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Third Session Third Parliament Republic of Trinidad  
and Tobago

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REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 30 of 1989

[L.S.]

AN ACT to make provision for the implementation of agree-  
ments between Trinidad and Tobago and other States  
providing for the exchange of information for the  
purposes of taxation, and for related purposes.

*[Assented to 8th August, 1989]*

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

1. This Act may be cited as the Tax Information Short title  
Exchange Agreements Act, 1989.

## Interpretation

## 2. In this Act—

“competent authority”, in relation to a tax information exchange agreement—

(a) means, in the case of Trinidad and Tobago, the Board as the Minister’s authorised representative;

(b) in the case of another State, has the meaning ascribed in the agreement;

“contracting States” in relation to a tax information exchange agreement, means Trinidad and Tobago and the other State on behalf of which the agreement is entered into;

“declared agreement” means a tax information exchange agreement that has, under section 4, been declared by the President to be a declared agreement for the purposes of this Act;

“Minister” means the Minister to whom the responsibility for Finance is assigned;

“tax information exchange agreement” has the meaning given by section 3;

“the Board” means the Board of Inland Revenue established by section 3 of the Income Tax Act.

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## Tax information exchange agreements

3. (1) For the purposes of this Act a tax information exchange agreement is an agreement whereby the Government of Trinidad and Tobago and the Government of another State undertake that those States will, through their competent authorities, provide each other, upon request, with any financial and other information and supporting documentation accessible to the competent authority of the State to which the request is made that is required by the competent authority of the requesting State for the purposes of administering or enforcing a law relating to taxation of a kind specified in the agreement.

(2) An agreement is not precluded from being a tax information exchange agreement for the purposes of this Act by reason that it—

- (a) includes provision for matters necessary for or incidental to, the matters referred to in subsection (1);
- (b) provides for a contracting State to obtain and transmit to the other contracting State any information that it considers may assist that other State to administer or enforce a law referred to in subsection (1); or
- (c) provides for the implementation of programmes or measures to facilitate or improve the administration and enforcement of the laws referred to in subsection (1).

4. The President may, by Order, declare a tax information exchange agreement specified in the Order to be a declared agreement for the purposes of this Act. Declaration of agreement

5. (1) The competent authority has the function of ensuring that effect is given to every declared agreement. Implementation of agreements

(2) The Minister may give general directions to the Board as to the performance by it of its functions under this Act, and the Board shall comply with any direction so given.

6. (1) The Board has, for the purposes of giving effect to a declared agreement, all the powers that it would have if it were acting generally for the purposes of, or for any particular purpose specified in, any Act that confers powers on the Board and any such power is exercisable notwithstanding that the circumstances, if any, necessary under that Act for the exercise of the power may not have arisen and, subject to this subsection, the provisions of that Act shall apply to, and in relation to, the exercise of any such power for the purposes of giving effect to a declared agreement as if the power were exercised for the purposes of that Act. Powers of Board

(2) The Board may, in accordance with a declared agreement—

- (a) provide any information obtained by it under this or any other Act; and
- (b) request and receive any information required by it for the purposes of any Act.

## Secrecy

7. (1) Nothing in section 4 of the Income Tax Act, or any other law to a like effect, prevents the disclosure of information where that disclosure is in accordance with, and for the purpose of giving effect to, a declared agreement.

(2) Where information has been obtained or received by the Board under this Act or a declared agreement, a person who uses or discloses the information other than for the purposes for which it was obtained or received is liable to the same penalty as that to which he would be liable if he had committed an offence under section 4(2) of the Income Tax Act.

Passed in the House of Representatives this 30th day of June, 1989.

N. COX  
*Acting Clerk of the House*

Passed in the Senate this 18th day of July, 1989.

R. CUMBERBATCH  
*Acting Clerk of the Senate*

Senate Amendments were agreed to in the House of Representatives on the 21st day of July, 1989.

N. COX  
*Acting Clerk of the House*