

LEGAL NOTICE NO. 262

REPUBLIC OF TRINIDAD AND TOBAGO

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

RESOLUTION

WHEREAS it is provided by section 3(1) of the Provisional 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 section 3(5) 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 Order, 2005, made under section 3 of the Act, provided for the 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 financial year ending on the 30th day of September, 2006”:

And whereas the said Order commenced on the 28th day of September, 2005:

And whereas the said Order was modified:

And whereas it is expedient to confirm the said Order as modified:

Be it Resolved:

That the Provisional Collection of Taxes Order, 2005 be confirmed subject to the following modifications:

FIRST
COLUMN
Clause

SECOND COLUMN

Extent of Amendments

2. (i) Delete paragraph *(g)* and substitute the following new paragraph:
- (g)* by repealing section 18A;”;
- (ii) In paragraph *(j)*(vii), insert the words “in respect of such transfer of contributions or premiums” after the words “shall not be liable to tax”;
- (iii) In paragraph *(o)*, delete the new subsection 134. (6E) and substitute the following new subsection:
- “134.(6E) Where—
- (a)* a company provides a loan to any of its directors or to any person employed by it in an employment to which sections 133 to 141 apply; and
- (b)* it appears to the Board, that the commercial rate of interest on the loan as determined annually by the Central Bank of Trinidad and Tobago is more than the interest rate charged by the company on such loan,
- the difference between the two rates of interest referred to in paragraph *(b)* shall be treated as a perquisite of the office or employment of the director or employee and shall be chargeable to tax as emoluments as defined by section 100.”;
- (iv) In paragraph *(o)*, insert the words “and shall be chargeable to tax as emoluments as defined by section 100” after the words “director or employee” in the new subsection 134. (6F);
- (v) In paragraph *(p)*(i), insert the words “or equipment” after the words “motor vehicles” in subsection (9);
- (vi) In paragraph *(p)*(ii)—
- (a)* insert the words “or equipment” in the chapeau of the new subsection (10);

FIRST
COLUMN
Clause

SECOND COLUMN

Extent of Amendments

- (b) insert the words “or equipment as the case may be” after the words “motor vehicle” at paragraphs (a) and (b) of the new subsection (10);
- (c) delete the new subsection (11);
- (vii) In paragraph (q), renumber the new subsection (3) as subsection (3)(a) and insert the following new paragraph:
- “(b) the expression “fair rental value” means the value of the rent which the property can obtain in the open market between unrelated parties.”.

Confirmed by the House of Representatives this 17th day of October, 2005.

J. SAMPSON
Clerk of the House