

MISCELLANEOUS TAXES ACT

CHAPTER 77:01

Act

13 of 1963

Amended by

1 of 1968	17 of 1985	13 of 1995
198/1976	23/1985	8 of 1996
10 of 1977	198/1985	35 of 1998
14 of 1977	1 of 1986	34 of 2000
1 of 1979	3/1986	50 of 2000
203/1979	14 of 1987	91 of 2000
22 of 1980	6 of 1989	213/2001
146/1982	37 of 1989	2 of 2002
3/1983	9 of 1990	5 of 2004
7 of 1983	12 of 1990	2 of 2006
13 of 1983	*6 of 1991	277/2006
11/1984	4 of 1992	326/2006
16 of 1984	6 of 1993	17 of 2007
19/1984	3 of 1994	†30 of 2007
4/1984	14 of 1994	158/2007
7 of 1985	5 of 1995	195/2009

*See Note on page 2

†See Note on page 3

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Note on Subsidiary Legislation

Orders made under sections 11 and 14 of the Act have been omitted since these sections have been repealed by Act No. 37 of 1989.

For Legal Notice references to these omitted Orders *see* the Consolidated Index of Acts and Subsidiary Legislation 2001, under “Miscellaneous Taxes Act (Ch. 77:01)”.

Note on Short Title of this Act

This Act was originally entitled the Finance Act 1963 (Act No. 13 of 1963)—

- (a) In the 1980 Revised Edition it was renamed as the “Purchase, Sweepstake and Departure Taxes Act”;
- (b) By Act No. 7 of 1983 it was renamed as the “Purchase, Sweepstake, Departure and Airline Taxes Act”; and
- (c) By Act No. 6 of 1989 it has now been renamed as the “MISCELLANEOUS TAXES ACT”.

Note on Act No. 25 of 1986

Section 17 of Act No. 25 of 1986 states as follows:

“(c) Part I of the Purchase, Sweepstake, Departure and Airline Ticket Taxes Act, shall not apply to goods imported under an A.T.A. Carnet”.

N.B. The Purchase, Sweepstake, Departure and Airline Ticket Taxes Act has been renamed as the Miscellaneous Taxes Act.

(See Note above on Short Title of this Act)

Note on Finance Act 1991 (Act No. 6 of 1991) Validations

A. With respect to the validation of the retention of taxes by the Airports Authority [in its capacity as a Tax Authority under Part III of the Miscellaneous Taxes Act (Ch. 77:01)], section 3 of the Finance Act, 1991 provides as follows:

- “Retention of taxes.
Ch. 77:01.
- 3.** Notwithstanding that an Order has not been made under section 15(f) of the Act, the Airports Authority of Trinidad and Tobago, in its capacity as a Tax Authority under the Miscellaneous Taxes Act, is allowed to retain—
- (a) the sum of 8.7 million dollars for the year commencing 1st January 1990; and
 - (b) the sum of 7.472 million dollars for the year commencing 1st January 1991,

and sums not exceeding those respective amounts that have been so retained for those years are deemed to have been validly retained and no legal proceedings or other action of any kind shall be entertained in respect of or in consequence of such retention.”.

B. With respect to the validation of payment or deduction made pursuant to paragraph 25 of the Provisional Collection of Taxes Order 1990 (LN 239/1990) section 30 of the Finance Act 1991 provides as follows:

- “Savings.
Ch. 74:01. **30.** Notwithstanding section 4(2) of the Provisional Collection of Taxes Act—
LN 239/1990. (a) no money paid pursuant to paragraph 25 of the Provisional Collection of Taxes Order, 1990 is required to be repaid or made good under that section; and
 (b) no payment or deduction made pursuant to paragraph 25 of the Provisional Collection of Taxes Order, 1990 is deemed by that section to be an unauthorised payment or deduction.”.

Note on section 41 of the Act

The Provisional Collection of Taxes Order, 1993 (LN 169/1993) inserted as Part IX to the Miscellaneous Taxes Act contains sections 39 to 41. However, the Finance Act 1994 (Act No. 3 of 1994) which gave effect to LN 169/1993 did not contain section 41 which is reproduced hereunder:

- “Power to
collect tax.
[169/1993
174/1993]. **41.** The Board may do all such acts as it may deem necessary or expedient for raising, collecting, receiving and accounting for the tax, in like and as full and ample a manner as the Board is authorised to do in relation to any other tax under the care and management of the Board.”.

Note on section 43 of the Act

Section 12 of the Finance Act 2004 (Act No. 5 of 2004) provides as follows:

- “Validation.
Ch. 77:01. **12.** (1) The collection by United Independent Petroleum Marketing Company Limited, before the commencement of this section (i.e., 30th January 2004), of the tax charged under section 43 of the Miscellaneous Taxes Act and paid to the Comptroller of Accounts in accordance with the said section 43, is deemed to be valid.

 (2) No legal proceedings or other action of any kind shall be entertained in respect of or in consequence of the collection by United Independent Petroleum Marketing Company Limited of the tax referred to in subsection (1).”.

Note on Adaptation

Under paragraph 6 of the Second Schedule to the Law Revision Act (Ch. 3:03) the Commission amended certain references to public officers in this Chapter. The Minister’s approval of the amendments was signified by LN 52/1980, but no marginal reference is made to this Notice where any such amendment is made in the text.

Note on Act No. 30 of 2007

Section 2 of Act No. 30 of 2007 provides that the amendment to section 62 shall come into effect from 21st August 2007 and that the amendments to sections 40, 52, 58(2) and 59 shall come into effect from 1st January 2008.

CHAPTER 77:01

MISCELLANEOUS TAXES ACT

ARRANGEMENT OF SECTIONS

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PART II

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(Repealed by Act No. 5 of 1995).

(3) The Turf Club shall be accountable to the Tax Authority for the tax and shall pay the same over to the Tax Authority at such times as it may direct.

(4) In this section “sweepstake winnings” or “winnings” means all prize moneys payable as winnings on any paper, ticket or token sold or issued in connection with any sweepstake organised and controlled by a Turf Club in connection with any race meeting, but does not include any moneys payable by way of commission, honorarium to the sellers of any such paper, ticket or token.

PART III

DEPARTURE TAX

23. (1) The Tax Authority for the purposes of departure tax under this Part shall be the Chief Immigration Officer. Interpretation. [30 of 2007].

(2) In this Part, “port” means —

(a) the port of Port-of-Spain and the port of Scarborough as defined in section 2 of the Port Authority Act; and Ch. 51:01.

(b) any other port which is vested in the Port Authority of Trinidad and Tobago in accordance with section 57 of the Port Authority Act.

24. (1) A tax to be called departure tax shall be charged in respect of and payable by all persons departing from ports in Trinidad and Tobago for places outside of Trinidad and Tobago. Departure tax. [*203/1979 22 of 1980 146/1982 6 of 1989 6 of 1993].

(2) The departure tax shall be charged at the rate of seventy-five dollars per person and shall be paid to the Tax Authority or to such other person as the Tax Authority may appoint for the purpose.

25. The immigration officer in charge of a port may refuse permission to a person liable to departure tax to board any vessel for the purpose of departing from ports in Trinidad and Tobago for places outside Trinidad and Tobago, unless a receipt for payment of the departure tax with respect to that person is produced. Immigration officer may refuse permission to embark if tax not paid. [22 of 1980 7 of 1983 30 of 2007].

*Came into operation on the 1st January 1980.

Owner to
account for
departure tax.
[14 of 1977
203/1979
30 of 2007].

26. (1) The owner of every vessel shall collect departure tax and account therefor to the Tax Authority.

(2) As from the date on which the owner of a vessel becomes accountable for departure tax under subsection (1), section 25 shall cease to have effect.

(3) In this section, “owner” includes any person who holds himself out as agent for a vessel or for the owners thereof.

(4) Subsection (1) shall have effect from such date as is appointed by the Minister and published in the *Gazette*.

Persons
exempted from
tax.
[12 of 1990
34 of 2000
30 of 2007].

27. Nothing in this Part shall require tax to be paid or accounted for in respect of—

- (a) the President, his spouse and children under the age of twenty-one years;
- (b) members of the Parliament of Trinidad and Tobago;
- (c) Judges of the Supreme Court;
- (d) guests of the Government of Trinidad and Tobago;
- (e) persons travelling on Government business;
- (f) the official representatives of the Government of any country, their spouses and their children under the age of twenty-one years when travelling with them;
- (g) representatives of the United Nations Organisation or any organisation established under its authority and persons sent on missions on behalf of any such organisation, their spouses and their children under the age of twenty-one years;
- (h) members of the Trinidad and Tobago Defence Force or of the Armed Forces of any country travelling on official duty;
- (i) children under the age of five years;
- (j) in-transit passengers remaining in Trinidad and Tobago for a period not exceeding forty-eight hours;
- (k) members of the crew of any ship;

(ka) visitors to Trinidad and Tobago who remain for a period not exceeding forty-eight hours;

*(l) such other persons or classes of persons as the Minister may by Order specify.

27A. }
to } (*Repealed by Act No. 37 of 1989*).
27B. }

PART IV

GENERAL

28. Tax chargeable by virtue of this Act may be recovered as a debt due to the State from the person accountable therefor. Recovery of tax.

29. (1) The Tax Authority may take such action as it may consider necessary and expedient for collecting, receiving and accounting for the tax under its care and management in like and as full and ample a manner as the Comptroller of Customs and Excise is authorised to do with relation to any other tax under his care and management. Management of taxes. [22 of 1980].

(2) All money and securities for money collected or received in Trinidad and Tobago for or on account of tax chargeable under this Act shall form part of the Consolidated Fund.

30. (1) Any person who, with intent to deceive and for the purposes of this Act or of Regulations made thereunder, produces, promises, sends or otherwise makes use of any book, account, estimate, return or other document which is false in a material particular, is guilty of an offence. Offences.

(2) Any person who is knowingly concerned in, or in the taking of steps with a view to, the fraudulent evasion, by him or any other person, of tax chargeable under this Act is guilty of an offence.

(3) A prosecution for an offence under this section may be commenced at any time within three years next after the date of the offence committed, notwithstanding anything in any other written law.

*See LN 2/2001.

(4) Any person guilty of an offence under this section is liable on summary conviction to a fine of three thousand dollars and to imprisonment for two years.

Prosecution of offences.
[8 of 1996].

30A. (1) Subject to this Act—

- (a) an offence under this Act; or
- (b) a penalty imposed by this Act,

in relation to a tax administered by the Board of Inland Revenue, may be prosecuted, sued for or recovered, as the case may be, summarily, and all sums whatsoever payable may be recovered and enforced in the manner prescribed by the Summary Courts Act, or as near thereto as the circumstances of the case will permit, on the complaint of the Board of Inland Revenue.

Ch. 4:20.

(2) A person authorised in writing by the Board of Inland Revenue may prosecute and conduct any complaint or other proceedings under this Act in respect of any offence or penalty referred to in subsection (1).

Accountability or liability of agent, manager or factor.
[1 of 1968
203/1979
22 of 1980].

31. Where a person who is not resident in Trinidad and Tobago is accountable for any tax chargeable by virtue of this Act or is liable to discharge any duties imposed on him by this Act, the Tax Authority may, by notice in writing served on any agent, manager or factor, who is resident in Trinidad and Tobago and has acted on behalf of that person in respect of the matters by reference to which that person is accountable or those duties are imposed or both, direct that the agent, manager or factor, shall be accountable for the tax or liable to discharge all or any of the duties.

Regulations.
[30 of 2007].

32. (1) The Minister may make Regulations providing for any matter for which provisions appear to him to be necessary for the purpose of giving effect to this Act and of enabling him to discharge his functions thereunder and in particular—

- (a) } *(Deleted by Act No. 37 of 1989);*
- to }
- (b) }

- (c) for requiring persons accountable for departure tax to make returns of the persons embarking on vessels and of the amount of the tax for which they are accountable, in respect of such periods as may be prescribed and to pay the amount of tax appearing by the returns to be due;
- (d) *(Deleted by Act No. 30 of 2007)*;
- (e) for requiring persons who are accountable for tax chargeable by virtue of this Act to give security for the payment thereof;
- (f) for prescribing anything which is required to be prescribed,

and until otherwise provided by Regulations made under this section the provisions of the Second Schedule apply.

*Second Schedule.

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

32A. The Minister may by Order amend any of the Schedules.

Amendment of Schedules. [13 of 1995].
Onus of proof of payment of tax.

33. In any prosecution for an offence under this Act, if any question arises as to whether any tax chargeable by virtue of this Act has been paid, the proof of the payment of such tax lies upon the person alleging payment.

PART V

TOBACCO TAX

34. (1) *(Repealed by Act No. 8 of 1996)*.

Tobacco tax. [9 of 1990 277/2006].

(2) A tax called tobacco tax shall be charged on smoking tobacco, cigarettes and cigars of non-Common Market origin imported into Trinidad and Tobago at the rates set out in Part II of the Sixth Schedule.

Sixth Schedule.

(3) *(Repealed by LN 277/2006)*.

(4) In this Part and in Part VI, the Tax Authority shall be the Comptroller of Customs and Excise, and in respect of collection and enforcement of the payment of these taxes the Comptroller has all such powers as are given to him under the Customs Act.

Ch. 78:01.

*The Second Schedule has been repealed by Act No. 37 of 1989.

(5) The Minister may, whenever he considers it expedient to do so, remit or refund in whole or in part any tax payable under this Part or Part VI.

(6) The Comptroller of Accounts shall return any money which has been overpaid under this Part or Part VI, within two years of the certification by the Tax Authority of such overpayment.

(7) In this Part and in Part VI, “Common Market origin” has the meaning assigned to it by section 11 of the Customs Act.

Ch. 78:01.

PART VI

IMPORT SURCHARGE

Import
surcharge.
[9 of 1990
6 of 1991
4 of 1992
6 of 1993
5 of 1995].
Ch. 78:01.

35. (1) Except where they are imported free of duty under the Second or Third Schedule to the Customs Act or are allowed conditional reduced rates of duty under the Fourth Schedule to that Act, a tax called import surcharge shall be charged at the time of entry within the meaning of the Customs Act on the wholesale value of the items of non-Common Market origin set out in the second column of the Seventh Schedule at the rates in respect of the period set out in the third column of the Seventh Schedule.

Seventh
Schedule.

(2) The wholesale value of any item in respect of which import surcharge is chargeable shall be taken to be the value of the item ascertained in accordance with section 23 of the Customs Act.

Ch. 78:01.

(3) A description of goods set out in the second column of the Seventh Schedule shall be read together with the corresponding designation set out in the first column, and that description and designation shall be given the same meaning as the corresponding description and designation in the First Schedule to the Customs Act but where the expression “*Ex*” appears in the first column, the designation or designations that follow it are to be taken to be a reference only to the goods of that designation that are described in the second column.

(4) *(Repealed by section 8(a)(iii) of Act No. 5 of 1995).*

(5) Where a person imports raw material inputs to be used in a local manufacturing industry, import surcharge shall

not be charged under this Part on the entry of those inputs where the tax authority is satisfied that the inputs are not produced or manufactured locally in the form and quantities required by the importer.

(6) In this section, “raw material inputs” includes intermediate goods, packaging materials and other inputs used in the manufacture of goods.

(7) (*Repealed by section 8(a)(iii) of Act No. 5 of 1995*).

36. (*Repealed by Act No. 5 of 1995*).

36A. (1) There shall be charged import surcharge on the items listed in the second column of the Tenth Schedule at the rates set out in the third column of that Schedule.

Import
surcharge on
vegetable oils
and rice.
[14 of 1994].
Tenth Schedule.

(2) The provisions of section 35(1) and (2) apply *mutatis mutandis* to this section.

(3) The reference to the rate of twenty-five per cent occurring in the third column of the Tenth Schedule in respect of items with tariff heading numbers Ex. 15.07, Ex.15.08, Ex. 15.11, Ex. 15.12, Ex. 15.13, Ex. 15.14, Ex. 15.15, and Ex. 15.16 shall be read as a reference to the rate of—

- (a) twenty per cent for the year 1995;
- (b) fifteen per cent for the year 1996;
- (c) ten per cent for the year 1997; and
- (d) zero per cent for the year 1998.

(4) The reference to the rate of twenty per cent occurring in the third column of the Tenth Schedule in respect of items with tariff heading numbers 1006.201, 1006.202, 1006.203, 1006.204, 1006.301, 1006.302, 1006.303, 1006.304, 1006.305, 1006.306, 1006.307, 1006.308, 1006.401 and 1006.409 shall be read as a reference to the rate of—

- (a) fifteen per cent for the year 1995;
- (b) ten per cent for the year 1996;
- (c) five per cent for the year 1997; and
- (d) zero per cent for the year 1998.

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Remittance by
the President.
[5 of 1995].

36B. Notwithstanding the repeal of section 35(4) and (7) and section 36, the President may remit or refund in whole or in part to any person, the import surcharge charged on an entry made prior to 1st January 1995 in respect of goods imported pursuant to those sections, where he considers it expedient to do so.

PART VII

DIPLOMATIC MAIL SERVICE CHARGE

Diplomatic mail
service charge.
[6 of 1993].

37. (1) A service charge to be known as the diplomatic mail service charge shall, with respect to documents sent to an overseas mission by diplomatic pouch, be collected by that overseas mission as follows:

- (a) in the case of a passport, U.S. \$20.00;
- (b) in the case of a birth, marriage or other certificate, U.S. \$2.00.

(2) In this section, “overseas mission” means an Embassy, High Commission or Consulate of Trinidad and Tobago.

PART VIII

IN-BOND SALES TAX

38. *(Repealed by Act No. 8 of 1996).*

PART IX

TAX ON FINANCIAL SERVICES

Financial
services tax.
[3 of 1994].
Ninth Schedule.

39. (1) A tax to be called a financial services tax (hereinafter called “the tax”) shall be levied on the consideration for the supply of each of the services listed in the Ninth Schedule.

(2) The Authority for the purposes of this Part is the Board of Inland Revenue (hereinafter called “the Board”).

(3) The tax shall be charged at the rate of fifteen per cent and shall be collected by the financial institution at the time that the financial service is supplied.

(4) For the purposes of this section and section 40, “financial institution” means a financial institution licensed under the Financial Institutions Act.

Ch. 79:09.

40. (1) The financial institution shall pay the tax collected by it to the Board on or before the fifteenth day of the month following the month in which the tax was collected by the financial institution.

Payment to the Board.
[3 of 1994
5 of 1995
30 of 2007].

(1A) Every payment of the tax required to be made under subsection (1) shall be accompanied by a return in such form as may be approved by the Board and signed by a person or agent authorised by the financial institution.

(2) Where the financial institution fails to collect the tax or make remittance in accordance with subsection (1), it is guilty of an offence and in addition to such tax, the financial institution shall pay over to the Board an additional amount of twenty-five per cent of the tax together with interest at the rate of fifteen per cent a year on such tax and such additional amount from the due date.

(3) }
to } (*Repealed by Act No. 5 of 1995*).
(4) }

(5) Where a financial institution pays the tax in any quarter amounting to less than ninety per cent of the liability to the tax for that quarter, the difference between ninety per cent of the liability to the tax and the amount paid by the end of the quarter in which the liability arose, shall be subject to interest from the day following the end of that quarter to the date of payment at the rate of fifteen per cent per annum.

(6) The Board may, if the circumstances so warrant, waive or reduce the additional amount or the interest referred to in subsection (2).

40A. (1) The Board may inspect only those books and records maintained by the financial institutions necessary to ensure that the financial institutions pay the correct tax.

Board may inspect books and records.
[35 of 1998].

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(2) Where the Board in such inspection discovers that the correct tax in respect of financial services income has not been paid it shall raise assessments to recover the tax unpaid.

Ch. 75:01.

(3) For the purpose of exercising its powers under subsection (1) the Board shall have the same power as under sections 117 and 118 of the Income Tax Act except that the words “except a person engaged in confidential professional relationship with such person” in subsection (1) of section 117 shall have no application under this subsection.

***41.** *[This section was not included in Act No. 3 of 1994 (Part IX and Part X)].*

PART X

ROAD IMPROVEMENT TAX

42.) }
to } *(Repealed by Act No. 2 of 2006) with effect from*
50.) } *1st October 2006.*

PART XI

HOTEL ACCOMMODATION TAX

Interpretation.
[5 of 1995].

Ch. 4:50.

51. In this Part—

“Appeal Board” means the Appeal Board established under section 3 of the Tax Appeal Board Act;

“assessment” means an assessment referred to in section 52(14)(a);

Ch. 75:01.

“Board of Inland Revenue” or “Board” means the Board of Inland Revenue established under section 3 of the Income Tax Act;

“company” means a body corporate or an unincorporated association, and includes a partnership;

“hotel” means a building or group of buildings occupied together comprising not less than six bedrooms for the purpose of providing hotel accommodation for reward;

*See Note on page 3.

“hotel accommodation” means sleeping accommodation and services and facilities ancillary thereto provided in an hotel for its guests, not being persons resident in the hotel under a contract of service;

“hotel accommodation tax” or “room tax” means the tax chargeable in accordance with section 52(1)(a);

“hotel operator” means a person who, either by himself or through an agent or servant, carries on the trade or business of operating an hotel;

“person” includes a company.

52. (1) A tax to be called an hotel accommodation tax shall be—

(a) charged on the proceeds of the letting of hotel accommodation by an hotel operator at the rate of ten per cent of the proceeds of such letting; and

(b) collected by an hotel operator.

Hotel accommodation tax. [5 of 1995, 50 of 2000, 30 of 2007].

(2) The Tax Authority shall be the Board of Inland Revenue which, in respect of the collection and recovery of the tax, shall have all the powers as it has in relation to income tax under the Income Tax Act.

Ch. 75:01.

(3) Hotel accommodation tax is payable notwithstanding that the hotel is an approved hotel for the purposes of the Tourism Development Act, or is otherwise exempt from any other taxes, charges, impositions or levies by virtue of any other written law.

Ch. 87:22.

(4) The room tax shall be charged on the full amount of the proceeds of the letting without any other deduction or allowance than is authorised or allowed by this section.

(5) An hotel operator is accountable to the Tax Authority for the tax and shall pay the tax to the Tax Authority on or before the last day of the month following that in which the tax is collected.

(5A) Every payment of tax required to be made under subsection (5) shall be accompanied by a return in such form as may be approved by the Tax Authority and signed by the hotel operator.

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(6) Where an hotel operator fails to remit the tax in accordance with subsection (5), the hotel operator is liable for the payment of the amount of the tax due, in addition to interest on such amount at the rate of fifteen per cent per annum from the due date.

(7) An hotel operator shall keep such books of accounts and records as are required by the Tax Authority.

(8) In computing the proceeds of letting of hotel accommodation—

- (a) no account shall be taken of room tax recovered by an hotel operator under subsection (12);
- (b) no account shall be taken of receipts in respect of any ancillary services and facilities provided, if the hotel operator receives no part of the payment ascribable to such services.

(9) In computing the proceeds of letting of hotel accommodation, there shall be allowed—

- (a) bad debts, incurred in respect of the letting, that are proved to the satisfaction of the Tax Authority to have become bad during the period to which the return delivered to the Tax Authority relates; and
- (b) doubtful debts to the extent that each is estimated to the satisfaction of the Tax Authority to have become bad during such period,

even if such bad or doubtful debts were due and payable before that period commenced, but so that, all sums recovered at any time on account of amounts previously written-off or allowed in respect of bad or doubtful debts shall be treated as part of the proceeds of the letting and brought into account.

(10) Where tax becomes chargeable, the hotel operator shall account for the tax by means of the return referred to in subsection (5A) and pay over to the Tax Authority the room tax at the rate specified in subsection (1).

(11) *(Deleted by Act No. 30 of 2007).*

(12) In addition to the requirements regarding the keeping of accounts and other records provided for by the Income Tax Act, an hotel operator shall cause to be entered on every bill, a receipt for which is given in accordance with any other written law, the full amount of the hotel accommodation tax, specifying the rate of the tax that is chargeable, and the hotel operator is entitled to recover that amount from the person to whom he has let the hotel accommodation as if that amount were part of the proceeds of the letting of the hotel accommodation. Ch. 75:01.

(13) A duplicate of every hotel bill and the receipt therefor shall be kept by every hotel operator so that it is available at all times, and shall be produced for inspection on demand by the Tax Authority.

(14) Where an hotel operator has failed to deliver a return of the proceeds of letting of hotel accommodation as required by subsection (5A), then, after consideration of any representation or information which the hotel operator may make or supply to it, the Tax Authority—

- (a) shall assess the proceeds of letting of the hotel accommodation for any period and, subject to subsections (18) and (19), room tax in relation to that period shall be paid within seven days from the date of service on the hotel operator of the notice of assessment of the amount so assessed; and
- (b) may charge the operator additional room tax equal to treble the amount of room tax which would have been payable if this paragraph had not been enacted, unless the hotel operator satisfies the Board that he ought fairly to be excused.

(15) Where the Tax Authority is satisfied that a true account of the proceeds of letting of the hotel accommodation has not been given in the statement—

- (a) because of the failure of the hotel operator to keep the records and books of account required or to produce any records, books of account or

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Ch. 75:01.

other documents or information required to be produced pursuant to the Income Tax Act as applied by this Act; or

- (b) because of any information contained in any such records, books of account or other documents which the Board may have obtained from any source,

then subsection (14), other than paragraph (b) thereof, shall apply and if the assessment results in the hotel operator being charged with room tax in excess of that shown in the statement, the Tax Authority may charge him, in addition to the total room tax otherwise charged in the assessment, further room tax not exceeding the amount of room tax charged in respect of the excess, unless the hotel operator proves to the satisfaction of the Board that the incorrectness of the information in the statement did not amount to fraud or gross or wilful neglect.

(16) In making an assessment under subsection (14) the Tax Authority is not bound by the information contained in any statement delivered by the hotel operator to which the assessment relates or by other information supplied by, or on behalf or in respect of, the hotel operator.

(17) Where an assessment is made, the Board shall deliver a notice of assessment to the hotel operator, showing the amount of proceeds of letting of the hotel accommodation for the period and the room tax payable thereon, and advising him of his rights under the Income Tax Act, as applied by this Act.

(18) Where any hotel operator disputes an assessment under subsection (14) or (15), he shall nevertheless, within the time limited by subsection (14)(a), pay to the Tax Authority the part of the room tax stated in the notice to be paid by him and any interest and penalties then remaining unpaid that are not in dispute.

(19) An hotel operator who disputes an assessment may, subject to and in accordance with the Income Tax Act relating thereto, object to the assessment.

(20) An hotel operator who has objected to an assessment and whose objection has been disallowed by the

Board may, subject to and in accordance with the Income Tax Act Ch. 75:01.
relating thereto, appeal to the Appeal Board from the decision of
the Tax Authority.

(21) For the avoidance of doubt, it is hereby declared
that in ascertaining the chargeable income or profits of a person
for the purposes of income tax or corporation tax, no deduction
or allowance shall be made of, or on account of, the room tax
imposed by this section.

(22) Subject to this section, the provisions of the Income
Tax Act shall apply in relation to room tax as they apply in
relation to income tax chargeable under the Income Tax Act, but
subject to any necessary modifications or adaptations.

PART XII

SPECIAL TAX

53. (1) A returning national who has resided abroad
continuously for at least five years immediately prior to his return
shall pay a special tax of ten per cent on that portion of the c.i.f.
value of his household effects which does not exceed one
hundred thousand dollars where—

Special tax.
[8 of 1996].

- (a) the household effects accompany the returning
national or are brought into Trinidad and Tobago
within two months before or after his return, or
within such further period as the Comptroller of
Customs and Excise (hereinafter referred to as
“the Comptroller”) shall in the circumstances
deem reasonable;
- (b) the household effects are admitted as such by
the Comptroller; and
- (c) the household effects are for the personal use of
the returning national and not for sale or
exchange and are declared to have been owned
by him for less than one year.

(2) The special tax shall be collected by the Comptroller
when the household effects are entered, within the meaning of the
Customs Act, and shall be paid into the Consolidated Fund.

Ch. 78:01.

L.R.O. 1/2009

Ch. 78:01. (3) The Comptroller may do all such acts as he may deem necessary or expedient for collecting, receiving and accounting for the special tax in like manner as he is authorised to do in relation to duty under the Customs Act.

PART XIII

INSURANCE PREMIUM TAX

Definitions.
[5 of 1995
2 of 2002].

54. (1) In this Part—

“foreign insurer” means a company incorporated outside of Trinidad and Tobago which engages in the insurance business and has no established place of business in Trinidad and Tobago;

Ch. 84:01.

“insurance business” has the meaning assigned to it by section 3 of the Insurance Act;

“insurer” has the meaning assigned to it by section 3 of the Insurance Act and includes a foreign insurer;

“premium” means any payment or part payment received by an insurer under a taxable insurance contract, including any such payment wholly or partly referable to—

- (a) any risk;
- (b) costs of administration;
- (c) commission;

“tax” means insurance premium tax;

“Tax Authority” means the Board of Inland Revenue;

“taxable insurance contract” means any contract of insurance other than—

First Schedule.

- (a) a contract relating to ordinary long-term insurance business as defined in paragraph 1 of the First Schedule to the Insurance Act;
- (b) a contract relating to commercial ships or aircraft;
- (c) a contract relating to risks outside of Trinidad and Tobago;
- (d) a contract relating only to loss of, or damage to, goods in foreign or international transit;
- (e) a contract of reinsurance;

- (f) a contract relating to group life insurance;
- (g) a contract relating to group health insurance; and
- (h) a contract under which the policy holder is a resident of Trinidad and Tobago who has attained the age of sixty years.

(1A) Paragraph (h) shall be deemed to have come into effect from 14th September 2001.

(2) Where (apart from this subsection) anything received under a contract by the insurer would be taken to be an instalment of a premium, it shall be deemed to be a separate premium.

(3) Where anything is received by any person on behalf of the insurer (in this Part referred to as “an intermediary”)—

- (a) it shall, except for the purposes of sections 58 and 59(1), be treated as received by the insurer when it is received by the intermediary; and
- (b) the later receipt of the whole or any part of it by the insurer shall be disregarded.

(4) Where—

- (a) a payment under a taxable insurance contract is made to an intermediary; and
- (b) the whole or part of the payment is referable to commission to which the intermediary is entitled,

in determining for the purposes of subsection (3) whether, or how much of, the payment is received by the intermediary on behalf of the insurer, any of the payment that is referable to that commission shall be regarded as received by the intermediary on behalf of the insurer notwithstanding the entitlement of the intermediary.

(5) Goods in foreign or international transit are goods in transit where their carriage—

- (a) begins and ends outside Trinidad and Tobago;
- (b) begins outside but ends in Trinidad and Tobago; or
- (c) ends outside but begins in Trinidad and Tobago.

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Insurance
premium tax.
[5 of 1995].

55. (1) A tax, to be called an insurance premium tax shall be charged in accordance with this Part.

(2) The tax shall be under the care and management of the Tax Authority.

Charge to tax.
[5 of 1995].

56. (1) Subject to subsection (2), tax shall be charged on the receipt of a premium by an insurer where—

(a) the premium is received under a taxable insurance contract; and

(b) the period of cover for the risk under the taxable insurance contract—

(i) begins on or after 1st January 1995; or

(ii) begins before 1st January 1995 and extends to a date after 31st December 1995.

(2) Where—

(a) a premium under a taxable insurance contract is received by the insurer on or after 19th December 1994 and before 1st January 1995; and

(b) the period of cover for the risk begins on or after 19th December 1994 and extends to a date after 31st December 1994,

tax shall be charged on the portion of the premium that relates to the period of cover falling after 31st December 1994.

Rate of tax.
[5 of 1995].

57. Tax shall be charged at the rate of six per cent.

Liability to pay
tax.
[5 of 1995
30 of 2007].

58. (1) Subject to section 59(2), tax shall be collected by the insurer under a taxable insurance contract, or by his intermediary, at the time that the premium is paid.

(2) Where a person fails to collect the tax under subsection (1), or to pay the tax in accordance with section 59, he shall, in addition to tax, be liable to pay over to the Tax Authority an additional amount of twenty-five per cent of the tax, together with interest at the rate of fifteen per cent per annum on such tax and such additional amount from the due date.

58A. (1) The President may remit or refund taxes and penalties, as the case may be, if he is satisfied that it would be just and equitable to do so.

President may remit or refund taxes. [35 of 1998].

(2) Subsection (1) shall be deemed to have come into operation from 1st January 1994.

59. (1) Subject to subsection (2)—

(a) an insurer shall, in respect of premiums received by him in any month, pay the insurance premium tax to the Tax Authority on or before the fifteenth day of the following month;

Payment of insurance premium tax. [5 of 1995 30 of 2007].

(b) an insurer shall pay the insurance premium tax received by him from an intermediary in any month, to the Tax Authority on or before the fifteenth day of the following month;

(c) an intermediary shall, in respect of premiums received by him in any month, pay the insurance premium tax to the insurer within thirty days of receiving the premium.

(1A) Every payment of insurance premium tax required to be made under subsection (1) shall be accompanied by a return in such form as may be approved by the Tax Authority and signed by a person authorised by the insurer.

(2) Where a risk in Trinidad and Tobago is insured by a foreign insurer under a taxable insurance contract, the insured person shall pay the tax payable in respect of a premium under that contract to the Tax Authority on or before the fifteenth day of the month after that in which the premium is paid.

(3) Notwithstanding anything in the Income Tax Act, the Corporation Tax Act or the Petroleum Taxes Act, an insured person shall not, in computing his chargeable income or profits for the purposes of any of those Acts, be allowed to claim a deduction for the premium paid to the foreign insurer unless the tax payable on that premium is paid to the Tax Authority.

Ch. 75:01.
Ch. 75:02.
Ch. 75:04.

59A. (1) The Tax Authority may at any time audit insurance companies to ensure that the correct taxes are paid to the Authority.

Tax Authority may audit. [2 of 2002].

(2) The Tax Authority shall, in respect of the collection and recovery of taxes and an audit under subsection (1), have all the powers which the Board of Inland Revenue has in relation to income tax under the Income Tax Act.

Ch. 75:01.

Deemed date of receipt of certain premiums. [5 of 1995].

60. Where—

- (a) a premium under a taxable insurance contract is received by the insurer after 1st December 1994 and before 1st January 1995; and
- (b) the period of cover for the risk begins on or after 1st January 1995,

the premium shall, for the purposes of this Part, be deemed to be received on 1st January 1995.

Tax Authority may waive interest. [2 of 2002].

60A. The Tax Authority may waive interest accrued in respect of—

- (a) outstanding taxes; and
- (b) penalties,

where it considers it just and equitable to do so.

PART XIV

GREEN FUND LEVY

Interpretation. [5 of 2004 17 of 2007].

Ch. 75:01.

61. In this Part—

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

“business levy” means the tax levied and paid by a company to the Board under section 3A of the Corporation Tax Act;

“Committee” means the Green Fund Advisory Committee appointed under section 65A;

“company” means a body corporate or an unincorporated association and includes a partnership;

“financial year” has the meaning assigned to it in section 3 of the Constitution;

“Fund” means the Green Fund established under section 65 of this Part;

Ch. 75:02.

“gross sales or receipts” means the gross revenue, sales or receipts of a company;

“levy” means the green fund levy imposed by section 62 of this Part;

“Minister” means the Minister with responsibility for finance.

62. (1) With effect from 1st January 2001, there shall be levied and paid to the Board a tax at the rate of 0.1 per cent to be known as a Green Fund Levy, on the gross sales or receipts of a company carrying on business in Trinidad and Tobago, whether or not such company is exempt from the business levy. Green Fund Levy. [5 of 2004 30 of 2007].

(2) The levy shall be payable by a company in each quarter ending on 31st March, 30th June, 30th September and 31st December in each year of income and the provisions of section 79 of the Income Tax Act shall apply *mutatis mutandis* to this subsection. Ch. 75:01.

(3) The provisions of section 3A(6), (7), (8), (9) and (10) of the Corporation Tax Act shall apply *mutatis mutandis* in relation to the levy but with the necessary modifications and adaptations. Ch. 75:02.

(4) The Board shall, in respect of the collection and recovery of the levy, have all the powers as it has in relation to income tax under the Income Tax Act. Ch. 75:01.

62A. Section 103A of the Income Tax Act shall apply as if references therein to taxes and interest under that Act included references to taxes and interest under this Act as it relates to the green fund levy. References to taxes and interest. [30 of 2007]. Ch. 75:01.

63. (1) Where it is proved to the satisfaction of the Board that a company has, in any quarter paid levy in excess of the amount in respect of which the company is properly chargeable, that company shall be entitled to have the levy so paid in excess, refunded to it. Refunds. [5 of 2004].

(2) Every claim for refund shall be made within one year from the end of the quarter to which the claim relates.

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(3) Instead of making a refund that might otherwise be made under this section, the Board may, where the company is liable to make a payment to the Board under this Act or any other written law administered by the Board, apply the amount to be refunded against the other liability and shall notify the company accordingly.

Purposes of Fund.
[5 of 2004].

64. The purpose of the fund is to financially assist organisations and community groups that are primarily engaged in activities related to the remediation, reforestation and conservation of the environment.

Establishment and Management of Green Fund.
[5 of 2004].

65. (1) There is hereby established a fund to be known as the Green Fund.

(2) The Minister shall disburse monies from the Fund to finance activities certified by the Minister with responsibility for the environment as being for the purposes referred to in section 64.

(3) The Minister with responsibility for the environment shall manage the activities financed by the Green Fund.

Appointment and functions of Green Fund Advisory Committee.
[17 of 2007].

65A. The Minister with responsibility for the environment shall appoint a committee to be known as the Green Fund Advisory Committee, to advise on the certification of activities referred to in section 64.

Composition of Committee.
[17 of 2007].

65B. (1) The Committee shall comprise of a minimum of five but no more than nine members, one of whom shall be the Chairman.

(2) The members of the Committee shall be selected from among persons with experience and relevant qualifications in the areas of finance, environmental management, law or forestry and shall have demonstrated an interest in matters pertaining to remediation, reforestation or conservation of the environment.

Term of office of members.
[17 of 2007].

65C. (1) Members of the Committee may hold office for a term of two years.

(2) The Minister with responsibility for the environment may renew the appointment of a member of the Committee for no more than two consecutive terms.

65D. (1) The Committee shall regulate its own procedures. Meetings.
[17 of 2007].

(2) The Committee shall meet at least once a month and at such other times as may be necessary or expedient and such meetings shall be held at such place and time and on such days as the Committee may determine.

(3) The Minister with responsibility for the environment may request, in writing, that the Chairman convene a special meeting of the Committee.

(4) The Chairman shall preside at all meetings of the Committee but where he is absent, the members present shall appoint a Chairman to preside at the meeting.

(5) The Committee shall elect a Secretary from amongst its membership.

(6) The Secretary shall keep minutes of each meeting, which shall be confirmed by the Committee at the subsequent meeting.

(7) A copy of the confirmed minutes of each meeting shall be submitted to the Minister with responsibility for the environment.

65E. Any member of the Committee, including its Chairman whose interest is likely to be directly affected by a decision or determination of the Committee on any subject matter, shall declare his interest in the subject matter and shall not be present or take part in the meeting when the particular subject matter is being deliberated. Declaration of
interest.
[17 of 2007].

66. (1) Notwithstanding section 29(2), the Board shall, within fourteen days from the end of each quarter, pay into the Green Fund the levy received by it in accordance with this Part. Payment to
Fund.
[5 of 2004].

(2) The resources of the Fund shall comprise of the levy paid by the Board under this section.

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Accounts and
Audit.
[5 of 2004].

67. All accounts relating to the Green Fund shall be—

- (a) kept separately by the Comptroller of Accounts but shall be shown in the general accounts of Trinidad and Tobago and laid therewith before Parliament; and
- (b) audited annually by the Auditor General in accordance with the Exchequer and Audit Act as if the Fund were established under section 43 of that Act.

Ch. 69:01.

Report of
Minister.
[5 of 2004].

68. The Minister with responsibility for the environment shall, within four months from the end of a financial year, submit to Parliament a report on the management, of the activities financed by the Green Fund.

Regulations.
[5 of 2004].

69. The Minister may make Regulations for—

- (a) the management and control of the Green Fund;
- (b) the accounts, books and forms, to be used in the management of the Green Fund;
- (c) the projects and other activities concerning which advances are made from the Fund; and
- (d) the general operations of the Green Fund.

FIRST SCHEDULE.
SECOND SCHEDULE.
THIRD SCHEDULE.
FOURTH SCHEDULE.
FIFTH SCHEDULE.

} *(Repealed by Act No. 37 of 1989).*

SIXTH SCHEDULE

PART I—(Deleted by Act No. 8 of 1996)

Section 34.
[4 of 1992
3 of 1994
94/1995
8 of 1996
213/2001
277/2006
195/2009].

PART II

<i>Tariff Heading No.</i>	<i>Description of Goods</i>	<i>Tax</i>
2402.10.00	Cigars	\$26.23 per kilogram
2402.20.00	Cigarettes	\$3.81 per pack of 20 and so in proportion when not so packed
2403.10.00	Smoking Tobacco	\$49.78 per kilogram

SEVENTH SCHEDULE

(Section 35).
[311/2004
326/2006
158/2007].

<i>FIRST COLUMN</i> <i>Tariff Heading No.</i>	<i>SECOND COLUMN</i> <i>Description of Goods</i>	<i>THIRD COLUMN</i> <i>Rate of Surcharge in %</i>
	Of fowls of the species <i>Gallus domesticus</i> :	
0207.14.00	Cuts and offal other than livers, frozen	
0207.14.10	Backs and necks	86% from 8th October 2004 to 31st October 2004 0% from 22nd December 2006
0207.14.20	Wings	do.
0207.14.90	Other	do.
	Of turkeys:	
0207.27.10	Backs, necks and wings	0%
0207.27.90	Other	0%
0207.30.00	Of ducks, geese or guinea fowls:	

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FIRST COLUMN	SECOND COLUMN	THIRD COLUMN
<i>Tariff Heading No.</i>	<i>Description of Goods</i>	<i>Rate of Surcharge in %</i>
0207.32.00	Not cut in pieces, fresh or chilled	0%
0207.33.00	Not cut in pieces, frozen	0%
0207.34.00	Fatty livers, fresh or chilled	86% from 1st January 2005
0207.35.00	Other, fresh or chilled	0%
0207.36.00	Other, frozen	0%
17.01	Cane and beet sugar and chemically pure sucrose, in solid form	
1701.10.00	Raw sugar not containing added flavouring or colouring:	
1701.11.00	Cane sugar	60% from 1st January 2005
1701.12.00	Beet sugar	do.
1701.90.00	Other:	
1701.91.00	Containing added flavouring or colouring matter	60% from 1st January 2005
1701.99.00	Other:	
1701.99.10	Icing Sugar	75% from 1st January 2005
1701.99.90	Other	60% from 1st January 2005

EIGHTH SCHEDULE

(Repealed by Act No. 5 of 1995)

NINTH SCHEDULE

Section 39(1).
[3 of 1994].

FINANCIAL SERVICES

Statements

Daily statements on accounts
Duplicate statements on accounts
Interim statements on accounts
Provision of Audit Certificates
Certificate of balances/information on accounts
Statements of interest earned
Statements of loan payment
Statements of interest paid
Other statements on accounts

Orders

Stop payments
Standing Orders
Voucher search (Customer request)
Accounts closed within a specified period of time (usually 3 months)
Deposit broken before maturity
Mail and Telephone Payment Orders—Outgoing Certified Cheques
Cheques deposited and subsequently charged back to customers' accounts
Clearing of cheques by Fax or Telephone
Transfer between accounts to cover cheques
Confidential reports:
 Clients' requests
 Correspondents' requests
 Embassies'/Consulates' request
Telephone confirmation of balance—
 Interbranch withdrawals
Withdrawals without passbook
Third party withdrawals

Bills, Bonds, Guarantees and Indemnities

Bills discounted
 T&T Export Credit Insurance

Bills for Collection

Bonding and Insurance of Goods
Commission on Bills
 Case of Need Payments
 Certificate of Transfer of Title of Goods
 Certificate of Rates

NINTH SCHEDULE—Continued

Consignment of Airway Bill/Bill of Lading without collection item
 Cheques sent on collection Delivery Orders and Airway Bill
 Endorsement of documents as Attorneys
 Extension of due date and alteration of tenor
 Holding Charge (Sight and Acceptance Bills)
 Handling Charge/Warehouse and Goods Noting/Protesting Fee
 Partial Payments/Payment by Instalment
 Postage/Airmail/Cable Charges
 Parcel Post Notice
 Payments to Agents
 Reshipment of goods
 Return bills commission
 Storage of goods
 Tracers

Bills Negotiated

Handling charge

Bonds and Guarantees

Guarantees: Missing Bills of Lading, Other
 Establishing fee
 Expired bonds
 Performance bonds
 Customs bonds

Letters of Credit—Inward

Airmail

Acceptance for correspondent bank on term drawings
 Amendment commission
 Advising commission
 Amendments: Increase in amounts, Other
 Branch or correspondent bank charges
 Confirmation commission
 Carrying Cost/Acceptance
 Cancellation
 Establishing L/C
 Notification commission
 Negotiation commission
 Transferable or Divisible Letters of Credit

Outward

Acceptance commission
 Advising commission
 Amendment commission

Cancellation fee
Confirmation commission
Dispatch of documents
Drawings
Establishment commission
Follow-up for late payment

Custody, Safekeeping and Night Depository Facilities, Safe Deposit Boxes

Rental:

Small box
Medium box
Large box
Extra large box

Additional Visits to Boxes

Replacement: lost/broken keys
Replacement locks
Drilling of box
Rental rebates

Safekeeping

Charge per visit for items held in safekeeping
Envelopes/Small packages
Gold and Silver—Commission
Large packages
Locked Boxes, Trunks, etc.
Safekeeping:
Regular
Temporary
Warehousing/Safekeeping fee

Night Depository

Rental (per bag/wallet)
Replacement Bag/Wallet
Repair/replacement zip/lock
Replacement keys
Damaged Wallets

Cards, Cheque Books and Passbooks Cards

A.T.M

Initial and Renewal charge
Monthly service charge
Replacement of lost or stolen cards

NINTH SCHEDULE—Continued

Where available balance exceeded due to paying guaranteed cheque/ATM
Withdrawal/Direct Debit (i.e. where Bank cards used as a debit card)

Credit Cards

Principal cardholder annual fee
Secondary cardholder annual fee
Cash advance fee
Lost card replacement fee
Late payment fee
Minimum monthly repayment
Over the limit fee
Dishonored item stop payment
Certified Cheque
Annual fee
Nominated cardholder
Commission on cash advance
Over limit charge
Late payment fee
Returned cheque fee
Lost/Stolen/Damaged card charge

Cheques

Cheque books:

Regular
Other

Passbooks / Certificates of Deposit

Replacement of lost passbook
Replacement of lost certificate of deposit

Other Fees and Charges—Service Charges on Deposit Accounts

Service Charge—Personal Accounts:

Activity charge
Unpaid item charge

Service Charge—Business Accounts:

Account maintenance
Activity charge
Overdraft facilities
Unpaid item charge
Inactive account charge

Charges with Respect to Payments

Drafts

Payroll Envelopes:

- Collected in bulk by employer
- Collected by employee
- Pension cheques—Collection and payment
- Processing salary
- Salary payments
- Telephone payment
- Transfer to another bank from employer list

Charges with Respect to Foreign Exchange Transactions and Transferring of Funds

- Conversion of foreign currency cash to foreign currency draft
- Charge for lost foreign draft
- Cable/Telegraphic transfers handling charge
- Draft Tracers
- Exchange for one currency type for another currency type
- Exchange of cash for negotiable instrument —Same currency
- Foreign draft and IMO's:
 - Credit to account
 - Advise beneficiary to collect funds
 - Dishonored items
- Forward contracts
- Foreign cheques/Items cashed
- Payment by receipt customer letter/Fax instructions
- Sight purchases
- Sight sales
- Travellers Cheques

Bank Notices

- Notice of dormant accounts

Returned Items

- N.S.F. returned cheques
- Voucher returned with statement
- Returned item Charge—Foreign currency accounts

Miscellaneous Charges

- Auditor's confirmations
- Photocopy requests
- Deposit by security firms over the counter
- Exchange of coins—For non-bank account
- Facsimile messages
- Balances below designated amount on foreign currency accounts.

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Section 36A.
[14 of 1994].

TENTH SCHEDULE

FIRST COLUMN <i>Tariff Heading No.</i>	SECOND COLUMN <i>Description of Goods</i>	THIRD COLUMN <i>Rate of Surcharge</i>
Ex. 15.07	Soya-bean oil and its fractions, refined, but not chemically modified	25%
Ex. 15.08	Ground-nut oil and its fractions, refined, but not chemically modified	do.
Ex. 15.11	Palm oil and its fractions, refined, but not chemically modified	do.
Ex. 15.12	Sunflower-seed, safflower or cotton seed oil and fractions thereof, refined, but not chemically modified	do.
Ex. 15.13	Coconut (copra), palm kernel or babassu oil and fractions thereof, refined, but not chemically modified	do.
Ex. 15.14	Rape, colza oil and fractions thereof, refined but not chemically modified	do.
Ex. 15.15	Maize (Corn) oil, sesame oil and fractions thereof, refined but not chemically modified	do.
Ex. 15.16	Vegetable oils and their fractions, partly or wholly hydrogenated, inter-esterified, re-esterified or elaidinised, refined but not further prepared	do.
1006.201	White rice, in packages for retail sale	20%
1006.202	Other white rice	do.
1006.203	Parboiled rice, in packages for retail sale	do.
1006.204	Other parboiled rice	do.
1006.301	Semi-milled white rice, in packages of not more than 10 kg	do.
1006.302	Other semi-milled white rice	do.
1006.303	Semi-milled parboiled rice, in packages of not more than 10 kg	do.

FIRST COLUMN <i>Tariff Heading No.</i>	SECOND COLUMN <i>Description of Goods</i>	THIRD COLUMN <i>Rate of Surcharge</i>
1006.304	Other semi-milled parboiled rice	20%
1006.305	Wholly milled white rice, in packages of not more than 10 kg	do.
1006.306	Other wholly milled white rice	do.
1006.307	Wholly milled parboiled rice, in packages of not more than 10kg	do.
1006.308	Other wholly milled parboiled rice	do.
1006.401	Broken rice in packages for retail sale	do.
1006.409	Other broken rice	do.

SUBSIDIARY LEGISLATION

2/2001.

**MISCELLANEOUS TAXES (DEPARTURE TAX)
(EXEMPTION) ORDER**

made under section 27(l)

Citation.

1. This Order may be cited as the Miscellaneous Taxes (Departure Tax) (Exemption) Order.

Interpretation.

Ch. 18:01.

2. For the purposes of this Order, “citizen” and “resident” have the meanings assigned to them in the Immigration Act.

Persons
exempted from
departure tax.

3. A person who—

(a) has attained the age of sixty years; and

(b) is a citizen or a resident of Trinidad and Tobago,

is exempt from the payment of departure tax.

GREEN FUND REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.
2. Interpretation.
3. Application for certification of activity.
4. Form of application.
5. Evaluation and determination.
6. Request for review of non-certification of activity.
7. Disbursements from Green Fund.
8. Receipt of funds.
9. Memorandum of Agreement.
10. Recovery of money disbursed.
11. Record of funded certified activities.
12. Review of certified activities.
13. Monitoring record of certified activity for which funds have been disbursed from Green Fund.
14. Audit by Auditor General.
15. Report submitted to Minister.
16. Accounts of Green Fund.
17. Cessation of disbursements from Green Fund.
18. Failure to comply with Memorandum of Agreement or Regulations.

34/2007.

GREEN FUND REGULATIONS*made under section 69*

Citation.

1. These Regulations may be cited as the Green Fund Regulations.

Interpretation.
Ch. 77:01
amended by
Act No. 6 of
1989
Act No. 5 of
2004.

2. In these Regulations—

“Act” means the Miscellaneous Taxes Act;

“activity” means any activity, programme or project which is primarily engaged in remediation, reforestation and conservation of the environment;

“application” means an application for certification of an activity;

“audit” in relation to an organisation in receipt of money under these Regulations means a review or examination of any aspect of the operations of the organisation in order to determine whether value for money has been attained in relation to the management of the money;

Ch. 81:03.

“approved credit union” means a society which is registered under the Co-operative Societies Act, and which has as its objects the promotion of thrift and the creation of a source of credit for its members, the majority of whom are not agriculturists, for provision of productive purposes;

Ch. 79:09.

“approved financial institution” means a financial institution which is licensed under the Financial Institutions Act;

“authorised person” means a person who is authorised in writing to act for and on behalf of a community group or an organisation to represent the community group or organisation for the purposes of these Regulations;

“certified activity” means an activity, programme or project certified as such by the Minister;

“community group” means a group of individuals from a particular locality within Trinidad and Tobago which is—

- (a) primarily engaged in activities relating to the remediation, reforestation and conservation of the environment in that locality; and

(b) registered as a community-based organisation by the Minister with responsibility for community development;

“financial year” has the meaning as assigned to it under section 3 of the Constitution;

Ch. 1:01.

“Green Fund” means the Fund established by section 65 of the Act;

“Memorandum of Agreement” means the agreement entered into between a community group or organisation and the Minister;

“Minister” means the Minister with responsibility for the environment;

“monitoring record” shall be kept in relation to an organisation in receipt of money under these Regulations, and means a continuing review or examination of any aspect of the operations of the organisation and the certified activities that the organisation is engaged;

“National Environmental Policy” means the Policy prepared in accordance with section 18 of the Environmental Management Act;

Ch. 35:05.

“organisation” means—

(a) a body incorporated by or under a law other than the Companies Act; or

Ch. 81:01.

(b) a group of persons registered by the Ministry with responsibility for community development as a non-governmental organisation,

which is primarily engaged in activities related to the remediation, reforestation and conservation of the environment;

“outcomes” means the impact or effects which the producing of outputs may have on the community;

“outputs” means the goods or services which are produced or delivered by a community group or organisation for the benefit of persons outside of the group or organisation; and

“terms and conditions” includes instructions as to the accounting standards issued by the Treasury, as well as the monitoring, reporting and audit requirements stipulated in the Memorandum of Agreement.

Application for certification of activity.

3. (1) An authorised person may apply to the Minister for certification of an activity for the purposes of receipt of public money to be disbursed from the Green Fund.

(2) The Minister shall only consider applications in respect of an activity that is related to the remediation, reforestation and conservation of the environment.

Form of application.

4. (1) The application referred to in regulation 3 shall be in the form determined by the Minister.

(2) The application shall be accompanied by—

- (a) proof of incorporation or registration of the community group or organisation;
- (b) the constitution of the community group or organisation;
- (c) the names, addresses and where available, other contact details of the office holders of the community group or organisation;
- (d) the level of membership of the community group or organisation;
- (e) evidence that the activity in respect of which funding is required is to be undertaken in Trinidad and Tobago;
- (f) details of the activity, including—
 - (i) the outputs and outcomes of the activity and the expected benefit to the environment;
 - (ii) the expected duration of the activity;
 - (iii) the human and other resources required;
 - (iv) the related contribution of the applicant to the activity by the use of its own monetary and other resources;

- (v) targets and performance indicators of the activity;
- (vi) costing of the activity;
- (vii) details of the budget and related timelines for the activity;
- (viii) future projections and cost benefit analysis of the activity; and
- (ix) details of projects for which funding is already received or in respect of which an application has been made by the applicant together with the source of the funding.

5. (1) The Minister shall evaluate and determine the application, and shall take into account the following criteria: Evaluation and determination.

- (a) the funding already received by the applicant in respect of the same or similar activity and the meeting of the objectives of that funding;
- (b) the relevance of the activity to the promotion of Government's policies and programmes, particularly the National Environment Policy;
- (c) the outcomes and outputs of the activity;
- (d) the operational costs as identified in the application;
- (e) the clarity of the administrative arrangements and related cost;
- (f) the extent of consultation with interested parties to identify and resolve conflicting objectives or duplication of effort or areas of collaboration;
- (g) the potential for overlap or duplication of funding from the Green Fund with funding from other sources received or receivable by the applicant; and
- (h) compliance with legal and governmental requirements.

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(2) The Minister shall, upon the evaluation of the activity proposed by the applicant, in writing—

- (a) certify the activity for the purposes of disbursement from the Green Fund; or
- (b) not certify the activity and advise the applicant accordingly, with reasons.

Request for review of non-certification of activity.

6. (1) Where an applicant is informed of the Minister's decision not to certify the activity proposed by the applicant, the applicant may, if he disputes the decision of the Minister, in writing, request a review and reconsideration of the decision within thirty days of the receipt of the decision.

(2) The application for review or reconsideration shall state precisely the grounds upon which the review or reconsideration is sought.

(3) An application may be made after the thirty-day period if the Minister is satisfied that there was a reasonable excuse for not making the application within the time limit and that the application was made thereafter without unreasonable delay.

(4) In reconsidering his decision, the Minister may examine new information which is submitted by the applicant.

(5) The Minister shall be required to determine the review as soon as is practicable after the receipt of the applicant's request and shall in writing, notify the applicant of his determination.

Disbursements from Green Fund.

7. (1) Where the Minister certifies an activity, he shall cause to be forwarded to the Minister with responsibility for finance—

- (a) a copy of the application;
- (b) a copy of the certification of the activity; and
- (c) his recommendation with respect to the amount that should be withdrawn from time to time from the Green Fund to meet the expenditure of the certified activity.

(2) The Minister with responsibility for finance shall consider the information forwarded by the Minister in accordance with subregulation (1) and may, based on the projections for a financial year and on such terms and conditions as he sees fit, authorise the withdrawal from the Green Fund of an amount not exceeding the amount recommended by the Minister.

(3) The Minister with responsibility for finance may authorise the disbursement of money from the Green Fund for the duration of a certified activity in accordance with the Memorandum of Agreement entered into between the community group or organisation and the Minister.

8. Notwithstanding the authorisation by the Minister with responsibility for finance for the withdrawal of money from the Green Fund in respect of a certified activity, a community group or organisation shall not be entitled to receive such money unless the Minister is satisfied that—

Receipt of funds.

- (a) the community group or organisation has opened an account with an approved financial institution or an approved credit union, specifically for the purpose of receiving money in respect of the certified activity and has stated the names of the persons duly authorised by the community group or organisation to operate the account;
- (b) the account should be separate and apart from any other account operated by the community group or organisation and should be maintained for the purpose of receiving funds from the Green Fund; and
- (c) a Memorandum of Agreement in respect of the certified activity has been executed by the Minister and the community group or organisation.

9. (1) The Memorandum of Agreement shall include—

Memorandum of Agreement.

- (a) the performance measures and targets to be met as a condition for the disbursement of money from the Green Fund;

- (b) information required by the Minister;
- (c) a disbursement schedule;
- (d) a requirement for the repayment of money received by the community group or organisation by way of restitution to the Green Fund in the event that targets are not met;
- (e) a licence shall be granted in favour of the Government of the Republic of Trinidad and Tobago for the use of any copyright, patent, trade mark or other intellectual property right that may arise out of the certified activity; and
- (f) a stipulation that upon completion of a project, the community group or organisation shall provide a report on the activities undertaken and the expenditure incurred, and such report shall be forwarded to the Minister.

(2) The disbursement schedule referred to in subregulation (1) shall include—

- (a) the name of the certified activity;
- (b) the name, address and registration number of the community group or organisation together with the names and addresses of the authorised persons of such community group or organisation;
- (c) the total amount recommended for disbursement by the Minister; and
- (d) the duration and schedule of payments to be made to the community group or organisation.

Recovery of money disbursed.

10. The Minister with responsibility for finance may recover the amount disbursed in respect of a certified activity as a debt due and owing to the State, where he has a reasonable belief that there has been—

- (a) a misapplication of money received from the Green Fund; or
- (b) a misuse of property acquired, wholly or in part, with the money disbursed from the Green Fund.

11. The Minister shall cause a record to be kept of all certified activities in receipt of disbursements from the Green Fund.

Record of funded certified activities.

12. (1) On or before the end of each quarter, the Minister shall submit to the Minister with responsibility for finance a report on the current expenditure and commitments for the Green Fund and provide an indication as to the resources that may be required for the subsequent quarter.

Review of certified activities.

(2) The report shall also contain a list of certified activities recommended for funding in order of priority.

(3) In determining the order of priority of a certified activity recommended for funding, the Minister shall consider the following:

- (a) the efficiency of implementation of the certified activity;
- (b) the impact of the certified activity on the community and the environment;
- (c) the impact of the certified activity on the implementation of the National Environment Policy; and
- (d) the relative merits of continuing funding for the community group or organisation in receipt of funding as against funding the certified activities of new groups and organisations.

13. The Minister shall—

- (a) cause an ongoing monitoring record to be kept of each certified activity that is funded by the Green Fund to ascertain whether the certified activity is being delivered as agreed by the Memorandum of Agreement; and
- (b) in a report to be laid in Parliament in accordance with section 68 of the Act, specify—
 - (i) the total disbursements from the Green Fund in a financial year;

Monitoring record of certified activity for which funds have been disbursed from Green Fund.

L.R.O.

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- (ii) the status of each certified activity that is funded from the Green Fund in terms of performance indicators and achievement in relation to the targets set by the activity; and
- (iii) the amount actually spent by a community group or organisation in respect of a certified activity together with the amount disbursed from the Green Fund in respect of that activity.

Audit by Auditor General.

14. In the conduct of the annual audit to be carried out under section 67 of the Act, the Auditor General shall have access to the audit performed by the Minister on each certified activity.

Report submitted to Minister.

15. A community group or organisation shall submit to the Minister within two (2) months after the end of the Government's financial year the following:

- (a) a report on its activities comparing their approved plans with the actual outcomes; and
- (b) its financial statements including a balance sheet, income and expenditure statement and bank reconciliation statement in respect of the certified activities financed by the Green Fund.

Accounts of Green Fund.

16. The Treasury may issue instructions, in writing, with respect to the preparation of accounts, books and other records to be kept by a community group or organisation in receipt of money from the Green Fund.

Cessation of disbursements from Green Fund.

17. (1) The Minister with responsibility for finance may, in respect of a certified activity, cease to approve disbursements of money or may cancel disbursements from the Green Fund where—

- (a) the Minister so recommends;
- (b) the Auditor General so recommends;

- (c) the recipient has ceased to be a community group or organisation for the purposes of these Regulations;
- (d) the community group or organisation fails to comply with a condition of a disbursement from the Green Fund as specified in the Memorandum of Agreement or these Regulations; or
- (e) the community group or organisation is not conforming with the duties and responsibilities required by these Regulations.

(2) Where the Minister with responsibility for finance ceases to approve or cancels disbursements in respect of a certified activity, he shall notify the community group or organisation, in writing, of the reasons for his decision and advise the Minister accordingly.

18. The failure by a community group or organisation to comply with a condition of a disbursement from the Green Fund as specified in the Memorandum of Agreement or these Regulations may result in—

Failure to comply with Memorandum of Agreement or Regulations.

- (a) immediate cessation of funding;
- (b) debt recovery proceedings; and
- (c) the community group or organisation being excluded from further consideration for funding out of the Green Fund.