
Fourth Session Tenth Parliament Republic of
Trinidad and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 4 of 2014

[L.S.]

AN ACT to provide for the variation of certain duties and
taxes and to introduce provisions of a fiscal nature
and for related matters

[Assented to 3rd June, 2014]

ENACTED by the Parliament of Trinidad and Tobago as Enactment
follows:

1. This Act may be cited as the Finance Act, 2014. Short title

Chap. 11:19
amended

2. The Gambling and Betting Act is amended—

(a) in section 10—

(i) by renumbering section 10 as section 10(1);

(ii) in section 10(1) as renumbered—

(A) in paragraph (b), by deleting the word “.” and substituting the words “; or”; and

(B) by inserting after paragraph (b), the following paragraph:

“(c)premises specified in a licence referred to in section 35(3) or (4) of the Liquor
Chap. 84:10 Licences Act, which are permitted to host amusement games under that Act;”;

(iii) by inserting after subsection (1), the following subsection:

“ (2) For the purposes of this section, “amusement game” means an electro-mechanical game or device set in operation wholly or partly by the insertion of money or moneys’ worth and so constructed as to return to the person inserting the money or moneys’ worth, in certain circumstances, money or moneys’ worth to the maximum pay out per game of five thousand dollars per game.”;

- (b) by repealing section 13;
- (c) in item 17(2)(a) of the First Schedule, by deleting the words “\$100,000” and substituting the words “\$200,000”; and
- (d) in section 33—
- (i) in subsection (3), by deleting the word “Board” wherever it occurs and substituting the word “Comptroller”;
 - (ii) by repealing subsection (5) and substituting the following new subsection:

“ (5) Where the deposit or a part thereof is to be applied to meet the amount of any claim is held to be valid by the Comptroller or by a Court, the amount shall be paid out of the deposit.”; and
 - (iii) in subsections (6) and (7), by deleting the word “Board” wherever it occurs and substituting the word “Comptroller”.
3. (1) The Registration of Clubs Act is amended— Chap. 21:01
amended
- (a) in the definition of “Secretary” by deleting the words “includes any officer of a club or other person” and substituting the words “means a person under section 2A”;
- (b) by inserting after section 2 the following new section:
- “Secretary 2A. A members’ club shall have a Secretary who shall be a member or *ex officio* member of the members’ club.”;
- (c) in section 5(5)—
- (i) in paragraph (a), by inserting after the word “;” the word “and”;
 - (ii) by deleting paragraph (b); and
 - (iii) in paragraph (c), by deleting the

words “1997” and substituting the words “2014”;

(d) by inserting after section 9 the following new section:

“Tax
qualification
for issue of
certificate

9A. Every members’ club seeking the renewal of a certificate in a year subsequent to the year 2014 shall, before the certificate is issued, satisfy the Licensing Committee that there are no outstanding gaming taxes, interest or penalty payable to the Board of Inland Revenue in respect of the last six years prior to the year in which the application for renewal is made.”;

(e) in section 23, by repealing subsections (2), (3), (4), (5), (6) and (7) and substituting the following new subsections:

“ (2) The Secretary of a members’ club shall, within fifteen days of the grant of a certificate by the Licensing Committee, in respect of every year commencing from the year 2015—

(a) submit to the Board of Inland Revenue, a return as to the number of tables and devices used or to be used on the premises of the club in such form as may be approved by the Board; and

(b) pay the taxes in respect of the tables and devices contained in the return on behalf of the club, at the rates specified in the Schedule.

(3) The return under subsection (2) shall be signed by the Secretary and shall contain—

- (a) the full name and address of the Secretary of the members' club;
- (b) the name and registered place of business of the members' club;
- (c) a full description of every table or device used or to be used on the premises of the members' club;
- (d) the number of tables or devices used or to be used on the premises of the members' club;
- (e) a calculation of the gaming tax payable in respect of every table or device used or to be used on the premises of the members' club; and
- (f) an address for service of notices for the members' club.

(4) Where the Secretary of a members' club fails, neglects or refuses to submit a return for a year commencing from 2015, after six months from the time required to file the return, the Secretary shall, unless the Board of Inland Revenue otherwise directs, pay the Board of Inland Revenue the sum of one hundred dollars for every six months or part thereof during which such failure, neglect or refusal continues.

Chap. 75:01

(5) The Board of Inland Revenue, in respect of the collection and recovery of the gaming tax, has all the powers as it has in relation to income tax under the Income Tax Act.

(6) Where it is proved to the satisfaction of the Board of Inland Revenue that the Secretary has paid on behalf of the members' club gaming taxes in excess of the amount in respect of which the club is properly chargeable, the club shall be entitled to have the tax so paid in excess, refunded to it.

(7) Every claim for a refund under subsection (6) shall be made within one year from the end of the year to which the claim relates.

(8) Where a members' club fails to remit the gaming tax to the Board of Inland Revenue within the times specified in subsection (2), the Secretary of the members' club commits an offence and—

- (a) the certificate of the club shall be liable to cancellation by the Licensing Committee; and
- (b) the Secretary shall be liable to pay together with the tax payable, interest at the rate of fifteen per cent per annum on the tax.

(9) The gaming tax payable for a new members' club which applies for a certificate shall be calculated on a

prorated basis for the unexpired portion of the year from the date upon which the new club applies for the certificate.”;

(f) by inserting after section 23 the following new sections:

“BIR Tags 23A. (1) With effect from January 1, 2015, the Board of Inland Revenue shall cause to be issued in respect of each table or device, a tag for which gaming tax is paid.

(2) Every tag issued under this section shall be in a form approved by the Board of Inland Revenue and shall be valid from the day on which it is issued until the time in the ensuing year when the gaming tax becomes payable.

(3) The Secretary of a members’ club shall cause to be displayed on each table or device, the relevant tag for which the tax was paid, failing which the certificate of the members’ club shall be liable to cancellation by the Licensing Committee and the Secretary commits an offence.

(4) Where an offence is committed under subsection (3), the Secretary is liable on summary conviction to a fine of fifteen hundred dollars and in the case of a continuing offence, a further eight hundred dollars for every day during which the offence continues.

Deposit made
by members’
club

23B. (1) The Secretary of a members’ club in which gambling is carried on, shall deposit with

the Comptroller of Accounts the sum of five hundred thousand dollars on behalf of the members' club and the deposit shall be invested in the discretion of the Minister and the interest thereon, if any, paid to the members' club thereof at yearly intervals.

(2) In the event of a members' club failing to pay any claim validly made on it in respect of a betting transaction where the member's club was involved in the gambling transaction, so much of the deposit referred to in subsection (1) as is necessary to meet the amount of such claim shall be applied for that purpose.

(3) Where the deposit is insufficient for the purpose of meeting the balance of the claim the amount may, notwithstanding any rule of law to the contrary, be recovered by action as a civil debt.

(4) For the purposes of subsection (2), the validity of any claim in respect of a gambling transaction—

- (a) shall be determined by the Comptroller of Accounts where the amount of such claim does not exceed five hundred dollars; or
- (b) may be determined by the Comptroller of Accounts with the consent of the parties thereto where the claim exceeds five hundred dollars.

(5) Notwithstanding any rule of law to the contrary, but

subject to subsection (3), an action shall lie for recovery of any amount claimed in respect of any gambling transaction conducted by a members' club.

(6) Where the deposit or part thereof is to be applied to meet the amount of any claim held to be valid by the Comptroller of Accounts or by a Court, the amount payable shall be paid out of the deposit.

(7) Where the amount of any claim is held to be valid by a Court, the Clerk of the Court or the Registrar thereof shall send a certified copy of the order or judgment to the Comptroller of Accounts within twenty-one days of the making of such order or judgment.

(8) Where a payment is made out of a deposit in satisfaction of any claim in respect of a gambling transaction, the amount by which the deposit required by subsection (1) to be deposited with the Comptroller of Accounts has been reduced, shall be deposited with the Comptroller of Accounts before a members' club undertakes any further gambling transactions.

(9) The Secretary of a members' club in which a gambling transaction is effected, who—

- (a) without making a deposit required by subsection (1); or
- (b) without depositing the amount required to be

deposited in the circumstances set out in subsection (8),

commits an offence and is liable on summary conviction to a fine of one thousand, five hundred dollars and the certificate issued under section 5(4) shall be revoked by the Licensing Committee.

(10) For the purpose of this section, “a gambling transaction” means a transaction where a payment is made in money or moneys’ worth to, or by a members’ club, whether or not the purpose of the transaction is for payment, issue or redemption of moneys’ worth or for gambling.

Indemnifying
the Secretary

23C. (1) Except in respect of an action by, or on behalf of, a members’ club to obtain judgment in its favour, a members’ club shall indemnify the Secretary or his personal representative against all costs, charges and expenses including an amount paid to settle an action or satisfy a judgment reasonably incurred by him in respect of any civil, criminal or administrative action or proceeding to which he is made a party by reason of being, or having been, the Secretary of that club. Failing which, each and every member of the Club shall be liable for the said debt of the Secretary.

(2) Subsection (1) does not apply unless the Secretary to be so indemnified—

(a) acted honestly and in good faith with a view to

the best interests of the members' club; and

- (b) in the case of a criminal or administrative action or proceeding that is enforced by a monetary penalty, has reasonable grounds for believing that his conduct was lawful.”; and

- (g) the Schedule is amended by deleting item 6.

(2) Subsections (1)(c)(iii), (d) and (e), except in relation to section 23(5), shall come into effect on January 1, 2015.

4. The Municipal Corporations Act is amended by inserting after section 60, the following new section: Chap. 25:04 amended

“Duty allowance 60A. (1) Notwithstanding section 60 and any other written law, the President may, by Order grant a duty allowance to Municipal Police Officers.”.

(2) Subsection (1) is deemed to have come into effect on 1st October, 2010.”.

5. The Litter Act is amended—

Chap. 30:52 amended

(a) in section 3(6), by deleting the word—

(i) “two” and substituting the word “four”; and

(ii) “four” and substituting the word “eight”;

(b) in section 3A(2), by deleting the word—

(i) “two” and substituting the word “four”; and

(ii) “four” and substituting the word “eight”;

(c) in section 4, by deleting the word “two” and substituting the word “four”;

- (d) in section 6(4), by deleting the words “two thousand dollars and to a further fine of four hundred dollars” and substituting the words “four thousand dollars and to a further fine of eight hundred dollars”; and
- (e) in section 9(2), by deleting the words “two thousand dollars and to a further fine of four hundred dollars” and substituting the words “four thousand dollars and to a further fine of eight hundred dollars”.

Chap. 57:01
amended

6. The State Lands Act is amended in section 25—

- (a) in paragraph (a), by deleting the words—
 - (i) “one hundred and twenty thousand dollars and imprisonment for a term of one year” and substituting the words “three hundred thousand dollars and imprisonment for a term of three years”; and
 - (ii) “two hundred and fifty thousand dollars and imprisonment for a term of two years” and substituting the words “five hundred thousand dollars and imprisonment for a term of five years”; and
- (b) in paragraph (b), by deleting the words—
 - (i) “sixty thousand dollars and imprisonment for a term of six months” and substituting the words “one hundred and twenty thousand dollars and imprisonment for a term of one year”; and
 - (ii) “one hundred and twenty thousand dollars and imprisonment for one year” and substituting the words “three hundred thousand dollars and imprisonment for a term of three years”.

7. The Minerals Act is amended in section 45— Chap. 61:03
amended

(a) in subsection (1), by deleting the words—

(i) “two hundred thousand dollars and imprisonment for a term of two years” and substituting the words “five hundred thousand dollars and imprisonment for a term of five years”; and

(ii) “three hundred thousand dollars and imprisonment for a term of three years” and substituting the words “seven hundred thousand dollars and imprisonment for a term of seven years”;

(b) in subsection (3), by deleting the words “one hundred thousand dollars and imprisonment for a term of one year” and substituting the words “five hundred thousand dollars and imprisonment for a term of five years”;

(c) in subsection (4), by deleting the words “one hundred thousand dollars and imprisonment for a term of one year” and substituting the words “five hundred thousand dollars and imprisonment for a term of five years”; and

(d) in subsection (5), by deleting the words “fifty thousand dollars and imprisonment for a term of six months” and substituting the words “two hundred thousand dollars and imprisonment for a term of two years”.

8. The Petroleum Act is amended in section 6(2), by deleting the words “thirty thousand dollars” and “one thousand five hundred dollars” and substituting the words “five hundred thousand dollars” and “fifty thousand dollars” respectively. Chap. 62:01
amended

Chap. 64:20
amended

9. The Cocoa and Coffee Industry Act is repealed.

Chap 69:01
amended

10. (1) The Exchequer and Audit Act is amended by inserting after section 23, the following Part:

“PART IVA

ELECTRONIC FUNDS TRANSFER

Electronic
funds
transfer

23A.(1) Notwithstanding any other written law, a payment into or issue out of—

- (a) the Exchequer Account; or
- (b) other public moneys, howsoever held,

may be made by means of electronic funds transfer in accordance with general or specific directions issued by the Treasury.

(2) Nothing in subsection (1), shall affect the validity of making payments or issues referred to in that subsection by any means that were lawful before the coming into force of this Part.

Regulations
for this Part

23B.(1) The Minister may make Regulations to give effect to the provisions of this Part including—

- (a) the conditions relating to electronic funds transfers, including the use of bank cards, credit cards, electronic money or any other method of transferring funds electronically approved by the treasury;
- (b) processes and controls for ensuring valid and reliable authentication and access to information;
- (c) environmental and application controls to support the use of electronic signatures;

- (d) guidelines and controls to ensure protection for clients and Departments, the content and timing of disclosures and the identification of documentation with respect to electronic funds transfers;
- (e) the liabilities of the State with respect to—
 - (i) unauthorized electronic funds transfers by a Department or public official;
 - (ii) fraudulent or negligent conduct of a Department or public official and the treatment of losses occurring as a result of such conduct;
 - (iii) notification of loss, theft or unauthorised use of bank cards, credit cards or other devices; or
 - (iv) system malfunction or failure; or
- (f) dispute resolution.

(2) Regulations made under this section shall be subject to negative resolution of Parliament.

(3) Notwithstanding any other written law to the contrary, Regulations made under this section may provide in respect of any contravention of a regulation a penalty on summary conviction of a fine up to a maximum of one hundred and fifty thousand dollars and imprisonment for one year.

(4) In this section—

“bank card” has the meaning assigned by section 2 of the Electronic Transfer of Funds Crime Act;

“client” means a person who conducts business with a Department or any other person who is entitled to receive or required to make payments to such a Department;

“credit card” has the meaning assigned to it by section 2 of the Electronic Transfer of Funds Crime Act;

“Department” includes—

- (a) a Ministry;
- (b) Parliament, a Joint Select Committee of Parliament or a committee of either House of Parliament;
- (c) the Court of Appeal, the High Court, the Industrial Court, the Tax Appeal Board or any court of summary jurisdiction; and
- (d) a department of Government not under ministerial control;

“electronic funds transfer” means any transfer of funds through electronic means that is initiated by a Department or a client, so as to instruct or authorize a Central Bank in the case of a Department, or a financial intermediary in the case of a client, to debit or credit an account held with the Central Bank or financial intermediary, as the case may be;

“electronic money” has the meaning assigned to it by section 2 of the Financial Institutions Act; Chap. 79:09

“electronic signature” has the meaning assigned to it in section 2 of the Electronic Transactions Act, 2011; Act No. 6 of 2011

“information” has the meaning assigned to it by section 2 of the Electronic Transactions Act, 2011;

“Minister” means the Minister with responsibility for finance;

“public official” means an individual exercising a public function in an official capacity and includes the following:

- (a) the President;
- (b) a Minister of Government;
- (c) a Parliamentary Secretary;
- (d) a member of Parliament;
- (e) a Judge, Magistrate or the holder of any other judicial or *quasi-judicial* office;
- (f) a member of the Public Service, Judicial and Legal Service, Teaching Service and Police Service Commissions;
- (g) an accounting officer;
- (h) a receiver of revenue;
- (i) an administering officer appointed by the Minister to administer a special fund;
- (j) an officer authorised by the State to attend

- meetings abroad; and
- (k) such other individuals as are approved by the Treasury in writing.

Chap. 75:01
amended

11. The Income Tax Act is amended in—

(a) section 8(1)—

- (i) in paragraph (aa), by deleting the full stop and substituting a semi-colon; and
- (ii) by inserting after paragraph (aa), the following new paragraph:

“(ab) with effect from 1st October, 2010, the duty allowance paid to a member of a Municipal Police Service.”;

(b) section 45A, by deleting the words “, after consultation with the Industrial Development Corporation”;

(c) section 45C—

- (i) in subsection (1), by deleting the words “2015” and substituting the words “2018”; and
- (ii) in subsection (2)(b), by deleting the words “2015” and substituting the words “2018”;

(d) section 45D(1), by deleting the words “Minister with responsibility for housing” and substituting the words “Minister with responsibility for industry”; and

(e) Class C of the Seventh Schedule by inserting after “Roadmaking Plant – Jitney” the following item:

“Natural Gas Compressors (Transmissions)... 33.3%”.

12. The Corporation Tax Act is amended—Chap. 75:02
amended**(a) in section 3—****(i) in subsection (2)(a), by—****(A)** inserting the word “unconnected”, before the word “shareholders”; and**(B)** inserting the word “new”, before the words “issued share capital of the company”; and**(ii) in subsection (2)(b), by—****(A)** inserting the word “unconnected”, before the word “shareholders”; and**(B)** inserting the word “new”, before the words “issued share capital of the company”;**(iii) in subsection (3), by deleting paragraphs (a), (b) and (c) and substituting the following paragraphs:****“(a)** minimum issued share capital is five million dollars and maximum issued share capital does not exceed fifty million dollars following the initial public offering;**(b)** minimum and maximum capital base comprises of issued share capital only and does not include retained earnings and

accounts transferred from such issued share capital or retained earnings to a reserved account; and

(c) minimum number of unconnected shareholders is twenty-five.”; and

(b) in section 10F, by inserting after subsection (1), the following subsection:

“ (1A). For the purposes of subsection (1), all outgoings and expenses wholly and exclusively incurred by the company in respect of the acquisition of the income in relation to those debt securities whether or not such income is exempt from tax under this Act or any other written law shall not include purchase consideration paid.”;

(c) in subsection (2), by deleting the words “or the consideration paid”; and

(d) by inserting after subsection (2), the following new subsections:

“ (3) Subsection (1) shall not apply to outgoings and expenses incurred by a company in relation to strips of bonds or other securities that were not originally issued either in Trinidad and Tobago or in a CARICOM Member State.

(4) For the purposes of subsection (3), “a CARICOM Member State” means a State Party to the Revised Treaty of Chaguaramas

including the Single Market and Economy signed in 2001 in Nassau, Bahamas.”.

13. The Petroleum Taxes Act is amended—

Chap. 75:04
amended

(a) in section 12B(1), by—

- (i) inserting after the word “deduction” the words “from January 1, 2014”; and
- (ii) deleting the words “other than tangible cost”;

(b) by inserting after section 12C, the following new section:

“Capital
expenditure
allowance

12D. (1) In ascertaining the taxable profits of a person carrying on production business who, during the financial years commencing January 1, 2014 and ending on December 31, 2017, incurs capital expenditure in respect of exploration operations on land or in a submarine area, that person may, subject to subsection (2), elect to claim as a deduction the capital expenditure incurred in respect of such operations in the financial year in which the expenditure is incurred.

(2) Expenditure in respect of which a deduction is claimed under subsection (1), does not fall to be treated under sections 14 and 15(1C) and (1E) in computing the taxable profits of a person who has incurred capital expenditure

in respect of exploration operations on land or in a submarine area.”;

(c) in section 13(1), by deleting the words “including in particular paragraph 7 of the Second Schedule”;

(d) by repealing section 15(1A), (1B), (2) and (3);

(e) by repealing section 26B(2) and substituting the following new subsection:

“ (2) Subject to subsection (1), where there is any excess credit at the end of a financial year it may be claimed in the next financial year immediately following the financial year in which the expenditure was incurred and in no other financial year.”; and

(f) in the Second Schedule, by deleting clause 7.

14. The Customs Act is amended—

(a) in section 16(5), by deleting the words “two thousand, five hundred dollars” and substituting the words “one hundred and twenty-five thousand dollars or treble the value of such goods, whichever is the greater.”;

(b) in section 37(3), by—

(i) deleting the words “twenty-five” and substituting the word “fifty”;

(ii) deleting the words “at the election of the Comptroller,” and substituting the words “or whichever is greater, and to imprisonment for a term of eight years”; and

- (iii) inserting the words “to imprisonment for a term of eight years,” before the words “in addition to such penalty,”;
- (c) in section 38(2), by deleting the words—
 - (i) “twenty-five” and substituting the word “fifty”; and
 - (ii) “at the election of the Comptroller,” and substituting the words “whichever is greater and to imprisonment for a term of eight years and the forfeiture of all such goods.”;
- (d) by repealing section 45(1)(m);
- (e) in section 57, by deleting the word “four” and substituting the words “one hundred”;
- (f) in section 62, by—
 - (i) deleting the word “four” and substituting the words “one hundred and twenty-five”; and
 - (ii) deleting the words “at the election of the Comptroller” and substituting the words “whichever is greater”;
- (g) in section 63(3), by deleting the words “five hundred dollars” and substituting the words “one hundred and twenty-five thousand dollars”;
- (h) in section 67, by deleting the word “four” and substituting the word “twenty”;
- (i) in section 105, by deleting the words “in such sum” and substituting the words “in the sum of twenty-five per cent of the duty and tax payable on the goods”;

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- (j) in section 154, by deleting the words “except as otherwise provided in section 153” and substituting the words “in addition to any offence for which he may be convicted under any written law”;
- (k) in section 156, by—
- (i) deleting the word “four” and substituting the words “one hundred and twenty-five”; and
 - (ii) deleting the words “at the election of the Comptroller” and substituting the words “whichever is greater.”;
- (l) in section 157, by—
- (i) deleting the word “four” and substituting the words “one hundred and twenty-five”; and
 - (ii) deleting the words “at the election of the Comptroller” and substituting the words “whichever is greater.”;
- (m) in section 167, by deleting the words “twenty thousand dollars” and substituting the words “one hundred and twenty-five thousand dollars”;
- (n) in section 170, by deleting the words “four thousand dollars” and substituting the words “one hundred and twenty-five thousand dollars or treble the value of such goods, whichever is the greater”;
- (o) in section 171, by—
- (i) deleting the word “four” and substituting the word “twenty”; and

- (ii) deleting the words “at the election of the Comptroller” and substituting the words “whichever is greater”;
- (p) in section 172, by deleting the words—
- (i) “eight hundred” and substituting the words “four thousand”; and
 - (ii) “at the election of the Comptroller” and substituting the words “whichever is greater”;
- (q) in section 177, by deleting the word “four” and substituting the words “one hundred and twenty-five”;
- (r) in section 178, by deleting the words “one hundred” and substituting the words “four thousand”;
- (s) in section 182, by deleting the words “five hundred” and substituting the words “four thousand”;
- (t) in section 183, by deleting the word “eight” and substituting the word “fifty”;
- (u) in section 196, by deleting the word “four” and substituting the word “fifty”;
- (v) in section 198(1)—
- (i) in paragraph (a), by deleting the word “two” and substituting the words “five hundred”;
 - (ii) in paragraph (b), by deleting the word “two” and substituting the words “five hundred”; and
 - (iii) in paragraph (c), by—
 - (A) deleting the word “two” and substituting the

- words “five hundred”; and
- (B) deleting the word “twenty thousand” and substituting the words “one million”;
- (w) in section 210, by deleting the word “two” and substituting the word “four”;
- (x) in section 211, by—
- (i) inserting after the words “where no penalty is provided, shall incur” the words “upon conviction”;
 - (ii) deleting the word “four” and substituting the word “fifty”;
 - (iii) deleting the words “at the election of the Comptroller,” and substituting the words “whichever is greater and to imprisonment for a term of eight years and the forfeiture of all such goods”; and
 - (iv) deleting the words “and any such person may be arrested and detained by an Officer, and taken before a Magistrate to be dealt with according to law”;
- (y) in section 213—
- (i) by deleting the words “notwithstanding sections 248 and 249” and substituting the words “in addition to any offence for which he may be convicted under any written law”; and

- (ii) in subparagraph (iii), by inserting after the word “years” the words “, and in any case the goods may be forfeited”; and
 - (z) in the Prohibition (Carriage Coastwise, Importation and Exportation) Order, 1953 in the Second Schedule, by repealing the third paragraph entitled “mechanical games of chance for gambling”.
- 15. The Excise (General Provisions) Act is amended—Chap. 78:50 amended
 - (a) in section 40(1), by deleting the word “four” and substituting the word “forty”;
 - (b) in section 57, by deleting the word “four” and substituting the word “forty”; and
 - (c) in section 62—
 - (i) in subsection (1), by deleting the word “four” and substituting the words “two hundred”; and
 - (ii) in subsection (2), by deleting the word “twenty” and substituting the words “two hundred”.
- 16. (1) The Liquor Licences Act is amended—Chap. 84:10 amended
 - (a) in section 20, by inserting after subsection (4) the following new subsection:
 - “ (5) With effect from the year 2016, an applicant for a licence under section 16 who desires to host amusement games in his premises shall, in respect of a year subsequent to the year 2014, provide the licensing committee with a certificate from the Board of Inland Revenue that the applicant is not in arrears of any

gaming tax, interest or penalty payable to the Board of Inland Revenue in respect of the last six years prior to the year of application.”; and

(b) by inserting after section 20 the following new section:

“Certain
licensed
premises to
host
amusement
games

20A. (1) Notwithstanding section 58, licenced premises referred to in section 35(3) or (4) may host amusement games where there are no more than twenty amusement games in operation at any given time.

(2) In respect of amusement games referred to in subsection (1), the maximum pay out sum per game of five thousand dollars shall be prominently displayed on each amusement game.

(3) The holder of a licence specified under section 35(3) or (4) who hosts amusement games on his premises, shall not permit an individual who is under the age of eighteen years, to be in that part of the premises where amusement games are conducted or to engage in amusement game activities on his premises.

(4) The holder of a licence specified under section 35(3) or (4) who hosts amusement games on

his premises, shall cause to be displayed at all times, in a prominent place in that part of the premises where the amusement games are conducted, a sign, written in large, bold, upper case characters, that reads as follows:

“INDIVIDUALS UNDER THE AGE OF EIGHTEEN YEARS ARE NOT ALLOWED IN THIS PART OF THE PREMISES AND ARE PROHIBITED FROM ENGAGING IN AMUSEMENT GAME ACTIVITIES”.

(5) The holder of a licence specified under section 35(3) or (4) who knowingly permits an individual under the age of eighteen years—

- (a) to be in that part of his premises where amusement games are conducted; or
- (b) to engage in amusement game activities on his premises,

commits an offence and is liable on summary conviction for a first offence, to a fine of five thousand dollars, and in the case of a subsequent offence, to a fine of ten thousand dollars and the licence issued under this Act may be revoked.

(6) The holder of a licence specified under section 35(3) or (4) who fails to comply with subsection (4), commits an offence and is liable on summary conviction to a fine of one thousand dollars and the licence issued under this Act may be revoked.

Annual Tax
on amuse-
ment games

20B. (1) Commencing in the year 2015, there shall be charged on all amusement games to be operated on premises referred to in section 20A, a tax to be known as a “gaming tax”, which shall be payable annually at the rate of three thousand dollars in respect of each amusement game.

(2) The holder of a licence specified in section 35(3) or (4) who desires to operate an amusement game on licenced premises shall, within fifteen days of the issue of the licence, in respect of every year commencing from the year 2015—

- (a) submit to the Board of Inland Revenue, a return as to the number of amusement games to be used on the licensed premises, in such form as may be approved by the Board of Inland Revenue; and

(b) pay to the Board the gaming taxes in respect of every amusement game to be used on the licensed premises.

(3) The return under subsection (2) shall be signed by the holder of the licence referred to in that subsection and shall contain—

(a) the name and address of the holder of the licence;

(b) the operation and address of the licensed premises;

(c) the exact number and description of the amusement games to be used on the licensed premises;

(d) the calculation of the gaming tax payable in respect of every amusement game to be used on the licensed premises; and

(e) the address for service of notices.

(4) Where the holder of a licence fails, neglects or refuses to submit a return for a year commencing from 2015, after six months from the time required to file the return, the holder of the licence shall, unless the Board of

Inland Revenue otherwise directs, pay to the Board of Inland Revenue a sum of one hundred dollars for every six months or part thereof during which such failure, neglect or refusal continues.

(5) The Board of Inland Revenue, in respect of the collection and recovery of the gaming tax, has all the powers as it has in relation to income tax under the Income Tax Act.

(6) Where it is proved to the satisfaction of the Board of Inland Revenue that the holder of the licence has paid gaming taxes in excess of the amount in respect of which the licence holder is properly chargeable, the holder of the licence shall be entitled to have the tax so paid in excess, refunded to him.

(7) Every claim for a refund under subsection (6) shall be made within one year from the end of the year to which the claim relates.

(8) Where the holder of a licence specified in section 35(3) or (4) fails to remit the gaming tax to the Board of Inland Revenue within the time specified in subsection (2), he shall be liable to pay together with the tax payable interest at the rate of fifteen per cent per annum on the tax.

(9) The gaming tax payable for an applicant who applies for a

new certificate shall be calculated on a prorated basis for the unexpired portion of the year from the date upon which the applicant for a new certificate applies for the certificate.

(10) For the purposes of this section, “an amusement game” has the meaning assigned to it by section 10 of the Gambling and Betting Act.

BIR Tag

20C. (1) Where a gaming tax has been paid in respect of any amusement game—

- (a) the Board of Inland Revenue shall cause to be issued in respect of each amusement game a tag for which gaming tax has been paid; and
- (b) the holder of the licence shall cause to be attached and displayed on each amusement game the tag issued by the Board of Inland Revenue, prior to installation or operation of such amusement game.

(2) Every tag issued under this section shall be in a form approved by the Board of Inland Revenue and shall be valid from the day on which it is issued until the time in the ensuing year when the gaming tax becomes payable.

(3) Where the holder of a licence specified in section 35(3) or (4) fails to

display the tag issued by the Board of Inland Revenue on the amusement game situate on the licensed premises or fails to display the maximum payout on the amusement game—

- (a) he commits an offence and is liable to a penalty of fifteen hundred dollars and in the case of a continuing offence a further eight hundred dollars for every day during which the offence continues; and
- (b) the licence specified under section 35(3) or (4) shall be liable to cancellation by the licencing committee.

(4) A tag issued under this section is non-transferable.

(5) For the purposes of this section, “amusement game” has the meaning assigned to it by section 10 of the Gambling and Betting Act.”.

(2) Where on or after the coming into force of this Act, a licensed premises referred to in section 35(3) or (4) has on it an amusement game, the gaming tax payable in respect of the game for the unexpired portion of the year 2014, shall be calculated on a prorated basis for the unexpired portion of the year.

(3) The tax payable under subsection (2), in respect of an amusement game already on a licensed premises on the coming into force of this Act, shall become due and payable three months within the coming into force of this section.

17. The Income Tax (In Aid of Industry) Act is Chap. 85:04
amended—amended

(a) in section 2—

- (i) in subsection (3), by deleting the words “Petroleum Act” and substituting the words “Petroleum Taxes Act”; and
- (ii) by inserting after subsection (3), the following new subsection:

“ (4) For the purposes of Parts II and IIA, “refining business” has the same meaning assigned to it in the Petroleum Taxes Act.”;

(b) in section 16—

- (i) in subsection (1A), by deleting the words “the production of sugar, petroleum” and substituting the words “the refining business or the production of sugar”; and
- (ii) by inserting after subsection (1A), the following new subsection:

“ (1B) In the case of persons carrying on production business, the rate of initial allowance shall be limited to fifty per cent of the expenditure incurred.”;

(c) by repealing section 16A;

(d) by repealing section 17A and substituting the following new section:

“Allowance on machinery or plant 17A. (1) For the purposes of section 11(1)(b) of the Income Tax Act, where, on or after January 1, 2014, a person carrying on refining business incurs expenditure on the provision of

machinery or plant for the purposes of the trade, there shall be made to him from the financial year in which the expenditure was incurred an allowance of twenty per cent calculated on a straight line basis, on the residue of such expenditure after deduction of the initial allowance referred to in section 16(1A).

(2) For the purposes of section 11(1)(b) of the Income Tax Act, where on or after January 1, 2014, a person carrying on production business incurs expenditure on the provision of machinery or plant for the purposes of the trade, there shall be made to him—

- (a) in the first year following the year in which the expenditure is incurred, an allowance of thirty per cent of the expenditure; and
- (b) in the second year following the year in which the expenditure is incurred, an allowance of twenty per cent of the expenditure.

(3) Where a person carrying on production business or refining business has an unrelieved balance as at December 31, 2013, his allowance shall continue to be calculated in

the manner in which it was calculated prior to January 1, 2014.”;

(e) in section 18(1), by deleting the words “5(1)(c) and (d)” and substituting the words “5(1)(b) and (c)”;

(f) by repealing section 21A(3);

(g) in section 23(1), by deleting the words—

(i) “the appointed day”, and substituting the words “January 1, 2014”; and

(ii) “one-tenth” and substituting the words “fifty per cent”;

(h) by repealing section 23(2) and (3);

(i) in section 24—

(i) by repealing subsections (1), (2), (3) and (4), and substituting the following subsections:

“ (1) Where on after January 1, 2014, a person carrying on a trade which consists of, or includes the working of any mine, oil well or other source of mineral deposits of a wasting nature has carried out such trade, for the purposes of that trade expenditure to which this Part applies, in ascertaining the chargeable income of such person, there shall be made to him—

(a) in the first year following the year in which the expenditure is incurred, an allowance of thirty per cent of the expenditure; and

(b) in the second year following the year in which the expenditure is incurred, an allowance of twenty per cent of the expenditure.

(2) Where the person referred to in subsection (1) has, as at December 31, 2013, an unrelieved balance of expenditure, he shall be allowed on the unrelieved balance, an allowance of twenty per cent, calculated on a straight line basis.

(3) Where the sources under this section ceases to be worked, the person carrying on the trade may elect that the unrelieved allowances, if any, for the year of income in which that event occurs, be claimed over the two preceding years, providing that the amount of such allowance to be given for the preceding years of income shall not exceed an amount which would reduce the tax payable to less than one-half of the amount which would

have been payable had the allowance not been given.”;

(ii) in subsection (5), by deleting the word “References” and substituting the words “Subject to subsection (5A), references”; and

(iii) by inserting after subsection (5), the following new subsection:

“ (5A) Subsection (5) applies to annual allowances made prior to January 1, 2014.”;

(j) in section 63(3), by deleting the words “5(1)(c) and (d)” and substituting the words “5(1)(b) and (c)”;

(k) in section 63A—

(i) by repealing subsection (2) and substituting the following subsection:

“ (2) A claim for an allowance from capital expenditure shall not be deferred.”; and

(ii) in subsection (3), by deleting the words “residue of expenditure on which the annual allowance” and substituting the words “expenditure on which the allowances”;

(l) in section 69(3), by inserting after the words “annual allowance” the words “and other allowance under sections 17A(2) and 24(1)”;

and

(*m*) in the Fourth Schedule—

- (i) in clause 2(*a*), by inserting after the words “annual allowance” the words “and other allowance under sections 17A(2) and 24(1)”;
- (ii) in clause 3(1), by inserting after the words “annual allowance” the words “and other allowance under sections 17A(2) and 24(1)”;
- (iii) in clause 3(2), by inserting after the words “annual allowances”, in the second place where they occur, the words “and other allowance under sections 17A(2) and 24(1)”.

Chap. 87:54
amended

18. The Spirits and Spirit Compounds Act is amended—

- (*a*) in section 45(2), by deleting the words “in such sum” and substituting the words “in the sum of twenty-five per cent of the duty and tax payable on the goods”;
- (*b*) in section 64, by deleting the words “as the proper officer requires” and substituting the words “in the sum of twenty-five per cent of the duty and tax payable on the goods”.

G.N. No. 115 of 1950
amended

19. The Income Tax (Mineral Deposits) Regulations is amended in regulation 6—

- (*a*) by revoking subregulation (2)(*a*)(ii);
- (*b*) in subregulation (2)(*b*), by deleting subparagraph (ii) and its proviso and substituting the following paragraph:

“(ii) so much of any annual allowances and other allowance made under section 24(1) of the Act to the seller as is attributable to the seller’s expenditure on the assets.”; and

(c) by inserting after subregulation (2), the following new subregulation:

“ (3) Notwithstanding subregulation (2)(b)(ii), where only some of the assets connected with a source are in question, the amount of the seller’s annual allowances and other allowance made under section 24(1) attributable to those assets shall be ascertained by applying the provisions of Part III of the Act relating to the computation of the annual allowances and other allowance made under section 24(1) as though the seller’s expenditure on those assets had been the only expenditure qualifying for annual allowances and other allowances made under section 24(1) in connection with the source.”.

20. (1) The Electronic Transactions Act, 2011 is Act No. 6 of 2011 amended amended—

(a) in section 2, by inserting in the appropriate alphabetical sequence, the following definition:

“ “revenue” means all tolls, duties, fees, licences, taxes, imports, royalties, rents, penalties, fines, forfeitures, dues and all other receipts of the State from whatever source arising, over which Parliament has power of appropriation, including the proceeds of all loans raised;”;

(b) in section 5—

(i) by deleting the word “and” after paragraph (d);

- (ii) by deleting the word “.” after paragraph (e) and substituting the words “; and”;

(c) in section 53(1)—

- (i) by deleting the word “or” at the end of paragraph (c);
- (ii) by inserting the word “or” at the end of paragraph (d); and
- (iii) by inserting after paragraph (d), the following paragraphs:

“(e) collects revenue or makes payments; and

(f) make or receive payments in electronic form or by electronic means.”.

(2) Subsection (1) shall come into effect on such date as is proclaimed by the President by Proclamation.

Passed in the House of Representatives this 5th day of April, 2014.

Clerk of the House

Passed in the Senate this 9th day of April, 2014.

Clerk of the Senate

Senate amendments agreed to by the House of Representatives this 16th of May, 2014.

Clerk of the House