

LEGAL NOTICE NO. 3

REPUBLIC OF TRINIDAD AND TOBAGO

THE PROVISIONAL COLLECTION OF TAXES ACT, CHAP. 74:01

RESOLUTION

WHEREAS it is provided by subsection (1) of section 3 of the Provisional Collection of Taxes Act, Chap. 74:01, that where proposals for general or supplementary appropriation of public funds are made to the House of Representatives and are embodied in an Appropriation or a supplementary Appropriation Bill, as the case may be, the President may, for the purpose of raising revenue to meet the expenditure specified in any such Bill, by Order, provide for the imposition of any tax or the variation of any existing tax and from the date of the publication of such Order in the *Gazette*, the tax as imposed or varied shall be payable:

And whereas it is provided by subsection (5) of section 3 of the said Act, that an Order varying an existing tax shall cease to have effect if the Order is not confirmed with or without modifications, by a resolution agreed to by the House within the next twenty-one days after the commencement of the Order:

And whereas the Provisional Collection of Taxes (1986) Order, 1985, was made under section 3 of the Act whereby the taxes imposed by the enactments mentioned in the said Order were varied to the extent and in the manner set out therein for the purpose of raising revenue to meet the expenditure specified in the Bill entitled "An Act to provide for the Service of Trinidad and Tobago for the year ending on the 31st day of December, 1986":

And whereas it is expedient to confirm the said Order:

*Be it Resolved:*

- That the Provisional Collection of Taxes (1986) Order, 1985, be confirmed subject to the following modifications—
1. In paragraph 2, substitute for sub subparagraph (i) the following—  
“(i) raw materials, intermediate goods and packaging materials and other inputs to be used in local manufacturing industries.”
  2. Substitute for paragraph 3 the following—  
“ 3. Section 34 of the Gambling and Betting Act is amended by inserting immediately after subsection (1) the following new subsection—  
“ (1A) Notwithstanding subsection (1) the pool betting duty in respect of bets place with the Turf Clubs shall be as follows—  
(a) race meetings held in Tobago—2.5 per cent;  
(b) race meetings held in Trinidad—10 per cent.” ”;

## 3. In paragraph 4—

- (a) delete the word “1979” occurring in the eighth line of subparagraph (a);
- (b) substitute for the word “business” occurring in the first line of sub subparagraph (k) the word “trade”;
- (c) substitute for subparagraph (c) the following—

“(c) by inserting immediately after section 37 the following new section—

“Deductions  
in respect of  
purchase of  
units in  
Unit Trust

Act No. 26  
of 1981

37A. An individual to whom section 17 applies shall be allowed a deduction in respect of the net increase of units for a year of income purchased after 1st January, 1986, in the Unit Trust established under the Unit Trust Corporation of Trinidad and Tobago Act, to the value of two thousand five hundred dollars.” ”;

- (d) substitute for subparagraph (d) the following—

“(d) by repealing and replacing the Second Schedule as follows—

#### “SECOND 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 other than a family worker whom he employs on or after 1st January, 1986, at a salary not exceeding four thousand dollars per month.

Amount of  
employment  
allowance

2. (1) An employment allowance of one hundred and fifty per cent of the 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.

(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, after 1st January, 1986, a person engages for the first time in trade, the total number of workers employed at the date of commencement of such trade shall be deemed to be additional workers for the purposes of rule 2.

Employees of existing trade not to be treated as additional workers on merger, amalgamation or takeover of such trade

5. Notwithstanding rule 3 where, after 1st January, 1986, there is a merger or amalgamation of two or more trades or the take-over of one trade by another, a person who was an employee of any of those trades before such merger, amalgamation or take-over 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.

Interpretation

7. In these Rules—

“additional worker” means, subject to rules 3, 4 and 5 any worker employed in a qualifying year 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 (including an illegitimate child) of that employer;

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

4. In paragraph 6—

- (a) substitute for the word “10%” occurring in the first line of subsection (3) the words “ten per cent”;
- (b) substitute for subsection (4) the following new subsection—

“ (4) The owner of every vehicle rented or kept for rental shall register with the Board of Inland Revenue and shall make quarterly remittances of the tax referred to in subsection (3) to the Board of Inland Revenue and shall for this purpose keep such records as the Board of Inland Revenue requires.”;

- (c) insert subsections (5) to (12) as follows—

“ (5) For the purposes of this section “rent fee” means any monies paid to the owner of the said motor vehicle for the right to use it.

(6) Any person aggrieved by any decision of the Board of Inland Revenue with respect to the motor vehicle rental tax may appeal to the Tax Appeal Board.

(7) Tax chargeable by virtue of this section may be recovered as a debt due to the State from the person accountable therefor.

(8) The Board of Inland Revenue may do all such acts as may be deemed necessary and expedient for raising, collecting, receiving and accounting for the motor vehicle rental tax in like and as full and ample a manner as the Board is authorised to do with relation to any other tax under the care and management of the Board.

(9) Any person who, with intent to deceive and for the purposes of this section, produces, promises, sends or otherwise makes use of any book, account, estimate, return or other document which is false in a material particular, is guilty of an offence.

(10) Any person who is knowingly concerned in, or in the taking of steps with a view to, the fraudulent evasion, by him or any other person, of tax chargeable under this section is guilty of an offence.

(11) A prosecution for an offence under this section may be commenced at any time within three years next after the date of the offence committed, notwithstanding anything in any other written law.

(12) Any person guilty of an offence under this section is liable on summary conviction to a fine of three thousand dollars and to imprisonment for two years."

5. In paragraph 7—

- (a) substitute for the word "18A" occurring in the first line of subparagraph (a) the word "27A";
- (b) substitute for the word "18B" occurring in line three of subparagraph (a) the word "27B";
- (c) delete the word "figure" wherever it appears and substitute therefor the word "word";
- (d) substitute for the word "10%" occurring in line three of subsection 27B(1) the words "ten per cent";
- (e) substitute for subsection 27B(2), the following—

" (2) For the purposes of this section the price of an overseas travel tour includes the price of transportation from Trinidad and Tobago to an overseas country as well as the price of any facility provided for the traveller in that country such as, but not limited to—

- (a) hotel or other accommodation;
- (b) travel;
- (c) meals; or
- (d) entertainment."

(f) in sub subparagraph (b)(iv)—

- (i) insert immediately after the word "fabrics" occurring in item "I-59.03.9", the words "similar bonded yarn fabrics";
- (ii) substitute for the word "black" occurring in line three of item "I-59.12" the word "back";

(g) in sub subparagraphs (v) to (viii) substitute the word "I" for the word "1" wherever it appears therein;

(h) substitute for the word "(3)" occurring immediately after the words "In Part II of the First Schedule" the word "(c)", and for the word "In" occurring at the commencement of subparagraph (c) the word "in";

(i) in sub subparagraph (c) (iv)—

- (i) insert immediately after the word "fabrics" occurring in item II-59.03.9, the words "similar bonded yarn fabrics";
- (ii) substitute for the word "black" occurring in line three of item II-59.12 the word "back";

- (iii) substitute for the word "11" wherever it appears in sub subparagraphs (c)(v)–(x) the word "II";
- (iv) insert immediately after sub subparagraph (c)(v) a new sub subparagraph (vi) as follows—
  - "(vi) in item II-24.02 "Cigars, cheroots and snuff" by substituting for the words "90 cents" occurring in the second column, the words "one dollar".";
- (v) by renumbering sub subparagraphs (vi) to (ix) to read items (vii) to (x);
- (vi) in sub subparagraph (ix), delete the word "industry" occurring at the end thereof and substitute the words "local manufacturing industries".

6. In paragraph 8—

- (a) substitute for lines one and two thereof the following—
 

<p>"Chap. 78:01 amended Act No. 4 of 1979 amended</p>	<p>8. With effect from 1st January, 1986 the Customs Act is amended in the First Schedule by substituting for the items referred to in column 1 the items set out in column 2.";</p>
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- (b) substitute for the word "patatoes" occurring in item "07.06.4" the word "potatoes";
- (c) substitute for the word "of" occurring in item "08.03" the word "or";
- (d) substitute for the word "Other" occurring in item "94.01.11" the words "Of metal".

Confirmed by the House of Representatives this 3rd day of January, 1986.

J. E. CARTER  
*Clerk of the House*