75:02.
- (e) on the disposal of any security in Trinidad and Tobago;
- (f) private motor-cars, household goods and owner-occupied houses disposed of for five thousand dollars or under.

(3) In this rule “security” includes any loans, stock or similar security whether of the Government of Trinidad and Tobago or any other Government, or of any public or local authority in Trinidad and Tobago or elsewhere, or of any company, or whether secure or unsecured.

VALUATION

7. (1) In any case where it considers it proper, the Board may determine the market value of any asset.

(2) In estimating the market value of any assets no reduction shall be made in the estimate on account of the estimate being made on the assumption that the whole of the assets is to be placed on the market at one and the same time.

(3) If and so far as the question in dispute on any objection to or appeal against an assessment to tax on chargeable gains, or against a decision on a claim under these Rules is a question of the value of any land, or of a lease of land then the question shall be determined by the Appeal Board.

(4) If and so far as any such appeal involves the question of the value of any shares or securities in a resident company, that question shall be determined by the Appeal Board.

PART II

COMPUTATION

GENERAL

8. The following provisions of these Rules shall have effect for computing for the purposes of this Act the amount of a gain accruing on the disposal of an asset.

EXPENDITURE—GENERAL PROVISIONS

9. (1) Subject to the following provisions of these Rules, the sums allowable as a deduction from the consideration in the computation under these Rules of the gain accruing to a person on the disposal of an asset shall be restricted to—

- (a) the amount or value of the consideration, in money or money's worth, given by him or on his behalf wholly and exclusively for the acquisition of the asset, together with the incidental costs to him of the acquisition or, if the asset was not acquired by him, any expenditure wholly and exclusively incurred by him in providing the asset;
- (b) the amount of any expenditure wholly and exclusively incurred on the asset by him or on his behalf for the purpose of enhancing the value of the asset, being expenditure reflected in the state or nature of the asset at the time of the disposal, and any expenditure wholly and exclusively incurred by him in establishing, preserving or defending his title to, or to a right over, the asset;
- (c) the incidental costs to him of making the disposal.

(2) For the purposes of this rule and for the purposes of all other provisions of this Part, the incidental costs to the person making the disposal, of the acquisition of the asset or of its disposal shall consist of expenditure wholly and exclusively incurred by him for the purposes of the acquisition or, as the case may be, the disposal, being fees, commission or remuneration paid for the

professional services of any surveyor or valuer, or auctioneer, or accountant, or agent or legal adviser and costs of transfer or conveyance (including stamp duty) together—

- (a) in the case of the acquisition of an asset, with costs of advertising to find a seller; and
- (b) in the case of a disposal, with costs of advertising to find a buyer and costs reasonably incurred in making any valuation or apportionment required for the purposes of the computation under these Rules, including in particular expenses reasonably incurred in ascertaining market value where required by this Part.

PART DISPOSAL

10. (1) Where a person disposes of an interest or right in or over an asset and, generally wherever on the disposal of an asset any description of property derived from that asset remains undisposed of, the sums which under rule 9 (1)(a) and (b) are attributable to the asset shall, both for the purposes of the computation under these Rules of the chargeable gain accruing on the disposal and for the purpose of applying these Rules in relation to the property which remains undisposed of, be apportioned.

(2) This rule shall not be taken as requiring the apportionment of any expenditure which, on the facts, is wholly attributable to what is disposed of, or wholly attributable to what remains undisposed of.

PREMIUMS UNDER POLICIES OF INSURANCE

11. There shall be excluded from the sums allowable as a deduction in the computation under these Rules of the gain accruing to a person on the disposal of an asset any premiums or other payments made under a policy of insurance of the risk of any kind of damage or injury to, or loss or depreciation of, the asset.

CONSIDERATION DUE AFTER TIME OF DISPOSAL

12. (1) If the consideration, or part of the consideration, taken into account in the computation under these Rules is payable by instalments, the chargeable gain (or allowable loss) accruing on the disposal shall as regards the whole of the consideration be treated for all the purposes of this Part as accruing at the time when the disposal was made, so, however, that the amount of tax payable on the chargeable gain so accruing shall be paid to the Board in proportionate parts to the proportions of the amounts of the instalments of consideration payable in the respective years of income.

(2) In the computation under these Rules consideration for the disposal shall be brought into account without any discount for postponement of the right to receive any part of it and, in the first instance, without regard to a risk of any part of the consideration being irrecoverable or the right to receive any part of the consideration being contingent; and if any part of the consideration so brought into account is subsequently shown to the satisfaction of the Board of Inland Revenue to be irrecoverable, such adjustment, whether by way of discharge or repayment of tax or otherwise, shall be made as is required in consequence.

CONTINGENT LIABILITIES

13. (1) In the first instance no allowance shall be made in the computation under these Rules—

- (a) in the case of a disposal by way of assigning a lease of land or other property, for any liability remaining with, or assumed by, the person making the disposal by way of assigning the lease which is contingent on a default in respect of liabilities thereby or subsequently assumed by the assignee under the terms and conditions of the lease;
- (b) for any contingent liability of the person making the disposal in respect of any covenant for quiet enjoyment or other obligation assumed as vendor of land, or of any estate or interest in land, or as a lessor;
- (c) for any contingent liability in respect of a warranty or representation made on a disposal by way of sale or lease of any property other than land.

(2) If it is subsequently shown to the satisfaction of the Board of Inland Revenue that any such contingent liability has become enforceable, and is being or has been enforced, such adjustment, whether by way of discharge or repayment of tax or otherwise, shall be made as is required in consequence.

FOREIGN TAX

14. Subject to the provisions of this Part as regards double taxation relief, the tax chargeable under the law of any country outside Trinidad and Tobago on the disposal of an asset which is borne by the person making the disposal shall be allowable as a deduction in the computation under these Rules.

SUPPLEMENTAL

15. (1) No deduction shall be allowable in a computation under these Rules more than once from any sum or from more than one sum.

(2) For the purposes of any computation under these Rules any necessary apportionments shall be made of any consideration or of any

expenditure and the method of apportionment adopted shall, subject to the express provisions of these Rules, be such method as appears to the Board of Inland Revenue or on appeal to the Appeal Board to be just and reasonable.

APPROPRIATIONS TO AND FROM STOCK IN TRADE

16. (1) Subject to subrule (3), where an asset acquired by a person otherwise than as trading stock of a trade carried on by him is appropriated by him for the purposes of the trade as trading stock (whether on the commencement of the trade or otherwise) and, if he had then sold the asset for its market value, a gain or loss would have accrued to him, he shall be treated as having thereby disposed of the asset by selling it for its then market value.

(2) Where an asset forming part of the trading stock of a person's trade is appropriated by him for any other purpose, or is retained by him on his ceasing to carry on the trade, he shall be treated as having acquired it for a consideration equal to the amount brought into the accounts of the trade in respect of it for tax purposes on the appropriation or on his ceasing to carry on the trade, as the case may be.

(3) Subrule (1) shall not apply in relation to a person's appropriation of an asset for the purposes of a trade if he is chargeable to income tax or corporation tax in respect of the profits of the trade and elects that instead the market value of the asset at the time of the appropriation shall, in computing the profits of the trade for purposes of tax, be treated as reduced by the amount of the gain or increased by the amount of the loss referred to in that subrule, and where that subrule does not apply by reason of such an election, the profits of the trade shall be computed accordingly, except that if a person making an election under this subrule is at the time of the appropriation carrying on the trade in partnership with others, the election shall not have effect unless concurred in by the others.

TRANSACTIONS BETWEEN CONNECTED PERSONS

17. (1) This rule shall apply where a person acquires an asset and the person making the disposal is connected with him.

(2) Without prejudice to the generality of rule 4(2) the person acquiring the asset and the person making the disposal shall be treated as parties to a transaction otherwise than by way of a bargain made at arm's length.

(3) If on the disposal a loss accrues to the person making the disposal, it shall not be deductible from a chargeable gain accruing to him on some other disposal of an asset.

HUSBAND AND WIFE

18. If, in any year of income, and in the case of a woman who in that year of income is a married woman living with her husband the man disposes of an

asset to the wife, or the wife disposes of an asset to the man, both shall be treated as if the asset was acquired from the one making the disposal for a consideration of such amount as would secure that on the disposal neither a gain nor loss would accrue to the one making the disposal.

CONNECTED PERSONS

19. (1) Any question whether a person is connected with another shall for the purposes of this Part be determined in accordance with the following subrules (any provision that one person is connected with another being taken to mean that they are connected with one another).

(2) A person is connected with an individual if that person is the individual's husband or wife, or is a relative, or the husband or wife of a relative, of the individual or of the individual's husband or wife.

(3) A person, in his capacity as trustee of a settlement, is connected with any individual who in relation to the settlement is a settlor.

SECOND SCHEDULE

(Repealed by Act No. 6 of 1989)

THIRD SCHEDULE

*Sections 48
and 50.

PART I

RATES OF TAX PAYABLE ON CHARGEABLE INCOME
OF A PERSON OTHER THAN A COMPANY

1. The rates of tax payable on the chargeable income of a person other than a company shall be as follows:

<i>Chargeable Income</i>	<i>Rate of Tax</i>
(a) for every dollar of the first \$50,000	... 25 cents
(b) for every dollar thereafter	... 30 cents

PART II

RATES OF WITHHOLDING TAX

The rates of withholding tax shall be—

- (i) on any distribution made—15 per cent;
but where such distribution is made to a parent company the rate shall be 10 per cent;
- (ii) on any payment made to a person other than a company—20 per cent;
but where such payment is a payment of interest on any debt, mortgage or other security the rate shall be 20 per cent;
- (iii) on any payment made to a company—20 per cent;
but where there is a double taxation agreement in force or where an Order is made under section 96 of this Act, the rate of withholding tax shall be such lesser rate as may be therein provided.

* This Schedule has been amended by the following: 16 of 1963; 29 of 1966; 42 of 1966; 13 of 1968; 1 of 1979; 19 of 1980; 25 of 1981; 11 of 1988; 6 of 1989; 9 of 1990; 4 of 1992; 5 of 1995; 8 of 1996; 9 of 1997; 2 of 2002.

FOURTH SCHEDULE

(Repealed by Act No. 8 of 1996)

Sections 93, 95
and 96.
[29 of 1966
42 of 1966].

FIFTH SCHEDULE

DOUBLE TAXATION REGULATIONS

PART I

**PROVISIONS AS TO RELIEF FROM INCOME TAX BY
WAY OF CREDIT IN RESPECT OF FOREIGN TAX**

Interpretation

1. (1) In this Part of these Regulations—
“Trinidad and Tobago tax” means income tax;
“foreign tax” means, in relation to any country, arrangements with the Government of which have effect by virtue of section 93 of this Act, any tax chargeable under the laws of that country for which credit may be allowed under the arrangements;
“foreign income tax” means any foreign tax which corresponds to income tax;
“total income” means the aggregate amount of the income of any person from the sources specified in section 5 of this Act for a year of income.
(2) Where arrangements having effect by virtue of the said section 93 of this Act provide for any tax chargeable under the laws of the country concerned being treated as income tax, that tax shall, notwithstanding anything contained in this regulation be treated as foreign income tax or foreign tax other than foreign income tax, as the case may be.
(3) Any reference in these Regulations to foreign tax or foreign income tax shall be construed, in relation to credit to be allowed under any arrangements, as a reference only to tax chargeable under the laws of the country with the Government of which the arrangements were made.

General

2. (1) Subject to the provisions of these Regulations where, under the arrangements, credit is to be allowed against any Trinidad and Tobago tax chargeable in respect of any income, the amount of the Trinidad and Tobago taxes so chargeable shall be reduced by the amount of the credit.

(2) For the year of income 1973, the following provision shall be deemed to have had effect in place of the proviso to Part I of the Third Schedule to this Act: Third Schedule.

Where chargeable income of a person—

- (i) does not exceed \$250.00, no tax shall be charged;
- (ii) exceeds \$250.00 but does not exceed \$1,000.00, the tax payable shall be reduced by fifty per cent;
- (iii) exceeds \$1,000.00 but does not exceed \$2,000.00, the tax payable shall be reduced by ten per cent;
- (iv) exceeds \$2,000.00 but does not exceed \$4,000.00, the tax payable shall be reduced by five per cent;
- (v) exceeds \$61,450.00, the tax payable shall not exceed fifty per cent of the total amount of the chargeable income.

(3) Nothing contained in this regulation authorises the allowance of credit against any Trinidad and Tobago tax against which credit is not allowable under the arrangements.

Requirement as to Residence

3. Credit shall not be allowed against tax for any year of income unless the person in respect of whose income the tax is chargeable is resident in Trinidad and Tobago for that year.

Limit on Total Credit

4. The credit shall not exceed the amount which would be produced by computing the amount of the income of the person in question in accordance with the provisions of this Act and then charging it to income tax at a rate ascertained by dividing the income tax chargeable (before allowance of credit under any arrangements having effect under section 93 of this Act) on the total income by the amount of the total income.

5. Without prejudice to the provisions of regulation 4 the total credit to be allowed to a person against income tax for any year of income for foreign tax under all arrangements having effect by virtue of section 93 of this Act shall not exceed the total tax payable by him for that year.

Effect on Computation of Income of Allowance of Credit

6. (1) In computing the amount of the income—
- (a) no deduction shall be allowed in respect of foreign tax (whether in respect of the same or any other income);

- (b) where the income tax chargeable depends on the amount received in Trinidad and Tobago, the said amount shall be increased by the appropriate amount of the foreign tax in respect of the income;
- (c) where the income includes a dividend and under the arrangements, foreign tax not chargeable directly or by deduction in respect of the dividend is to be taken into account in considering whether any, and if so, what credit is to be given against income tax in respect of the dividend the amount of the income shall be increased by the amount of the foreign tax not so chargeable which falls to be taken into account in computing the amount of the credit,

but notwithstanding anything in the preceding provisions of this subregulation a deduction shall be allowed of any amount by which the foreign tax in respect of the income exceeds the credit therefor.

(2) Paragraphs (a) and (b) of subregulation (1) (but not the remainder thereof) shall apply to the computation of total income for the purposes of determining the rate mentioned in regulation 4 and shall apply thereto in relation to all income in the case of which credit falls to be given for foreign tax under arrangements for the time being in force under section 93 of this Act.

7. (1) Where, in the case of any dividend, foreign income tax not chargeable directly or by deduction in respect of the dividend is, under the arrangements, to be taken into account in considering whether any, and if so what, credit is to be given against income tax in respect of the dividend, the foreign income tax not so chargeable which is to be taken into account shall be that borne by the body corporate paying the dividend upon the relevant profits in so far as it is properly attributable to the proportion of the relevant profits which is represented by the dividend.

- (2) For the purposes of subregulation (1), the relevant profits are—
 - (a) if the dividend is paid for a specified period, the profits of that period;
 - (b) if the dividend is not paid for a specified period but is paid out of specified profits, those profits;
 - (c) if the dividend is paid neither for a specified period nor out of specified profits, the profits of the last period for which accounts of the body corporate were made up which ended before the dividend became payable.

Provided that if, however, in a case falling under paragraph (a) or paragraph (c) of this subregulation, the total dividend exceeds the profits available for distribution of the period mentioned in the said paragraph (a) or the said paragraph (c), as the case may be, the relevant profits shall be the profits of that

period plus so much of the profits available for distribution of preceding periods (other than profits previously distributed or previously treated as relevant for the purposes of this subregulation) as are equal to the excess; and for the purposes of this proviso the profits of the most recent preceding period shall first be taken into account, then the profits of the next most recent preceding period, and so on.

8. Where—

- (a) the arrangements provide, in relation to dividends of some classes but not in relation to dividends of other classes, that foreign tax not chargeable directly or by deduction in respect of dividends is to be taken into account in considering whether any, and if so, what credit is to be given against income tax in respect of the dividends; and
- (b) a dividend is paid which is not of a class in relation to which the arrangements so provide,

then, if the dividend is paid to a company which controls, directly or indirectly, not less than one-half of the voting power in the company paying the dividend, credit shall be allowed as if the dividend were a dividend of a class in relation to which the arrangements so provide.

Miscellaneous

9. Credit shall not be allowed under the arrangements against Trinidad and Tobago tax chargeable in respect of the income of any person if he elects that credit shall not be allowed in respect of that income.

10. Subject to regulation 11, any claim for an allowance by way of credit for foreign tax in respect of any income shall be made not later than six years from the year of income and in the event of any dispute as to the amount allowable the claim shall be subject to objection and appeal in like manner as an assessment.

11. Where the amount of any credit given under the arrangements is rendered excessive or insufficient by reason of any adjustment of the amount of any tax payable either in Trinidad and Tobago or under the law of any other country, nothing in this Act or in any other written law limiting the time for making assessments or claims for relief shall apply to any assessment or claim to which the adjustment gives rise, being an assessment or claim made not later than six years from the time when all such assessments, adjustments and other determinations have been made, whether in Trinidad and Tobago or elsewhere, as are material in determining whether any, and if so what, credit falls to be given.

PART II

**PROVISIONS FOR CREDIT BY WAY OF
UNILATERAL RELIEF**

1. Credit for tax paid under the law of the country outside Trinidad and Tobago in respect of income arising in that country shall be allowed against Trinidad and Tobago tax chargeable in respect of that income; but where arrangements with the Government of the country are for the time being in force by virtue of section 93 of this Act credit for tax paid under the law of the country shall not be allowable under this regulation in the case of any income if any credit for that tax is allowable under these arrangements in the case of that income.

2. Profits from or remuneration for personal or professional services performed in the country shall be deemed to be income arising in the country for the purpose of regulation 1 of this Part.

3. Where a dividend paid by the company resident in the country is paid to a company resident in Trinidad and Tobago which owns not less than one quarter of all classes of voting and non-voting stock in the company paying the dividend, tax paid under the law of the country by the first-mentioned company in respect of its profits shall be taken into account in considering whether any, and if so what, credit is to be allowed in respect of the dividend.

PART III

**MODIFICATIONS OF PROVISIONS OF PART I
APPLICABLE TO UNILATERAL RELIEF**

Notwithstanding anything in regulation 3 of Part I of these Regulations (which provides that relief by way of credit shall be given only where the person is resident in Trinidad and Tobago), credit by way of unilateral relief for tax paid under the law of any country in respect of income from an office or employment or profits the duties whereof are performed wholly or mainly in that country may be allowed against tax chargeable in respect of that income if the person is, for the particular year of income, resident either in Trinidad and Tobago or that country.

(Section 96).

PART IV

THE PRESCRIBED COMMONWEALTH COUNTRIES

Barbados
Guyana
Jamaica

PART V

**SPECIAL PROVISIONS WHICH APPLY TO
COMMONWEALTH COUNTRIES PRESCRIBED FOR
DOUBLE TAXATION PURPOSES [WHICH PROVISIONS
WERE FORMERLY CONTAINED IN SECTIONS 47(3),
48 AND 49 OF THE INCOME TAX ORDINANCE
CH. 33 NO. 1 (1950 ED.) BUT WERE REPEALED BY
THE FINANCE ACT 1966 (ACT NO. 29 OF 1966)]**

1. For the purposes of section 96(2) (in this Part referred to as “the section”), the expression “rate of tax” when applied to tax paid or payable under this Act, means the rate determined by dividing the amount of tax paid or payable for the year (before the deduction of any relief granted under the section) by the amount of the income in respect of which the tax paid or payable under this Act has been charged for that year, except that where the income which is the subject of a claim to relief under the section is computed by reference to the provisions of section 60 on an amount other than the ascertained amount of the actual profits, the rate of tax shall be determined by the Board.

Computation of
rate of tax.

2. If any person resident in Trinidad and Tobago who has paid, by deduction or otherwise, or is liable to pay tax under this Act for any year of income on any part of income, proves to the satisfaction of the Board that he has paid by deduction or otherwise, or is liable to pay Commonwealth income tax for that year in respect of the same part of his income, he shall be entitled to relief from tax in Trinidad and Tobago paid or payable by him on that part of his income at a rate thereon to be determined as follows:

Relief in
respect of
Commonwealth
income tax.

- (a) if the Commonwealth rate of tax does not exceed one-half of the rate of tax appropriate to his case under this Act in Trinidad and Tobago, the rate at which relief is to be given shall be the Commonwealth rate of tax;
- (b) in any other case, the rate at which relief is to be given shall be half the rate of tax appropriate to his case under this Act.

Residents.

3. If any person not resident in Trinidad and Tobago, who has paid by deduction or otherwise, or is liable to pay, tax under this Act for any year of income on any part of his income, proves to the satisfaction of the Board that he has paid, by deduction or otherwise or is liable to pay, Commonwealth income tax for that year of income in respect of the same part of his income, he shall be entitled to relief from tax paid or payable by him under this Act on that part of his income at a rate thereon to be determined as follows:

Non-residents.

- (a) if the Commonwealth rate of tax appropriate to his case does not exceed the rate of tax appropriate to his case under this Act, the rate at which relief is to be given shall be one-half of the Commonwealth rate of tax;

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(b) if the Commonwealth rate of tax appropriate to his case exceeds the rate of tax appropriate to his case under this Act, the rate at which relief is to be given shall be equal to the amount by which the rate of tax appropriate to his case under this Act exceeds one-half of the Commonwealth rate of tax.

Commonwealth income tax defined.

4. For the purposes of this Part, the expression “Commonwealth income tax” means any income tax charged under any law in force in any Commonwealth country (other than the United Kingdom or Trinidad and Tobago), provided that the legislature of that country has provided for relief in respect of tax charged on income both in that part of place and Trinidad and Tobago in a manner similar to that provided in the section.

Computation of note of tax.

5. For the purposes of the section, the rate of tax under this Act shall be computed in the manner provided by paragraph 1 and the Commonwealth rate of tax shall be computed in a similar manner.

Computation of rate of tax—Resident defined.

6. Where a person is, for any year of income, resident both in Trinidad and Tobago and in a country in which Commonwealth income tax is charged, he shall, for the purposes of the section, be deemed to be resident where, during that year, he resides for the longer period.

Period within which claim may be made for relief from double taxation.

7. (a) A claim for relief under sections 93 and 95 shall be made within six years from the end of the former years of assessment or the year of income to which it relates.

Ch. 33. No. 1 (1950 Ed.) 16 of 1963.

(b) This paragraph has effect for the former years of assessment 1961 and 1962 and subsequent years of income, but does not render invalid any claim made under the Income Tax Ordinance, before the commencement of the Income Tax (Amendment) Act, 1963.

SIXTH SCHEDULE

Section 104.
[29 of 1966].

REPUBLIC OF TRINIDAD AND TOBAGO

THE INCOME TAX ACT (CH. 75:01)

DISTRESS WARRANT

To

I,
on behalf of the Board of Inland Revenue, by virtue of the power vested in the Board by section 104 of the Income Tax Act (Ch. 75:01), do hereby authorise you to collect and recover the several amounts —

.....

.....
respectively due for tax, and for the recovery thereof I further authorise you, with the assistance of any constable or constables which assistance he or they are hereby required to give, to forthwith levy by distress the said sums, and also the costs and charges of and incidental to the taking and keeping of such distress, on the goods, chattels or other distrainable things of.....
or of any part thereof charged with such tax.

And for the purpose of levying such distress you are hereby authorised, if necessary, with such assistance as aforesaid, to break open any building in the day time.

Given under my hand at this
day of 20

.....
Commissioner

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Income Tax

Section 11A.
[5 of 1995
35 of 1998
2 of 2002].

SEVENTH SCHEDULE

CLASS A (WEAR AND TEAR RATE) 10%

	<i>Rate</i>
	%
Buildings (Housing machinery)—Industrial	10
Buildings (Housing machinery)—Other	10
Shop Fittings	10
Furniture—Household	10
Roadmaking Plant—Utensils for drawing	10
Dictaphones	10
Doctors—Instruments	10
Sea-craft	10
Poultry Farmers—Egg Grader	10
Coffee Manufacturing	10
Dentists—Fittings	10
Vacuum Cleaners	10
Cylinders—Gas	10
Medical Practitioners—Instruments	10
Adding Machines and Calculators—Manual	10
Newspaper Equipment—Linotype metal	10
Brick-making Plant—Walls and Windbreak	10
Irrigation—Water Supply	10
Water Tanks and Pumps	10
Boats—Motor	10
Poultry Farmers—Eggboxes and Fillers	10
Radio Transceiver Sets	10
Photography Equipment	10
Boats—Pontoons	10
Wireless Sets	10
Ice Company Plant—Refrigerator	10
PBX Systems	10
Fixtures and Fittings	10

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CLASS A (WEAR AND TEAR RATE) 10%—Continued

	<i>Rate</i>
	%
Motor Boats	10
Filing Cabinets	10
Calculating Machines—Hand-operated	10
Newspaper Equipment—Type	10
Office Machines and Equipment—Addressograph	10
Dentists—Instruments	10
Cameras	10
Safes	10
Billiard Tables	10
Scales—Weighbridge	10
Boats—Rowing and Sailing	10
Cash Registers—Manual	10
Boats—Punts	10
Office Machines and Equipment—Cash Registers	10
Fire Extinguishers	10
Cigarette—Manufacturing Machinery	10
Weighbridges	10
Cigarette—Tools and Equipment	10
Lighters	10
Cigarette Papers—Cutting and Folding Plant	10
Boats—Lighters	10
Office Machines and Equipment—Telephones	10
Newspaper Equipment—Stereos and Blocks	10
Office Machines and Equipment—Proof Machines—Banks	10
Boats—Barges	10
Medical Practitioners—Radium Plaques and Needles	10
Hydraulic Jacks	10
Office Machines and Equipment—Dictaphones	10

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Income Tax

CLASS B (WEAR AND TEAR RATE) 25%

	<i>Rate</i> %
Bakers' Plant	25
Office Machines and Equipment—Calculating Machines ...	25
Railway Sidings	25
Office Machines and Equipment—Duplicating Machines ...	25
Furniture—Office	25
Dentists—Electric Motors	25
Electrical Fittings	25
Medical Practitioners —High-Frequency Current Machines ...	25
Neon Signs	25
Dentists—Furniture	25
Carpets (Cost over \$500)	25
Medical Practitioners—Electro-Cardiograph	25
Radios, Radiograms and Phonographs	25
Typewriters	25
Calculating Machines—Electrical	25
Office Machines and Equipment—Adding Machines	25
Brick-making Plant—Railway Siding	25
Bucket Elevator—Quarrying	25
Brewery Plant	25
Transformers	25
Dentists—Carpets	25
Office Machines and Equipment—Accounting Machines ...	25
Hollman Compressors	25
Welding Units	25
Water Coolers	25
Accounting Machines	25
Poultry Farmers—Incubators	25
Pumps	25

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CLASS B (WEAR AND TEAR RATE) 25%—Continued

	<i>Rate</i>
	%
Office Machines and Equipment—Typewriters	25
Roadmaking Plant—Office Machinery	25
Dumpers—Quarrying	25
Medical Practitioners—Other Plant	25
Stone Crushing Plant	25
Adding Machines and Calculators—Electrical	25
Cold Stores and Ice Manufacturing—Machinery and Plant	25
Lifts and Elevators	25
Dies	25
Refrigerating Plant and Machinery	25
Dentists—Plant	25
Bookbinding Plant and Machinery—Boilers	25
Live Network	25
Cold Stores and Ice Manufacturing—Ice Cans	25
Radio Equipment	25
Elevators and Lifts	25
Loudspeakers and Phones	25
Boats—Tugs	25
Match Factory Plant... ..	25
Ice Company Plant—Ice Crusher... ..	25
Medical Practitioners—Diathermy Plant... ..	25
Boot and Shoe-making—Boilers	25
Boot and Shoe-making—General Plant and Machinery	25
Boats—Launches	25
Boot and Shoe-making—Box (Cardboard) Manufacturers' Machinery	25
Ice Company Plant—Water Filter	25
Beverage Coolers	25
Diesel Engines and Motors... ..	25

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Income Tax

CLASS B (WEAR AND TEAR RATE) 25%—Continued

	<i>Rate</i> %
Medical Practitioners—Ophthalmic Surgeon’s Plant	25
Boilers—Engines, Shafting	25
Plastic Extrusion Machine	25
Boilers	25
Containers-makers’ Plant	25
Newspaper Equipment—Printing Machines	25
Medical Practitioners—X-Ray Plant	25
Ice Company Plant—Cold Storage Plant	25
Newspaper Equipment—Engines and Shafting	25
Ice Company Plant—Ice Breaker	25
Newspaper Equipment—Boilers	25
Laundry Plant—Washing Machines... ..	25
Millinery Manufacturing Plant—Sewing Machines	25
Clothing and Millinery—Sewing Machines	25
Confectioners’ Machinery	25
Ice Company Plant—Coils	25
Sewing Machines	25
Boilers—Engines, Shafting	25
Biscuit-making Plant	25
Boilers—General Binding Machinery and Plant	25
R.H.F. Welding Machines	25
Dredges	25
Cotton Knitting and Spinning Plant	25
Ship building Plant... ..	25
Molasses Industry—Punts	25
Aerated Water Plant—Bottling Plant	25
Molasses Industry—Pipe Lines	25
Coconut Oil Manufacturing Plant	25
Molasses Industry—Concrete sump and gear... ..	25

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CLASS B (WEAR AND TEAR RATE) 25%—Continued

	<i>Rate</i>
	%
Clothing and Millinery—Other Plant	25
Milk Treatment Plant	25
Clothing and Millinery—Manufacturing Plant	25
Generators	25
Cement and Concrete Tile—Manufacturing Plant	25
Roadmaking Plant—Asphalt Plant	25
Sugar Industry—Boilers, auxiliaries, steam piping	25
Printing Press	25
Quarrying Plant and Machinery	25
Molasses Industry—Pumps	25
Air-conditioning Equipment—Single Units	25
Molasses Industry—Mill Storage	25
Sugar Industry—Distilling Plant	25
Laundry Plant—General Plant	25
Brick-making Plant—Grog Crusher... ..	25
Distillery Plant	25
Brick-making Plant—Tunnel Kilns and Dryers	25
Molasses Industry—Storage Tanks	25
Sugar Industry—Drainage and Irrigation Plant... ..	25
Engineering Works	25
Millinery Manufacturing Plant—Other Plant	25
Rum Refinery Plant	25
Sugar Industry—Factory	25
Ice Company Plant—Factory Plant and Machinery	25
Concrete Mixers	25
Oxygen Acetylene Plant	25
Compressors—Ammonia—Vertical... ..	25
Mobile site office—caravan	25
Compressors—Ammonia—Horizontal	25

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Income Tax

CLASS B (WEAR AND TEAR RATE) 25%—Continued

	<i>Rate</i>
	%
Ice Company Plant—Fabric Inserted Matting	25
Compressors—Air and oxygen types	25
Automotive Equipment	25
Boats—Sloops and Streamers Ocean-going	25
Bicycles—Motor	25
Roadmaking Plant—Crawler Loader	25
Oxygen Manufacturing Plant	25
Roadmaking Plant—Loader	25
Motor Cars and Vehicles	25
Copra	25
Lorries (Motor)	25
Roadmaking Plant—Service Cars	25
Bicycles—Ordinary—Commercial	25
Aircraft—Commercial—new	25
Drying Kilns	25
Vulcanizing Machine	25
Steel Barrels	25
Air-Conditioning Equipment—Large general unit	25
Caravans—Mobile site office	25
Roadmaking Plant—Rollers and Steam	25
Television Sets	25
Arc and Gas Welding Plant	25
Brick-making Plant—Traxcavator	25
Roadmaking Plant—Motor Dumper	25
Roadmaking Plant—Barbergreen Finisher	25
Roadmaking Plant—Special Tools	25
Boot and Shoe-making—Motor Vans and Lorries	25

CLASS C (WEAR AND TEAR RATE) 33.3%

	<i>Rate</i>
	%
Computers	33.3
Farming Equipment	33.3
Cutlassing Machine	33.3
Bulldozers	33.3
Forklift Trucks	33.3
Cranes—Electrical or otherwise	33.3
Aerated Water Plant—Bottles and Cases	33.3
Cranes—Gantries	33.3
Roadmaking Plant—Spray Truck	33.3
Agricultural Machinery—Tractors, Plough, Harvesters, etc.	33.3
Audition Unit—Station and testing equipment	33.3
Rigs (Oil)	33.3
Roadmaking Plant—Jitney... ..	33.3

CLASS D (WEAR AND TEAR RATE) 40%

Aircraft—Engine Props—Rotable Spares	40
Aircraft—Second-hand	40

Section 11.
[9 of 1997
35 of 1998
91 of 2000].

EIGHTH SCHEDULE

EMPLOYMENT ALLOWANCE RULES

Grant of
employment
allowance.

1. Where a person is engaged in any trade, an employment allowance shall be granted to that person in accordance with rule 2 in respect of every additional worker whom he employs on or after 1st January, 1997, for wages not exceeding four thousand dollars per month.

Amount of
employment
allowance.

2. (1) An employment allowance of two hundred per cent of the salary or wages actually paid to each additional worker, shall be granted to the person engaged in trade and such allowance shall be granted in respect of each additional worker, for the duration of his unbroken employment not exceeding twelve consecutive months.

(1A) For the removal of doubt it is hereby declared that a person to whom an employment allowance is granted shall not be entitled to a deduction under section 10 in respect of salary or wages referred to in subrule (1).

(2) In this rule, “wages” means salary or wages paid to an employee and includes a bonus but does not include payments made for overtime work.

Number of
workers to
determine
whether a
person qualifies
for an
allowance.

3. For the purpose of determining whether a person qualifies for the grant of an employment allowance, regard shall be had to the number of workers employed in that trade either—

(a) on 1st January; or

(b) on the date of the commencement of such trade,

in the year immediately preceding the year of income in respect of which the allowance is claimed.

Workers deemed
to be additional
workers on
commencement
of new trade.

4. Where on or after 1st January, 1997, a person engages for the first time in a trade, the total number of workers employed at the date of the commencement of such trade shall be deemed to be additional workers for the purpose of rule 2.

Employees of
existing trades
not to be treated
as additional
workers.

5. Notwithstanding rules 3 and 4, where after 1st January, 1997, there is a merger or amalgamation of two or more trades or the takeover of one trade by another, a person who was an employee of any of those trades before such merger, amalgamation or takeover shall not be treated as an additional worker for the purposes of rule 2.

Claims for
allowance to be
made in
prescribed form.

6. Every person claiming an employment allowance in any year of income shall make an application to the Board in such form as may be approved by the Board.

7. In these Rules—

Interpretation.

“additional worker” means, subject to rules 3, 4 and 5, any worker employed in a year of income in excess of the number of workers employed in the preceding year;

“family worker” means, a person who is, in relation to an employer, the parent, uncle, aunt, brother, sister or child of that employer;

“worker” means a person who has entered into or works under a contract of employment with an employer, but does not include a family worker.

Section 11.
[91 of 2000
20 of 2003].

NINTH SCHEDULE

APPRENTICESHIP ALLOWANCE RULES

Grant of
apprenticeship
allowance.

1. Where a person is engaged in any trade, an apprenticeship allowance shall be granted to that person in accordance with rules 2 and 3 in respect of every apprentice hired on or after 1st January, 2001 for a period not exceeding six months under an apprenticeship programme registered with the Ministry responsible for the National Training Agency.

2. An apprenticeship allowance of an amount equal to two hundred per cent of the wages actually paid to an apprentice shall be granted to the person engaged in a trade where such person hires the apprentice for a period not exceeding six months.

3. The apprenticeship allowance granted under rule 1 shall not exceed five per cent of the total wages and salary expenses claimed by the person in a year of income.

4. For the removal of doubt, a person to whom an apprenticeship allowance is granted shall not be entitled to a deduction under sections 10 and 11(1)(k) in respect of wages paid to an apprentice.

5. In these Rules, "apprentice" means a person, being not less than sixteen years but no more than twenty-four years, who has entered into a contract of apprenticeship with a person referred to under these Rules for the purpose of learning a trade.

SUBSIDIARY LEGISLATION

**INCOME TAX (MISCELLANEOUS CLEARANCE)
REGULATIONS**

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.
2. Interpretation.
3. Clearance Certificate fee.
4. Issue of Clearance Certificate.
5.)
- to } (*Revoked by Act No. 5 of 1995*).
7.)
8. Revocation of certificates.
9. (*Revoked by Act No. 5 of 1995*).
10. Appeal.
11. Offence and penalty.

SCHEDULE.

[Subsidiary]

132/1971.
[4/1985
17 of 1985
11 of 1988
6 of 1989
5 of 1995].

**INCOME TAX (MISCELLANEOUS CLEARANCE)
REGULATIONS**

made under section 125

Citation.
[11 of 1988].

1. These Regulations may be cited as the Income Tax (Miscellaneous Clearance) Regulations.

Interpretation.
[5 of 1995
11 of 1988].

2. In these Regulations—

“Board” includes a Commissioner thereof;

“Clearance Certificate” means a certificate in the form set out as Form C in the Schedule to these Regulations and issued by or on behalf of the Board.

Form C.
Schedule.

Clearance
Certificate fee.
[11 of 1988
6 of 1989
5 of 1995].

3. (1) }
(2) } (*Revoked by Act No. 5 of 1995*).
(3) }

(4) A person who applies for a Clearance Certificate shall pay a fee of one hundred dollars in respect of the application.

Issue of
Clearance
Certificate.
[11 of 1988
5 of 1995].

4. (1) The Board may issue or cause to be issued a Clearance Certificate where the Board is satisfied that the person to whom the same is to be issued—

(a) does not owe any income tax or any other tax on income or profits administered by the Board on his own behalf or on behalf of any other person; or

(b) has made satisfactory arrangement with the Board for the payment of any income tax or any other tax on income or profits administered by the Board payable by him on his own behalf or on behalf of any other person.

(2) A Clearance Certificate shall be valid for such period as may be determined by the Board but not exceeding twelve months.

5. }
to } (*Revoked by Act No. 5 of 1995*).
7. }

8. (1) The Board may, in its discretion, at any time after a Clearance Certificate is issued, revoke such Certificate. Revocation of certificates. [5 of 1995].

(2) The Board shall serve notice of any revocation upon the person to whom the Certificate was issued at his last known place of business or private address and upon the service of such notice the Certificate shall become invalid.

(3) (*Revoked by Act No. 5 of 1995*).

9. (*Revoked by Act No. 5 of 1995*).

10. A person aggrieved by—

- (a) the refusal of the Board to grant to him a Clearance Certificate;
- (b) the decision of the Board to revoke his Clearance Certificate,

Appeal. [11 of 1988 5 of 1995].

may appeal to the Appeal Board and the decision of the Appeal Board shall be final.

11. A person who contravenes or fails to comply with any of these Regulations is liable on summary conviction to a fine of one thousand dollars or to imprisonment for three months. Offence and penalty.

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Income Tax

[Subsidiary]

Income Tax (Miscellaneous Clearance) Regulations

SCHEDULE

*FORM A
(Deleted)

*FORM B
(Deleted)

FORM C

INCOME TAX (MISCELLANEOUS CLEARANCE) REGULATIONS

CLEARANCE CERTIFICATE

This Certificate is issued to

.....

of
(Private Address/Registered Office)

.....
who/which has complied with the requirements of the law in relation to the taxes on income or profits administered by the Board and has satisfied all assessed liability to the date hereof/has made satisfactory arrangements for the payment of the taxes due.

This Certificate is valid until

* Forms A and B have been deleted because the former, Exit Certificate has been replaced by a new Form C above while the latter, Bond, is no longer applicable as regulation 9 which relates to a bond has been revoked.

INCOME TAX (EMPLOYMENT) REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.
2. Interpretation.

REGISTRATION

3. Registration of employer.

DEDUCTION OF TAX

4. Deduction of tax.
5. Deduction in respect of certain payments.
6. Deduction in respect of dead employee.
7. Exemptions.
8. Board to determine questions.

PAYMENT OF TAX DEDUCTED

9. Tax deducted to be paid to Board.

ACCOUNTING FOR TAX DEDUCTED

10. Returns.
11. (*Revoked by LN 106/1989*).
12. Employer to give a certificate to employee.
13. Cessation of employment.
14. Cessation of business.
15. Death of employee.
16. Particulars of payments.
17. Record of emoluments.

MISCELLANEOUS AND PENALTIES

18. Death of employer.
19. Change of employer.
20. Declaration.
21. Tax tables.

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Income Tax

[Subsidiary]

Income Tax (Employment) Regulations

REGULATION

22. Employer to produce documents, etc.
 23. Complaint to the Board.
 24. Excess to be refunded.
 25. Tax to be treated as a single debt.
 26. Change in allowances.
 27. Obstructing the Board.
-

INCOME TAX (EMPLOYMENT) REGULATIONS*made under section 125*177/1957.
[9/1968
76/1976
106/1989].

1. These Regulations may be cited as the Income Tax (Employment) Regulations. Citation.

2. (1) In these Regulations—

Interpretation.
[106/1989].

“allowable deductions” means deductions allowable to a person under sections 10(3), 20, 27, 28 and 31 of the Act;

*“allowable tax credits” means tax credits to which a person is entitled under sections 48B, 48C, and 48D of the Act;

“appropriate form” means a form approved by the Board for use in any particular case pursuant to these Regulations;

“chargeable income” means the estimated emoluments of the person concerned for the year of income less the amount of the allowable deductions, if any, that are claimed under a declaration for the time being in force;

“declaration” means the declaration referred to in section 98 of the Act;

“emoluments” means all salary, wages, overtime, bonus, remuneration, perquisites, including the value of board and lodging, stipend, commission or other amounts for services, directors’ fees, retiring allowances or pension, arising or accruing in or derived from or received in Trinidad and Tobago and which are assessable to income tax, but shall not include any salary or share of profits arising from a trade, profession or vocation carried on by any person either by himself or in partnership with any other person;

“employee” means any person, not being the holder of an office in receipt of emoluments;

“employer” means any person paying emoluments whether on his own account or on behalf of another person to an employee, and shall be deemed to include any person paying emoluments whether on his own account or on behalf of another person, to the holder of an office;

*Sections 48B, 48C and 48D referred to in this definition were all repealed by Act No. 9 of 1997.

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Ch. 75:01

Income Tax

[Subsidiary]

Income Tax (Employment) Regulations

“office” means a position, not being an employment, or place entitling the holder thereof to a fixed or ascertainable stipend or remuneration, and includes the office of a Minister of the Government, the office of a member of the Senate or the House of Representatives of Trinidad and Tobago, a member of a municipal or county council and any other office the holder of which is elected by popular vote or is elected or appointed in a representative capacity and also includes the position of a company director;

“tax tables” means the tax tables referred to in section 101 of the Act prepared by the Board in accordance with regulation 21.

(2) Unless the context otherwise requires, references in these Regulations to “employer” or a “person paying emoluments” shall be deemed to include references to the State and to the Government of Trinidad and Tobago.

(3) (a) Where an employee works under the general control and management of a person who is not his immediate employer, that person (referred to hereafter in this regulation as the “principal employer”) shall be deemed (in relation to such employee) to be the employer for the purpose of these Regulations, and the immediate employer shall furnish the principal employer with such particulars of the employee’s emoluments as may be necessary to enable the principal employer to comply with these Regulations.

(b) If the employee’s emoluments are actually paid to him by the immediate employer—

- (i) the immediate employer shall be notified by the principal employer of the amount of tax to be deducted when the emoluments are paid to the employee and shall deduct the amount so notified to him accordingly; and
- (ii) the principal employer shall make a corresponding deduction on making to the immediate employer the payment out of which the said emoluments will be paid.

REGISTRATION

3. (1) Subject as hereinafter provided, every person who carries on or is about to carry on any trade, business, profession or vocation in respect of which he is or will be an employer shall, within 30 days of the commencement of such trade, business, profession or vocation, register with the Board—

Registration of employer.

- (a) his name and address;
- (b) the names and addresses of his partners and associates, if any;
- (c) the trade or business name where the trade, business, profession or vocation is carried on under a name or style other than his own name;
- (d) the place and address, if any, where he carries on or intends to carry on his trade, business, profession or vocation;
- (e) the number of employees employed or to be employed,

and this regulation shall be deemed to have been complied with if, in the case of a partnership, the precedent partner as defined in section 78(2)(a) of the Act and in the case of a body of persons the manager or other principal officer, carry out the provisions of this regulation.

(2) Subregulation (1) shall not apply in respect of any person who has filed a return of the income of his trade, business, profession or vocation for the year of income and such person shall be exempt from this regulation.

DEDUCTION OF TAX

4. (1) Subject to subregulations (2) and (3) and to regulations 5 and 7, every person paying emoluments to an employee or the holder of an office shall deduct or withhold therefrom on account of the tax payable by the employee or office holder such amount as appears in the appropriate column of the tax tables opposite to the range of amounts appearing in the first column of the tax tables that corresponds to the chargeable income of the employee or office holder.

Deduction of tax.
[106/1989].

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Income Tax

[Subsidiary]

Income Tax (Employment) Regulations

- (2) Where—
- (a) **(Revoked by LN No. 106/1989);**
 - (b) the chargeable income in any year of income is greater than the highest amount provided for in the first column of the tax tables;
 - (c) the emoluments paid are in respect of casual or seasonal employment;
 - (d) the emoluments paid are in respect of any class of case which in the opinion of the Board is a class of case of such a nature that deduction of tax by reference to the tax tables would be impracticable;
 - (e) the emoluments received by an employee or office holder in a year of income are from more than one source at the same time; or
 - (f) the husband and wife living together are each in receipt of emoluments in a year of income at the same time,

the Board shall direct employers as to the amount of tax to be deducted.

(3) Any directions given pursuant to subregulation (2) may, in particular, include directions as to the manner in which the tax shall be deducted, the period over which such deductions shall be made and such other matters as the Board may think fit, and any employer to whom any such directions may be given shall comply with the directions so given.

(4) For the purpose of applying the tax tables in accordance with subregulation (1)—

- (a) the chargeable income of an employee or office holder shall be rounded off to the nearest number of whole dollars, an amount of fifty cents being rounded off to the next highest number of whole dollars; and
- (b) the appropriate column of the tax tables is the column under the total of the allowable tax credits

that are claimed under a declaration for the time being in force or, where the person paying the emoluments has received no such declaration and no directions from the Board as to the amount of tax to be deducted, the appropriate column is the column that applies when no allowable tax credit is claimed.

5. (1) Where a payment in respect of a bonus, a retroactive increase, or any overtime services is made to an employee, the amount of tax to be deducted shall, subject to regulation 7, be the difference between—

Deduction in respect of certain payments. [106/1989].

- (a) the amount determined according to the tax tables in respect of the chargeable income including the payment; and
- (b) the amount determined according to the tax tables in respect of the chargeable income excluding the payment.

(2) Every person making a payment in respect of services rendered in Trinidad and Tobago by a non-resident person, otherwise than in the course of regular and continuous employment, shall deduct tax in accordance with the column of the tax tables that applies when no allowable tax credit is claimed.

6. If any emoluments are paid by an employer at any time after the date of death of an employee or of the holder of an office, the employer by whom the emoluments are paid shall, subject to regulation 7, on making any such payment, deduct in accordance with these Regulations the tax on those emoluments as if the deceased employee or office holder was still alive at the date of the payment.

Deduction in respect of dead employee.

7. Tax shall not be deducted by any employer from—

- (a) the emoluments of an employee or the holder of an office who does not, in the year of income, have any chargeable income;

Exemptions. [106/1989].

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- (b) the emoluments of an employee or the holder of an office who is exempt from the payment of income tax;
- (c) emoluments paid outside Trinidad and Tobago to an employee outside Trinidad and Tobago;
- (d) a pension benefit or retiring allowance arising out of an employment which was wholly carried on outside Trinidad and Tobago; or
- (e) any payment made in respect of domestic services performed in or in connection with any dwelling house, apartment or other similar place of residence in which place the employer as a general rule sleeps or eats when in Trinidad and Tobago,

unless the Board, in any particular case, directs the employer to deduct tax in accordance with these Regulations.

Board to determine questions.

8. If any questions shall arise as to—

- (a) the amount of tax to be deducted on payment of any emoluments; or
- (b) whether or not any emoluments are of any class of case specified in regulation 4(2)(c), (d), (e), or (f); or
- (c) whether or not any payment of emoluments is a payment of a bonus or of a retroactive increase in emoluments,

such question shall be determined by the Board.

PAYMENT OF TAX DEDUCTED

Tax deducted to be paid to Board.

9. Every employer shall pay to the Board the total amount of tax deducted or withheld by him in compliance or intended compliance with these Regulations on or before the fifteenth day of the month next succeeding the month in which the employer paid the emoluments; but where an employer ceases to carry on business all amounts of tax deducted by him as required by these Regulations and not paid to the Board shall be paid by him to the

Board within seven days of the day on which the employer ceased to carry on business.

ACCOUNTING FORTAX DEDUCTED

10. Every payment of tax made as required by regulation 9 shall be accompanied by a return made out on the appropriate form by or on behalf of the employer. Returns.

11. (*Revoked by LN No. 106/1989*).

12. (1) On or before the last day of the month of February of each year next following a year in which tax was deducted from the emoluments of an employee or the holder of an office the employer by whom the tax was deducted or withheld shall, unless he has previously delivered or sent to the employee or office holder a certificate provided for by regulation 13, 14 or 15, deliver personally or send by post to the employee or office holder a certificate made out on the appropriate form and containing the following particulars: Employer to give a certificate to employee. [106/1989].

- (a) the name and address of the employee or office holder;
- (b) any number used to identify the employee or office holder;
- (c) the total amount of all emoluments paid by him to the employee or office holder during the year immediately preceding that in which the certificate is by this regulation required to be sent or delivered;
- (d) the total amount, if any, deducted by him for or in respect of any amount contributed by the employee or office holder under any Act or written law, or to any scheme or fund within the meaning of section 27(1)(c) of the Act or to an approved pension fund plan within the meaning of section 28 of the Act on the making of any payment of those emoluments to the employee or office holder;

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- (e) the total amount of tax deducted in accordance with these Regulations from the emoluments of the employee or office holder;
- (f) **(Revoked by LN No. 106/1989).**
- (g) the date when the employment or the holding of the office commenced if such date is a date subsequent to the first day of January in the year to which the certificate relates.

(2) When an employer is required by this regulation to deliver or send a certificate to an employee or the holder of an office, he shall make on the appropriate forms two copies of the said certificate which he shall deliver personally or send by post to the Board on or before the last day of February in each year.

Cessation of
employment.
[106/1989].

13. (1) If any employer ceases to employ an employee or to pay emoluments to the holder of an office from whose emoluments tax was deducted by him in accordance with these Regulations, he shall, not later than the day on which the last payment of emoluments was made, deliver personally or send by post to the employee or office holder a certificate on the appropriate form containing the following particulars:

- (a) the name and address of the employee or office holder;
- (b) any number used to identify the employee or office holder;
- (c) the date on which the employment or the holding of the office ceased;
- (d) the total amount of all emoluments paid by him to the employee or office holder from the first day of January of the year in which the employment or the holding of the office ceased up to and including the day on which the last payment of emoluments was made to the employee or office holder;

- (e) the total amount, if any, deducted by him for or in respect of any amount contributed by the employee or office holder under any Act or written law, or to any scheme or fund within the meaning of section 27(1)(c) of the Act or to an approved pension fund plan within the meaning of section 28 of the Act on the making of any payment of those emoluments; and
- (f) the total amount of tax deducted in accordance with these Regulations from the emoluments of the employee or office holder.

(2) When an employer is required by this regulation to deliver or send a certificate to an employee or the holder of an office he shall make on the appropriate forms two copies of the said certificate which he shall deliver personally or send by post to the Board on the day on which the last payment of emoluments was made.

(3) If an employee retires from the services of an employer and is given a pension, such retirement shall not be treated as a cessation of employment for the purposes of this regulation if the emoluments are paid by or on behalf of the same person both before and after the retirement.

14. (1) If an employer ceases to carry on business he shall, not later than one month after the cessation of the business, personally deliver or send to each employee from whose emoluments any tax was deducted or withheld during the year in which the business ceased a certificate made out on the appropriate form and containing the particulars specified in regulation 12 for or in respect of a period beginning with the first day of the year in which the business ceased to be carried on and ending on the day of cessation of that business; but in the case of a business commenced to be carried on in the year in which it ceases on a day other than the first day of January in that year, the date of commencement of the period for or in respect of which the particulars of the certificates shall relate shall be the date on which the business commenced to be carried on in that year.

Cessation of
business.

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(2) When an employer is required by this regulation to deliver or send a certificate to an employee or the holder of an office he shall make on the appropriate forms two copies of the said certificate which he shall deliver personally or send by post to the Board within one month of the day of cessation of the business.

Death of
employee.

15. When an employee or the holder of an office dies, the employer shall, not later than the fifteenth day of the month next following that in which the death occurred, deliver personally or send by post to the legal or personal representative, or to the next of kin of the deceased employee or office holder if known to him, the certificate mentioned in regulation 13; and the employer shall at the same time deliver personally or send by post to the Board two copies of the said certificate made on the appropriate forms and shall insert thereon the name of the legal or personal representative, or of the next of kin of the deceased employee or office holder if known to him.

Particulars of
payments.

16. (a) When an employer makes any payment of emoluments to an employee or the holder of an office from whom tax is deducted as required by these Regulations, he shall furnish to the employee or office holder particulars of the payment including particulars of the gross emoluments for the pay period and of the amount of tax deducted therefrom, in such form as may be approved by the Board.

(b) The Board may in its discretion exempt in writing all or any employers from complying with this regulation in respect of such classes of employees or office holders as the Board shall think fit, and such exemption may at any time be revoked by the Board.

Record of
emoluments.

17. Every employer who makes any payment of emoluments to an employee or to the holder of an office, from whose emoluments tax is deducted as required by these Regulations, shall keep to the satisfaction of the Board a record of the emoluments paid to each such employee or office holder and the tax deducted or withheld therefrom on each payment thereof.

MISCELLANEOUS AND PENALTIES

18. If any employer dies, anything which he would have been liable to do under these Regulations shall be done by his personal representative or, in the case of an employer who paid emoluments on behalf of another person, by the person succeeding him, or, if no person succeeds him, the person on whose behalf the emoluments were paid. Death of employer.

19. (1) This regulation shall apply where there has been a change only in the employer from whom an employee or the holder of an office receives emoluments in respect of his employment in any trade, business, profession or vocation or in connection with the working of any property, or from whom an employee or the holder of an office receives any annuity or pension or allowance in respect of past service. Change of employer.

(2) Where this regulation applies the change shall not be treated as a cessation of employment for the purposes of regulation 13 and, in relation to any matter arising after the change, the employer after the change shall be liable to do anything which the employer before the change would have been liable to do under these Regulations if the change had not taken place; but the employer after the change shall not be liable for the payment of any tax which was deductible from emoluments paid to the employee or office holder before the change took place.

20. (1) The declaration which a person may file under the provisions of section 98 of the Act may include particulars of all or any of his allowable deductions and allowable tax credits as the person may think fit. Declaration. [106/1989].

(2) A person required to file a declaration under section 98 of the Act shall do so at the following times:

- (a) on the day on which his employment commences;
- (b) within seven days of the day on which a change occurs in his allowable deductions or allowable tax credits;

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(c) within such time or times as may be specified by notice published by the Board in the *Gazette* and at least one newspaper in Trinidad and Tobago, or in such other manner as the Board may think fit,

but the Board may in its discretion permit any such person to file a declaration at any time other than the aforesaid times.

Tax tables.
[106/1989].

21. (1) The tax tables shall be constructed by the Board with a view to securing that so far as practicable the tax to be deducted as required by section 99 of the Act and by these Regulations from the emoluments of any employee or the holder of any office may be readily ascertained and with a view to securing that so far as practicable the total tax payable in respect of any emoluments is deducted from the emoluments paid during the year.

(2) For the purposes of this regulation, reference to the total tax payable shall be construed as reference to the total tax estimated to be payable having regard to any allowable deductions claimed and any allowable tax credits claimed.

(3) }
(4) } **(Revoked by LN No. 106/1989).**

Employer to
produce
documents, etc.

22. Every employer, when called upon to do so by the Board or any person authorised in writing by the Board in that behalf, shall produce to the Board or such authorised person for inspection, at the employer's premises, all wages sheets and other documents and records whatsoever relating to the calculation or payment of the emoluments of his employees or of the holders of offices to whom he pays emoluments or the deduction of tax therefrom or the accounting of any tax deducted therefrom.

Complaint to
the Board.

23. If any employee or the holder of any office considers that any tax deducted by his employer is less than or in excess of the amount of tax which ought properly to be deducted from his emoluments in accordance with these Regulations, he may in

writing give notice of complaint, stating the grounds of his complaint, to the Board.

24. (1) In the event of the Board being satisfied on the complaint of any employee or the holder of any office made under regulation 23 that any tax in excess of the amount which ought properly to have been deducted in accordance with these Regulations from the emoluments of the employee or office holder was deducted by the employer, the Board shall as soon as practicable cause the excess to be refunded to the employee or office holder.

Excess to be refunded.

(2) In the event of the Board being satisfied on the complaint of any employee or the holder of any office made under regulation 23 that less tax than the amount which ought properly to have been deducted in accordance with these Regulations from the emoluments of the employee or office holder was deducted by the employer he shall as soon as practicable cause the amount of the deficiency to be collected from the employee or office holder.

25. (1) The total amount of tax which an employer is liable under section 99 of the Act to pay to the Board within the time specified in regulation 9 may for the purposes of recovery thereof be treated as a single debt notwithstanding that the employer is liable to pay separate amounts in respect of more than one employee or office holder; but nothing in this regulation shall prevent the bringing of separate actions for the recovery of each of the several amounts which the employer is liable to pay within the first fifteen days of every month in respect of his several employees, or the several employees, or the several office holders to whom he pays emoluments.

Tax to be treated as a single debt.

(2) A certificate of the Board that any amount of tax mentioned in subregulation (1) has not been paid to him, or to the best of his knowledge and belief, to any person acting on his behalf shall be *prima facie* evidence that the sum mentioned in the certificate is due and unpaid; and any document purporting to be such a certificate as aforesaid shall be deemed to be such a certificate until the contrary is proved.

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Change in allowances. [106/1989].

26. (1) On a change occurring by reason of which the allowable deductions or allowable tax credits of a person by whom a declaration has been filed are less than those claimed by him in his declaration, the person shall file a further declaration within the time specified in regulation 20(2)(b).

(2) If any person wilfully fails to file a further declaration as required by subregulation (1) he is guilty of an offence and is liable on summary conviction to a fine of one thousand dollars.

Obstructing the Board.

27. Any person who hinders, prevents or obstructs the Board or any person authorised in writing by the Board in that behalf from inspecting any wages sheets or other documents or records mentioned in regulation 22 after being called upon to produce the same, is guilty of an offence and is liable on summary conviction to a fine of one thousand dollars or to imprisonment for three months.

**INCOME TAX (JUDGMENT CERTIFICATE)
REGULATIONS**

169/1966.

made under section 125

1. These Regulations may be cited as the Income Tax (Judgment Certificate) Regulations. Citation.

2. In these Regulations “Board” means the Board of Inland Revenue established under section 3 of the Income Tax Act. Interpretation.

3. The certificate that may be made out by the Board under subsection (1) of section 111 of the Act and that when registered in the High Court has, by virtue of subsection (2) of the said section, the same force and effect of a judgment for the State obtained in the High Court for a debt of the amount specified in the certificate together with the interest therein required to be paid to the date of payment, and shall be in the form set out in the Schedule to these Regulations. Form of Certificate.

SCHEDULE

CERTIFICATE OF THE BOARD OF INLAND REVENUE MADE PURSUANT TO SUBSECTION (1) OF SECTION 111 OF THE INCOME TAX ACT, CH. 75:01

Name	Trade, Profession or Occupation	Address or last known place of abode	Year of Asst.	Year of Inc.	Date of issue of notice of asst.	Date due for payment	Particulars of Tax outstanding			Interest accrued to
							Tax Assessed	Out-standing		
							\$	¢	\$	¢
							Amounts payable			

I hereby certify that the above stated facts are to my knowledge and belief true, and that Tax Assessment Notices were duly served

High Court File No. Office File No.

Date of Filing Date of Issue

on setting out the above facts and that

..... has not paid the above amount assessed/there is still outstanding on the above amount assessed

the sum of dollars and

..... cents.

Date

The Board of Inland Revenue