

LEGAL NOTICE No. 201

REPUBLIC OF TRINIDAD AND TOBAGO

THE INCOME TAX ACT, CHAP. 75:01

ORDER

MADE BY THE PRESIDENT UNDER SECTION 93(1) OF THE  
INCOME TAX ACT

THE DOUBLE TAXATION RELIEF (VENEZUELA) ORDER, 1985

WHEREAS it is provided by subsection (1) of section 93 of the Income Tax Act that if the President by Order published in the *Gazette* 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, the arrangements shall have effect in relation to income tax notwithstanding anything in any written law:

And whereas by an Agreement dated 30th July, 1985, made between the Government of Trinidad and Tobago and the Government of Venezuela, arrangements were made *inter alia* for the avoidance of double taxation:

Now, therefore, the President in pursuance of the said subsection (1) of section 93 of the Income Tax Act is pleased to order, and it is hereby ordered as follows:

1. This Order may be cited as the Double Taxation Relief (Venezuela) Order, 1985.
2. It is hereby declared—
  - (a) that the arrangements specified in the Schedule have been made with the Government of Venezuela;
  - (b) that it is expedient that those arrangements should have effect.

SCHEDULE

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF TRINIDAD AND TOBAGO AND THE GOVERNMENT OF THE REPUBLIC OF VENEZUELA FOR THE AVOIDANCE OF DOUBLE TAXATION IN RESPECT OF AIR TRANSPORT

The Government of the Republic of Trinidad and Tobago and the Government of the Republic of Venezuela:

Desiring to conclude an agreement for the avoidance of double taxation in respect of the profits and income of undertakings in the business of air transport:

Having examined and verified the reciprocity of legal treatment concerning the taxation of such undertakings—

Have agreed as follows:

ARTICLE 1

1. Subject to Article 2 of this Agreement all profits and income derived by an undertaking of one of the Contracting States from the business of air transport and of any related operations shall be exempt in the other Contracting State from all the taxes of that Contracting State, other than municipal taxes, which are or may become chargeable on profits and income.

2. The provisions of this Article shall also apply to profits and income from the participation in a pool, a joint business or an international operating agency.

ARTICLE 2

1. The exemption provided under Article 1 shall apply to an undertaking of one of the Contracting States which, at the date of signature of this Agreement, regularly serves an airport situated in the territory of the other Contracting State.

2. This exemption shall also apply, subject to mutual agreement between the Competent Authorities of the Contracting States, to an undertaking of either Contracting State which may subsequently operate a regular service to an airport situated in the territory of the other Contracting State, or which may be designated under agreements between the Contracting States.

3. All undertakings of each of the Contracting States, which are exempt from tax in accordance with the provisions of this Agreement, shall present to the Competent Authority of the other Contracting State, for statistical purposes only, an annual statement of the financial results of those undertakings from the business of air transport and of any related operations carried out by them in the other Contracting State.

ARTICLE 3

The Competent Authorities of the Contracting States shall endeavour to resolve by mutual agreement any difficulty or doubt arising out of the application of this Agreement. The Competent Authorities may communicate with each other for this purpose. Where it seems advisable for this purpose to have direct consultations these shall take place within a reasonable time after a request for such consultations has been made by the Competent Authority of one of the Contracting States to the Competent Authority of the other Contracting State.

## ARTICLE 4

The Contracting States shall endeavour not to allow the benefits granted by this Agreement to be extended directly or indirectly to third state undertakings. The Contracting States shall verify the enforcement of this Article by means of the procedures established in Article 3.

## ARTICLE 5

For the purposes of this Agreement—

- (a) the expressions “one of the Contracting States” and “the other Contracting State” mean the Republic of Trinidad and Tobago or the Republic of Venezuela as the context requires;
- (b) the expression “undertaking of one of the Contracting States” means an undertaking of the Government of that Contracting State and/or of a natural person resident in that Contracting State and not resident in the other Contracting State and/or a company or partnership constituted under the laws in force, managed and controlled in that Contracted State;
- (c) the expression “the business of air transport” means the business of transporting passengers, freight and mail carried on by the owner or charterer of aircraft;
- (d) the expression “Competent Authority” means, in the case of the Republic of Trinidad and Tobago, the Minister to whom the responsibility for Finance is assigned or his duly authorised representative, and in the case of the Republic of Venezuela, the Direccion General Sectorial de Rentas of the Ministry of Finance or its authorised representative.

## ARTICLE 6

Each of the Contracting States shall notify the other in writing through diplomatic channels of the completion of the procedures required by its law to bring this Agreement into force. This Agreement shall enter into force on the date of the later of these notifications and shall thereupon have effect as regards the profits and income arising on or after 1st January of the calendar year following such later notification.

## ARTICLE 7

This Agreement shall remain in force indefinitely, but it may be terminated by either Contracting State by giving six months notice in writing to the other Contracting State, and in such event shall cease to have effect as regards profits and income arising after 31st December of the calendar year in which the notice is given.

In witness whereof the undersigned, being duly authorised by their respective Governments, have signed this Agreement.

Done in duplicate at Port-of-Spain/Caracas this 30th day of July, 1985  
in the English and Spanish languages, both texts being equally authentic.

**O. PADMORE**

*For the Government of the Republic  
of Trinidad and Tobago*

**S. A. CONSALVI**

*For the Government of the Republic  
of Venezuela*

Dated this 23rd day of December, 1985.

**K. BOSWELL INNISS**

*Secretary to Cabinet*