

LEGAL NOTICE No. 17

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 ^{Preamble} Collection of Taxes Act, Chap. 74:01 (hereinafter called "the Act") 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, 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 a tax or the variation of an existing tax and from the date of the publication of the 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 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 (No. 2) Order, 1996 was made under section 3 of the Act, whereby provision was made for the imposition or variation of taxes in the written laws mentioned in the said Order 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, 1997":

And whereas it is expedient to confirm the said Order:

Be it Resolved:

That the Provisional Collection of Taxes (No. 2) Order, 1996 be confirmed subject to the following modifications:

1. In paragraph 2—

(a) in subparagraph (a), by deleting paragraph (b) of section 5 and substituting the following paragraphs:

"(b) in respect of the year 1997, a certificate from the Board of Inland Revenue specifying the gaming taxes payable in respect of every gambling table or other device used or to be used on the premises of the club; and

- (c) in respect of a year subsequent to the year 1997, a certificate of the Board of Inland Revenue that the members' club is not in arrears in any taxes, interest or penalty payable to the Board in respect of the last six years prior to the year 1997.”;
- (b) by inserting after subparagraph (a) the following subparagraph:
- “(aa) in section 14(2) by deleting the fullstop at the end of paragraph (h) and substituting a semi-colon, by transposing the word “or” occurring at the end of paragraph (g) to the end of paragraph (h) and inserting thereafter the following new paragraph:
- “(i) that an offence relating to the payment of gaming taxes under section 23 has been committed.”; and
- (c) by deleting subparagraph (b) and substituting as follows:
- “(b) by deleting section 23 and substituting as follows:

Duty on
gambling
devices

23. (1) Subject to this section, there shall, commencing in the year 1997, be charged on all gambling tables and other gambling devices used or to be used on the premises of a members' club desiring to carry on gambling activities therein, a tax to be known as a gaming tax at the rates specified in the Schedule.

(2) Subject to subsection (3), the Secretary of a members' club shall pay to the Board of Inland Revenue on or before 15th January, 15th April, 15th July and 15th October of each year commencing in

the year 1997, an amount equal to one-quarter of the gaming tax payable by the members' club as estimated by its Secretary at the rates set out in the Schedule.

(3) Notwithstanding subsection (2), the first instalment of the amount to be made on account of the tax payable under this section for the Year 1997, may be paid by the Secretary of a members' club on or before 28th February, 1997.

(4) Every members' club seeking the renewal of a certificate in a year subsequent to the year 1997 shall, before the certificate is issued, satisfy the Licencing Committee that there are no outstanding taxes, interest or penalty payable to the Board of Inland Revenue in respect of the last six years prior to the year 1997.

(5) For the purposes of subsection (2), the estimated tax payable by a members' club in a year shall, subject to subsection (6) be taken to be the tax payable on the tables and other devices used or to be used on the premises of the club as disclosed in the statement under section 5(5).

(6) The Board may, where it is satisfied that the amount of gaming taxes estimated by the Secretary

of a members' club is incorrect, revise the estimated gaming taxes payable by that club and the provisions of subsection (2) shall apply to the revised amount accordingly.

(7) Where a members' club fails to pay the tax payable in accordance with subsection (2), the Secretary of the club is guilty of an offence under this Act and in addition the certificate issued to that club may be cancelled by the Licensing Authority."

2. In paragraph 4—

(a) in subparagraph (p) by deleting the words "sub-item 1.(5)" and substituting the words "paragraph 1.(5)";

(b) in paragraph (q)—

(i) in subparagraph (i) by—

(A) deleting the words "paragraph 1" and "sub-item" and substituting the words "Part I" and "paragraph" respectively; and

(B) deleting the word "sub-paragraphs" wherever it occurs and substituting the word "paragraphs"; and

(ii) in subparagraph (ii) by deleting sub-subparagraph (B) and substituting as follows:

"(B) in paragraph (a) of item 1—

(I) by deleting the words "(a) or (b)"; and

(II) by deleting the word "owns" wherever occurring in subparagraphs (i), (ii) and (iii) and substituting the words "is the registered owner of".

3. In paragraph 8—

(a) in subparagraph (a)—

(i) by deleting the definition of the term "business of trust" and substituting the following:

"'business of trust' means business of a trust company;"; and

- (ii) in the definition of the term “merchant banking business” by deleting the comma occurring after the word “acceptance”;
- (b) in subparagraph (c) by adding after subsection (1B) the following new subsection:
 - “ (1C)In carrying out any business referred to in subsection (1A), the Board may by Order charge such fees as it considers appropriate”.

Confirmed by the House of Representatives this 17th day of January, 1997.

J. SAMPSON
Clerk of the House