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**CHAPTER 33. No. 1.**  
**INCOME TAX.**

AN ORDINANCE TO IMPOSE A TAX UPON INCOMES AND TO REGULATE THE COLLECTION THEREOF.

Commencement. 46-77, 18-78, 20-72, 62-74, 20-74, 7-75, 41-75, 66-75, 14-76, 40-76, 2-68, 13-68, 13-69, 32-69, 46-69, 5-70, 16-70, 35-72, 8-72, [22nd December, 1938.]

Am. by 21/78 Conf. by 31/98  
33/78 " " 40/98

Short title. 1. This Ordinance may be cited as the Income Tax Ordinance.

Interpretation. 2. In this Ordinance—

"body of persons" means any body politic, corporate, or collegiate and any company, fraternity, fellowship, or society of persons whether corporate or not corporate;

"chargeable income" means the aggregate amount of the income of any person from the sources specified in section 5 remaining after allowing the appropriate deductions and exemptions under this Ordinance;

"Commissioner" means the Commissioner or Commissioners charged with the administration of this Ordinance;

"company" means any company incorporated or registered under any law in force in the Colony, and any company which, though incorporated or registered outside the Colony, carries on business or has an office or place of business therein;

"guardian," in relation to an infant, includes parent;

"incapacitated person" means any infant, married woman, person of unsound mind, idiot, or insane person;

~~Am by 21/78~~

“ person ” includes a body of persons;

“ tax ” means the income tax imposed by this Ordinance;

“ year of assessment ” means the period of twelve months commencing on the 1st of January in each year.

#### ADMINISTRATION.

3. For the due administration of this Ordinance the Governor may appoint a Commissioner or Commissioners and such other officers and persons as may be necessary and shall furnish such Commissioner or Commissioners with warrants of appointment under his hand.

Appoint-  
ment of  
administra-  
tive  
authority.

4. (1) Every person having any official duty or being employed in the administration of this Ordinance shall regard and deal with all documents, information, returns, assessment lists, and copies of such lists relating to the income or items of the income of any person, as secret and confidential, and shall make and subscribe a declaration in the form prescribed to that effect before a Magistrate.

Official  
secrecy.

(2) Every person having possession of or control over any document, information, returns, or assessment lists or copies of such lists relating to the income or items of income of any person who at any time communicates or attempts to communicate such information or anything contained in such documents, returns, lists, or copies to any person—

(a) other than a person to whom he is authorised by the Governor to communicate it, or

(b) otherwise than for the purposes of this Ordinance, shall be guilty of an offence.

(3) Where, under any law in force in any Commonwealth country or in any place under His Majesty's protection, provision is made for the allowance of relief from income tax in respect of the payment of income tax in the Colony, the obligation as to secrecy imposed by this section shall not prevent the disclosure to the authorised officers of the Government in that Commonwealth country or in that place under His Majesty's protection

of such facts as may be necessary to enable the proper relief to be given in cases where relief is claimed from income tax in the Colony or from income tax in that part or place aforesaid.

#### IMPOSITION OF INCOME TAX.

Charge of  
income tax.  
Ord.21-1947,  
s. 2. (1) (c).

5. Income tax shall, subject to the provisions of this Ordinance, be payable at the rate or rates specified hereafter for each year of assessment upon income of any person accruing in or derived from the Colony or elsewhere, and whether received in the Colony or not in respect of—

Ord.30-1948,  
s 2 (a).

(a) gains or profits from any trade, manufacture, adventure or concern in the nature of a trade, business, profession, or vocation, for whatever period of time such trade, manufacture, adventure or concern in the nature of a trade, business, profession, or vocation may have been carried on or exercised;

(b) gains or profits from any employment, including the estimated annual value of any quarters or board or residence or of any other allowance granted in respect of employment whether in money or otherwise;

(c) the annual value of land and improvements thereon used by or on behalf of the owner or used rent free by the occupier, for the purpose of residence or enjoyment, and not for the purpose of gain or profit, such annual value being that assessed to any house rate, or taxes under section 3 of the Lands and Buildings Taxes Ordinance;

(d) dividends, interest, or discounts;

(e) any pension, charge, or annuity;

(f) rents, royalties, premiums, and any other profits arising from property;

(g) any annual gains or profits not falling under any of the foregoing heads:

Ord.30-1948,  
s. 2 (b).

Ord.21-1947,  
s. 2 (1) (b).

Provided that in the case of an income arising outside the Colony which is earned income, or which arises to a person who is not ordinarily resident in the Colony or not domiciled in the Colony, the tax shall be payable on the amount received in the Colony.

## BASIS OF ASSESSMENT.

6. Tax shall be charged, levied, and collected for each year of assessment upon the chargeable income of any person for the year immediately preceding the year of assessment.

Basis of assessment.

7. Where the Commissioner is satisfied that any person usually makes up the accounts of his trade or business on some day other than that immediately preceding any year of assessment, the Commissioner may permit the gains or profits of that trade or business to be computed for the purpose of this Ordinance upon the income of the year terminating on that day in the year immediately preceding the year of assessment on which the accounts of the said trade or business have been usually made up:

Special periods of assessment.

Provided that, where permission has been given for any year of assessment, tax shall be charged, levied and collected for each subsequent year upon the gains or profits for the full year terminating on the like date in the year immediately preceding the year of assessment, subject to any such adjustment as, in the opinion of the Commissioner, may be just and reasonable.

## EXEMPTIONS.

8. There shall be exempt from the tax—

Exemptions.

(a) the official emoluments received by the Officer administering the Government during the period in which he is administering the Government, and the official emoluments drawn by the Governor while on leave;

(b) the income of any local authority in so far as such income is not derived from a trade or business carried on by the local authority; in calculating the income of a local authority for the purposes of this paragraph the incomes derived as hereunder mentioned shall be exempt from tax, namely—

(i) the income of the Mayor, Aldermen and Citizens of the City of Port-of-Spain derived from markets, abattoirs, cemeteries, the Prince's

Building, the Woodbrook Estate, the Cocorite Farm and Gonzales Place;

(ii) the income of the Mayor, Aldermen and Burgesses of San Fernando derived from the supply of electricity in accordance with the San Fernando Electric Works Ordinance or from markets, abattoirs, cemeteries and wharves;

(iii) the income of the Mayor, Aldermen and Burgesses of Arima derived from markets, abattoirs and cemeteries;

(c) the income of any statutory or registered building or friendly society;

(d) the income of any ecclesiastical, charitable, or educational institution of a public character in so far as such income is not derived from a trade or business carried on by such institution;

(e) the emoluments payable to members of the permanent consular services of foreign countries in respect of their offices or in respect of services rendered by them in their official capacity;

(f) the emoluments payable from Imperial funds to members of His Majesty's Forces and to persons in the permanent service of the Imperial Government in the Colony in respect of their offices under the Imperial Government;

(g) wound and disability pensions granted to members of His Majesty's Forces;

(h) gratuities granted to members of His Majesty's Forces in respect of services rendered during the war which began on the 4th of August, 1914;

(i) the income of the Post Office Savings Bank, the Trinidad Co-operative Bank, Limited, and any other institution established for the encouragement of thrift which the Governor in Council may declare to be exempt;

(j) the income of the Medical Board of Trinidad;

(k) the income arising from a scholarship, exhibition, bursary or any other similar educational endowment held by a person, receiving full-time instruction at a university, college, school or other educational establishment;

(l) the income arising from investments of any fund or scheme approved by the Governor under section 16 (1) (b) of this Ordinance; Ord. 25-1941,  
s. 4 (ii).

(m) the income of a trade union registered under the Trade Unions Ordinance, being a trade union which is precluded by its rules from assuring to any person a gross sum exceeding nine hundred and sixty dollars or an annuity exceeding two hundred and forty dollars per annum, in so far as such income is applicable and is applied solely for the purpose of provident benefits, and for the purposes of this paragraph the expression "provident benefits" shall be taken to include any payment expressly authorised by the rules of the trade union which is made to a member during sickness or incapacity from personal injury or while out of work or to an aged member by way of superannuation, or to a member who has met with an accident, or has lost his tools by fire or theft, and includes a payment in discharge or aid of funeral expenses on the death of a member, or the wife of a member, or as provision for the children of a deceased member:

Provided that nothing in this section shall be construed to exempt in the hands of the recipients any dividends, interests, bonuses, salaries, or wages paid or credited to any person wholly or in part out of the income so exempted.

9. The Governor may, by proclamation, provide that the interest payable on any loan charged on the public revenue of the Colony shall be exempted from the tax, either generally or only in respect of interest payable to persons not resident in the Colony; and such interest shall, as from the date and to the extent specified in the proclamation, be exempt accordingly. Government  
loans.

#### ASCERTAINMENT OF CHARGEABLE INCOME.

10. (1) For the purpose of ascertaining the chargeable income of any person, there shall be deducted all outgoings and expenses wholly and exclusively incurred during the Deductions  
allowed.  
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year preceding the year of assessment by such person in the production of the income, including—

(a) sums paid by such person by way of interest upon any money borrowed by him, where the Commissioner is satisfied that the interest was paid on capital employed in acquiring the income:

Ord.30-1948,  
s. 3 (a).

Provided the income of the person who receives or is entitled to receive the interest is exempt from the tax by virtue of section 8 of this Ordinance or by virtue of any other Ordinance or, his income not being so exempt, the interest is chargeable to tax under this Ordinance as part of his income;

(b) rent paid by any tenant of land or buildings occupied by him for the purpose of acquiring the income;

(c) where any person engaged in any trade, business, profession, or vocation has expended any sum in replacing any plant or machinery which was used or employed in such trade, business, profession, or vocation, and which has become obsolete, an amount equivalent to the cost of the machinery replaced, after deducting from that cost such sum as shall represent the total depreciation which has occurred by reason of exhaustion or wear and tear since the date of purchase of such plant and machinery and any sum realised by the sale thereof;

(d) any sum expended for repair of premises, plant, and machinery employed in acquiring the income or for the renewal, repair, or alteration of any implement, utensil, or article so employed;

(e) bad debts incurred in any trade, business, profession, or vocation, proved to the satisfaction of the Commissioner to have become bad during the year immediately preceding the year of assessment, and doubtful debts to the extent that they are respectively estimated to the satisfaction of the Commissioner to have become bad during the said year notwithstanding that such bad or doubtful debts were due and payable prior to the commencement of the said year:

Provided that all sums recovered during the said year on account of amounts previously written off or allowed in respect of bad or doubtful debts shall, for

the purposes of this Ordinance, be treated as receipts of the trade, business, profession, or vocation for that year;

(f) annuities or other annual payments whether payable within or out of the Colony, either as a charge on any property of the person paying the same by virtue of any deed or will or otherwise, or as a reservation thereout, or as a personal debt or obligation by virtue of any contract:

Provided that no voluntary allowances or payments of any description shall be deducted;

(g) rates and taxes on real estate (but not including income tax);

(h) premiums paid on any fire insurance policy on property used in acquiring the income upon which the tax is payable;

(i) any annual sums paid by such person (being an employer) by way of contribution on behalf of an employee in respect of a fund or scheme approved by the Governor under paragraph (b) of subsection (1) of section 16 of this Ordinance; Ord.25-1941, s. 5.

(j) such other deductions as may be prescribed by any resolution made under this Ordinance;

(k) in case of a lump sum payment made by an employer on account of an employee's superannuation or pension fund or scheme in respect of past services of employees (such superannuation or pension fund or scheme having first been approved by the Governor under paragraph (b) of subsection (1) of section 16 of this Ordinance), one-tenth of the said lump sum payment in each of ten successive years, commencing in the year in which the payment is made: Provided that the said lump sum is irrevocably charged for the benefit of the said superannuation or pension fund or scheme. Ord.30-1948, s. 3 (b).

(2) The Governor in Council may, by regulations, provide for the method of calculating or estimating the deductions allowed or prescribed under this section.

11. In ascertaining the chargeable income of any person engaged in a trade, business, profession, or vocation, there Allowance for wear and tear.

shall be allowed as a deduction a reasonable amount for the exhaustion by wear and tear of any plant and machinery, and any buildings used exclusively for housing such plant and machinery, owned by him, arising out of the use or employment of such plant or machinery in the trade, business, profession, or vocation during the year immediately preceding the year of assessment.

Deductions  
not to be  
allowed.

**12.** (1) For the purpose of ascertaining the chargeable income of any person, no deduction shall be allowed in respect of—

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- (a) domestic or private expenses;
  - (b) any disbursements or expenses not being money wholly and exclusively laid out or expended for the purpose of acquiring the income;
  - (c) any capital withdrawn or any sum employed or intended to be employed as capital;
  - (d) any capital employed in improvements;
  - (e) any sum recoverable under an insurance or contract of indemnity;
  - (f) rent of or cost of repairs to any premises or part of premises not paid or incurred for the purpose of acquiring the income;
  - (g) any amounts paid or payable in respect of the United Kingdom income tax or surtax or Empire income tax as defined by this Ordinance:

Provided that—

(i) in any case approved by the Governor in Council where a licence has been granted to any person under the Hotels (Development Encouragement) Ordinance, the proprietor of the hotel to which such licence relates shall be allowed in each of any five of the eight years of assessment next after the year of assessment in which the licence is granted to set off against the income arising from the hotel one-fifth of the capital expenditure upon such hotel, so, however, that no such set off be allowed in any year of assessment later than the eighth year after the year of assessment in which the capital expenditure was incurred; and

(ii) where the capital expenditure is allowed to be set off against the income arising from a hotel, section 11

Relief to  
hotel pro-  
prieters.  
Ord.36-1946,  
s. 12.

Ord.56-1946,  
s. 2.

of this Ordinance shall not apply in respect of such expenditure.

(2) In this section "capital expenditure" means such sum as the Commissioner is satisfied has been expended on the purchase of building materials for construction or of fixtures or of equipment and upon effecting such construction and upon the installation of such fixtures or equipment, but does not include any sum paid in respect of the purchase price of any land or of any existing hotel or in respect of goodwill.

12 #  
13. Where the amount of a loss incurred in the year preceding any year of assessment in any trade, business, profession, or vocation carried on by any person either solely or in partnership is such that it cannot be wholly set off against his income from other sources for the same year, the amount of such loss shall, to the extent to which it is not allowed against his income from other sources for the same year, be carried forward, and shall, subject as is hereinafter provided, be set off against what would otherwise have been his chargeable income for the next five years in succession:

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Allowance of  
trade losses.

Provided that—

(1) the amount of any such loss allowed to be set off in computing the chargeable income of any year shall not be set off in computing the chargeable income of any other year;

(2) in no case shall such set-off be allowed to an extent which would reduce the tax payable for any year of assessment to less than one-half of the amount which would have been payable had the set-off not been allowed;

(3) no loss incurred in connection with any hotel, in any year in respect of which any allowance is granted under the foregoing section of this Ordinance shall be set off against the profits arising from any other trade, business, profession, or vocation carried on by the person to whom the allowance is granted.

Ord.36-1946,  
s. 13.

14. In ascertaining the chargeable income of an individual there shall be allowed a deduction of one thousand two hundred dollars.

Deduction  
for  
individuals.

Deduction  
for wife.

15. (1) In ascertaining the chargeable income of an individual who proves to the satisfaction of the Commissioner that he had, during the year immediately preceding the year of assessment, his wife living with him or wholly maintained by him and that he is not entitled in computing the amount of his income for that year for the purposes of this Ordinance to make any deduction in respect of the sums paid for the maintenance of his wife under paragraph (a) of subsection (2) hereof there shall be allowed a deduction of four hundred and eighty dollars.

Maintenance  
and alimony.

(2) In ascertaining the chargeable income of an individual who proves to the satisfaction of the Commissioner that he had, during the year immediately preceding the year of assessment, paid—

(a) a maintenance or separation allowance to his wife in accordance with the terms of a registered deed of separation or an order of any court of competent jurisdiction, or

(b) alimony to a previous wife whose marriage with him has been dissolved by any court of competent jurisdiction,

there shall be allowed a deduction of such maintenance or separation allowance or such alimony.

Deduction  
for  
children.

Ord. 25-1947,  
s. 4.

(3) In ascertaining the chargeable income of any individual who proves to the satisfaction of the Commissioner that he had the custody of and maintained at his own expense any child born in the year immediately preceding the year of assessment or who at the commencement of that year was under the age of sixteen years or who in the course of that year received full time instruction as a student at a university, university college, college, school, trade or other technical school, or was serving as an apprentice under articles entered into for a period of not less than two years, there shall be allowed a deduction—

(a) in respect of every such child who in the course of that year resided in the Colony or resided outside the Colony but did not receive full time instruction as a student outside the Colony at a university, university college, secondary school, trade or other technical school, the sum of two hundred and forty dollars;

(b) in respect of every such child who has attained

Ord. 1-1950.

the age of ten years and who in the course of that year received full time instruction as a student at a secondary school, trade or other technical school in the Colony and for that purpose resided away from the place where such individual is ordinarily resident, the sum actually paid for his board and lodging and education in such year, but not exceeding in any case the sum of nine hundred and sixty dollars;

(c) in respect of every such child who has attained the age of ten years and who in the course of that year received full time instruction as a student outside the Colony at a university, university college, secondary school, trade or other technical school the sum actually paid for his board and lodging and education in such year, but not exceeding in any case the sum of twelve hundred dollars:

Provided that no deduction shall be allowed under paragraph (a) hereof in respect of any child who was entitled in his own right to an income equal to or exceeding two hundred and forty dollars in the year immediately preceding the year of assessment:

Provided further that the deduction allowed under paragraph (b) or paragraph (c) hereof, in respect of any child who was entitled in his own right to an income in the year immediately preceding the year of assessment, shall not exceed the amount by which the sum so expended on his board and lodging and education exceeds such income:

Provided further that in calculating the income of the child for the purpose of the foregoing provisos no account shall be taken of any income to which the child is entitled as the holder of a scholarship, exhibition, bursary, or other similar educational endowment, or of any emoluments paid to the child during his period of service as an apprentice.

The expression "child" in this subsection includes a step child or an illegitimate or adopted child.

(4) In ascertaining the chargeable income of an individual who proves to the satisfaction of the Commissioner that during the year immediately preceding the year of assessment he was a widower and that a female relative of his or of his deceased wife was resident with him for the purpose of having the charge and care of any child of his

Deduction  
in respect of  
relatives  
taking  
charge of  
widower's  
or widow's  
children or  
acting as  
housekeeper.

or in the capacity of a housekeeper, there shall be allowed, subject as hereinafter provided, a deduction of two hundred dollars in respect of that female relative:

Provided that—

(a) no deduction shall be allowed under this subsection unless the claimant proves that no other individual is entitled to a deduction in respect of the female relative under the provisions of this Ordinance or, if any other individual is so entitled, that the other individual has relinquished his claim thereto; and

(b) no deduction shall be allowed under this subsection where the female relative is a married woman living with her husband, and the husband has claimed and been allowed a deduction under the provisions of subsection (1) of this section; and

(c) not more than one deduction of two hundred dollars shall be allowed to any claimant under this subsection in any year; and

(d) this subsection shall apply to a claimant being a widow as it applies to a claimant being a widower with the substitution of "her deceased husband" for "his deceased wife"; and the expression "child" means a child in respect of whom a deduction is allowed under this Ordinance.

(5) In ascertaining the chargeable income of an individual who proves to the satisfaction of the Commissioner that during the year immediately preceding the year of assessment he maintained at his own expense any person being his or his wife's father or mother (not being a widowed mother) or a child, brother or sister of his or of his wife, who is incapacitated by old age or infirmity from maintaining himself or herself, or being his or his wife's widowed mother whether incapacitated or not, and in any of the above cases, being a person whose total income from all sources does not exceed two hundred dollars a year, there shall be allowed a deduction of two hundred dollars in respect of each person whom he so maintained:

Provided that—

(a) where two or more persons jointly maintain any such person as aforesaid, the deduction to be made

Deduction  
in respect of  
dependent  
relatives.

Ord. 1-1950.

under this subsection shall be apportioned between them in proportion to the amount or value of their respective contributions towards the maintenance of that person; and

(b) this subsection shall apply to a claimant being a female person as it applies to a claimant being a male person with the substitution of "husband" for "wife".

16. (1) In ascertaining the chargeable income of any individual who—

(a) shall have made insurance on his life or the life of his wife, or shall have contracted for any deferred annuity on his own life or the life of his wife, with any insurance company; or

(b) shall have made a contribution under the Widows' and Orphans' Pensions Ordinance, or under any similar enactment in the United Kingdom or in any Commonwealth country, or in any British Protectorate or Protected State, or in any territory in respect of which any of His Majesty's Governments have accepted a Mandate on behalf of the League of Nations or of the United Nations or otherwise, or to such fund or scheme as the Governor may approve,

there shall be allowed a deduction of the annual amount of the premium paid by him for such insurance or contract or of the annual amount of such contribution, as the case may be:

Provided that no such deduction shall be allowed in respect of any such annual amount of premium or contribution beyond an amount equal to one-sixth part of the chargeable income of such person estimated in accordance with the provisions of this Ordinance before making the deductions specified in this section and in sections 14 and 15 of this Ordinance.

(2) For the purposes of this section a contribution by an employer on behalf of an employee to a fund or scheme approved by the Governor under paragraph (b) of subsection (1) of this section shall be deemed to be a contribution to such fund or scheme by the employee.

Deduction  
in respect of  
life insurance  
and contri-  
bution to  
Widows' and  
Orphans'  
fund.

Ord.25-1941,  
s. 6.

Ord.30-1948,  
s. 4.

*Amended 15*

Deductions to be made only in the case of residents and non-resident British subjects.

17. Subject as hereinafter provided, no allowances under sections 14, 15, and 16 shall be made in the case of any individual who is not resident in the Colony:

Provided that the foregoing provisions shall not apply in the case of any individual who satisfies the Commissioner that he is a British subject, so, however, that no such allowance or relief as aforesaid shall be given so as to reduce the amount of the income tax payable by that individual below an amount which bears the same proportion to the amount which would be payable by him by way of tax if the tax were chargeable on his total income from all sources, including income which is not subject to income tax charged in the Colony, as the amount of the income subject to income tax so charged bears to the amount of his total income from all sources.

Wife's income.

18. The income of a married woman living with her husband shall, for the purpose of this Ordinance, be deemed to be the income of the husband, and shall be charged in the name of the husband and not in her name nor in that of her trustee:

Provided that that part of the total amount of tax charged upon the husband which bears the same proportion to that total amount as the amount of the income of the wife bore to the amount of the total income of the husband and wife may, if necessary, be collected from the wife, notwithstanding that no assessment has been made upon her.

#### INSURANCE AND SHIPPING COMPANIES.

Special provisions as to certain companies and businesses.

(1) Insurance companies other than life insurance companies.

19. Notwithstanding anything to the contrary contained in this Ordinance, it is hereby provided that—

(1) in the case of an insurance company (other than a life insurance company) where the gains or profits accrue in part outside the Colony, the gains or profits on which tax is payable shall be ascertained by taking the gross premiums and interest and other income received or receivable in the Colony (less any premiums returned to the insured and premiums paid on re-insurances), and deducting from the balance so arrived at a reserve for unexpired risks at the percentage adopted by the

company in relation to its operation as a whole for such risks at the end of the year preceding the year of assessment, and adding thereto a reserve similarly calculated for unexpired risks outstanding at the commencement of the year preceding the year of assessment, and from the net amount so arrived at deducting the actual losses (less the amount recovered in respect thereof under re-insurance), the agency expenses in the Colony, and a fair proportion of the expenses of the head office of the company;

(2) in the case of a life insurance company, whether mutual or proprietary, the gains or profits on which tax is payable shall be the investment income less the management expenses (including commission):

(2) Life insurance companies.

Provided that where such a company received premiums outside the Colony, the gains or profits shall be the same proportion of the total investment income of the company as the premiums received or annuities paid in the Colony bore to the total premiums received or annuities paid after deducting from the amount so arrived at the agency expenses in the Colony and a fair proportion of the expenses of the head office of the company;

(3) (a) in the case of a shipowner, the gains or profits of his business as shipowner shall, if he produces or causes to be produced to the Commissioner the certificate mentioned in paragraph (b) of this subsection, be taken to be a sum bearing the same ratio to the sums payable in respect of fares or freight for passengers, goods, or mails shipped in the Colony as his total profits for the relevant accounting period shown by that certificate bear to the gross earnings for that period;

Shipping companies.

(b) the certificate shall be a certificate by the taxing authority of the place in which the principal place of business of the shipowner is situated and shall state—

(i) that the shipowner has furnished to the satisfaction of that authority account of the whole of his business; and

(ii) the ratio of the gains or profits for the relevant accounting period as computed according to the income tax law of that place (after deducting interest on any money borrowed and employed in

acquiring the gains and profits) to the gross earnings of the shipowner's fleet or vessel for that period;

(c) if the gains or profits of a shipowner have, for the purpose of assessment in the Colony under this Ordinance, been computed on any basis other than the ratio of the gains or profits shown by a certificate as aforesaid, and an assessment has been made accordingly, the shipowner shall, upon production of such certificate at any time within two years from the end of the year of assessment, be entitled to such adjustment as may be necessary to give effect to the said certificate and to have any tax paid in excess refunded;

(d) in this subsection, the expression "shipowner" means an owner or charterer of ships whose principal place of business is situated outside the Colony, but in a Commonwealth country or in territory under His Majesty's protection.

Special exemption as to shipping companies where reciprocal concessions prevail.

20. (1) Gains or profits arising from the business of shipping carried on by a person not resident in the Colony shall be exempted from the tax provided that the Governor is satisfied that an equivalent exemption from income tax is granted by the country in which such person is resident to persons resident in the Colony and, if that country is a country other than the United Kingdom, to persons resident in the United Kingdom.

(2) In this section the expression "business of shipping" means the business carried on by an owner of ships, and for the purposes of this definition the expression "owner" includes any charterer.

(3) For the purposes of this section a company shall be deemed to be resident in that country only in which the central management and control of its business is situate.

#### TEMPORARY RESIDENTS.

Temporary residents.

21. Tax shall not be payable in respect of any income arising out of the Colony of any person who is in the Colony for some temporary purpose only and not with any intent to establish his residence therein and who has not actually resided in the Colony at one or more times for a period equal

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in the whole to six months in the year preceding the year of assessment.

#### RATE OF TAX.

22. There shall be levied and paid the chargeable income of every person tax at the rates set forth in the Schedule hereto. Rates as  
per  
Schedule.

#### COMPANY DIVIDENDS.

23. (1) Every company which is registered in the Colony shall be entitled to deduct from the amount of any dividend paid to any shareholder tax at the rate paid or payable by the Company (double taxation relief being left out of account) on the income out of which such dividend is paid: Deduction  
of tax from  
dividends of  
companies.  
Ord.21-1947,  
s. 3.

Provided that where tax is not paid or payable by the company on the whole income out of which the dividend is paid the deduction shall be restricted to that portion of the dividend which is paid out of income on which tax is paid or payable by the company.

(2) Every such company shall, upon payment of a dividend, whether tax is deducted therefrom or not, furnish each shareholder with a certificate setting forth the amount of the dividend paid to that shareholder and the amount of tax which the company has deducted or is entitled to deduct in respect of that dividend; and also, where the tax paid or payable by the company is affected by double taxation relief, the rate (hereinafter in this Ordinance referred to as "the net Colonial rate") of the tax paid or payable by the company after taking double taxation relief into account.

(3) In this section the expression "double taxation relief" means any credit for foreign income tax which is allowable against income tax chargeable under this Ordinance by virtue of arrangements having effect under section 50 of this Ordinance, and any relief allowable under section 47 or section 48 of this Ordinance, including any credit or relief which has been taken into account in determining the net Colonial rate applicable to any dividends received by the company.

Setting off  
tax so  
deducted.

24. Any tax which a company has deducted or is entitled to deduct under the last preceding section from a dividend paid to a shareholder, and any tax applicable to the share to which any person is entitled in the income of a body of persons assessed under this Ordinance, shall, when such dividend or share is included in the chargeable income of such shareholder or person, be set off for the purposes of collection against the tax charged on that chargeable income.

#### TRUSTEES, AGENT, ETC.

Charge-  
ability of  
trustees, etc.

25. A receiver, trustee, guardian, curator, or committee having the direction, control or management of any property or concern on behalf of any person, shall be chargeable to tax in respect of income derived from such property or concern in like manner and to the like amount as such person would be chargeable if he had received such income, and every such receiver, trustee, guardian, curator, or committee shall be answerable for doing all matters and things required to be done under this Ordinance for the purpose of assessment and payment of tax:

Provided that nothing in this section shall affect the liability of any person represented by any such receiver, trustee, guardian, curator, or committee to be himself charged to tax in his own name.

Charge-  
ability of  
agent of  
person  
residing out  
of the  
Colony.

26. (1) A person not resident in the Colony (hereinafter in this section referred to as a non-resident person), whether a British subject or not, shall be assessable and chargeable in the name of his trustee, guardian, curator, or committee, or of any attorney, factor, agent, receiver, branch, or manager, whether such attorney, factor, agent, receiver, branch, or manager has the receipt of the income or not, in like manner and to the like amount as such non-resident person would be assessed and charged if he were resident in the Colony and in the actual receipt of such income.

A non-resident person shall be assessable and chargeable in respect of any income arising, whether directly or indirectly, through or from any attorneyship, factorship, agency, receivership, branch, or management, and shall be so assessable and chargeable in the name of the attorney, factor, agent, receiver, branch, or manager.

(2) Where a non-resident person, not being a British subject or a firm or company whose principal place of business is situated in a Commonwealth country or in territory under His Majesty's protection, or a branch thereof, carries on business with a resident person, and it appears to the Commissioner that owing to the close connection between the resident person and the non-resident person, and to the substantial control exercised by the non-resident person over the resident person, the course of business between those persons can be so arranged and is so arranged that the business done by the resident person in pursuance of his connection with the non-resident person produces to the resident person either no profits or less than the ordinary profits which might be expected to arise from that business, the non-resident person shall be assessable and chargeable to tax in the name of the resident person as if the resident person were an agent of the non-resident person.

(3) Where it appears to the Commissioner by whom the assessment is made, or to the Judge by whom an appeal is heard, that the true amount of the gains or profits of any non-resident person chargeable with tax in the name of a resident person cannot in any case be readily ascertained, the Commissioner or Judge may, if he thinks fit, assess and charge the non-resident person on a fair and reasonable percentage of the turnover of the business done by the non-resident person through or with the resident person in whose name he is chargeable as aforesaid, and in such case the provisions of this Ordinance relating to the delivery of returns or particulars by persons acting on behalf of others shall extend so as to require returns or particulars to be furnished by the resident person of the business so done by the non-resident person through or with the resident person, in the same manner as returns or particulars are to be delivered by persons acting for incapacitated or non-resident persons of income to be charged:

Provided that the amount of the percentage shall in each case be determined having regard to the nature of the business, and shall, when determined by the Commissioner be subject to an appeal to a Judge as provided by section 43.

(4) Nothing in this section shall render a non-resident person chargeable in the name of a broker or general commission agent or other agent where such broker, general commission agent, or agent is not an authorised person carrying on the regular agency of the non-resident person, or a person chargeable as if he were an agent in pursuance of subsections (2) and (3) of this section, in respect of gains or profits arising from sales or transactions carried out through such a broker or agent.

(5) The fact that a non-resident person executes sales or carries out transactions with other non-residents in circumstances which would make him chargeable in pursuance of subsections (2) and (3) of this section in the name of a resident person shall not of itself make him chargeable in respect of gains or profits arising from those sales or transactions.

(6) Where a non-resident person is chargeable to tax in the name of any attorney, factor, agent, receiver, branch, or manager, in respect of any gains or profits arising from the sale of goods or produce manufactured or produced out of the Colony by the non-resident person, the person in whose name the non-resident person is so chargeable may, if he thinks fit, apply to the Commissioner or, in the case of an appeal, to the Judge, to have the assessment to tax in respect of those gains or profits made or amended on the basis of the profits which might reasonably be expected to have been earned by a merchant or, where the goods are retailed by or on behalf of the manufacturer or producer, by a retailer of the goods sold, who had bought from the manufacturer or producer direct, and, on proof to the satisfaction of the Commissioner or Judge of the amount of the profits on the basis aforesaid, the assessment shall be made or amended accordingly.

27. The person who is chargeable in respect of an incapacitated person, or in whose name a non-resident is chargeable, shall be answerable for all matters required to be done by virtue of this Ordinance for the assessment of the income of any person for whom he acts and for the payment of the tax chargeable thereon.

Acts, etc.,  
to be done  
by trustees,  
etc.

28. (1) Every person who, in whatever capacity, is in receipt of any money or value being income arising from any of the sources mentioned in this Ordinance of or belonging to any other person who is chargeable in respect thereof, or would be so chargeable if he were resident in the Colony and not an incapacitated person, shall, whenever required to do so by any notice from the Commissioner, prepare and deliver within the period mentioned in such notice a list in a form approved by the Commissioner, signed by him, containing—

Lists to be prepared by representative or agent.

- (a) a true and correct statement of all such income;
- (b) the name and address of every person to whom the same shall belong.

(2) Every person who refuses, fails or neglects to comply with the provisions of this section shall be guilty of an offence.

29. The manager or other principal officer of every corporate body of persons shall be answerable for doing all such acts, matters and things as are required to be done by virtue of this Ordinance for the assessment of such body and for payment of the tax.

Manager of corporate bodies of persons.

30. Any resident agent, trustee, mortgagor, or other person who transmits rent, interest, or income derived from any other source within the Colony, to a non-resident person shall be deemed to be the agent of such non-resident person and shall be assessed and shall pay the tax accordingly.

Agents, etc., of non-residents to be assessed.

31. (1) Every person answerable under this Ordinance for the payment of tax on behalf of another person may retain out of any money coming to his hands on behalf of such other person so much thereof as shall be sufficient to pay such tax, and shall be and is hereby indemnified against any person whatsoever for all payments made by him in pursuance and by virtue of this Ordinance.

Indemnification of representative.

Ord. 25-1941, s. 7.

(2) With respect to every person resident in the Colony having the receipt, control or disposal of money belonging to a non-resident person who derives income from a source in the Colony, or to a non-resident person who is a shareholder, debenture holder, or depositor in a company

Person in receipt or control of money for non-resident.

deriving income from a source in the Colony, the following provisions shall apply—

(a) he shall, when required by the Commissioner, pay the tax due and payable by the non-resident;

(b) he is hereby made personally liable for the tax payable by him on behalf of the non-resident to the extent of any amount that he has retained, or should have retained, under subsection (1) of this section, but he shall not be otherwise personally liable for the tax.

(3) For the purposes of this section, every person who is liable under any contract to pay money to a non-resident shall be deemed to be the person having the control of money and to be acting in a representative capacity for the payment of income tax belonging to the non-resident, and all money due by him under the contract shall be deemed to be money which comes to him on behalf of the non-resident.

Deduction  
of and  
accounting  
for tax on  
mortgage  
and debenture  
interest.

**32.** (1) Where any person pays mortgage or debenture interest to a person not resident in the Colony and such interest is chargeable income under the provisions of this Ordinance, he shall upon paying the interest deduct therefrom tax at the rate of five cents on every dollar of such interest payable to any individual and at the appropriate rate set out in the Schedule hereto in the case of a company and shall forthwith render an account to the Commissioner of the amount so deducted and pay thereout the amount of tax assessable in respect of such interest and every such amount shall be a debt from him to the Government of the Colony and shall be recoverable as such.

(2) In the case of a company, the account aforesaid shall be rendered by the manager or other principal officer of the company.

(3) Any person who fails or neglects to render an account under this section shall be guilty of an offence.

Deceased  
persons.

**33.** When any person dies during the year preceding the year of assessment, and such person would, but for his death, have been chargeable to tax for the year of assessment, or when any person dies during the year of assessment or within two years after the expiration thereof, and no assessment has been made upon him for that year, the

personal representative of such person shall be liable for and charged with the payment of the tax with which such person would have been chargeable, and shall be answerable for doing all such acts, matters and things as such person, if he were alive, would be liable to do under this Ordinance:

Provided that in the case of a person dying during the year preceding the year of assessment, if his personal representative distributes his estate before the commencement of the year of assessment, such personal representative shall pay the tax at the rate or rates in force at the date of distribution of the estate.

#### MISCELLANEOUS PROVISIONS AS TO ASSESSMENT OF TAX.

34. (1) Where the Commissioner is of opinion that any transaction which reduces or would reduce the amount of tax payable by any person is artificial or fictitious, or that full effect has not, in fact, been given to any disposition, the Commissioner may disregard any such transaction or disposition, and the persons concerned shall be assessable accordingly.

*further*  
*Ambyal's*  
Artificial transactions, transfers to minors and in trust.  
Ord. 25-1941 s. 8.

(2) Where a person transfers property to a minor, either directly or indirectly, or through the intervention of a trust or by any other means whatsoever, such person shall, nevertheless, during the period of the minority of the transferee, be liable to be taxed on the income derived from such property, or from property substituted therefor, as if such transfer had not been made, and subsequent to such period of minority, the transferor shall continue to be taxed in respect of the income derived from such property, or from property substituted therefor, as if such transfer had not been made, unless the Commissioner is satisfied that such transfer was not made for the purpose of avoiding tax.

Transfers to minors to avoid tax.

(3) Where a person transfers property in trust and provides that the corpus of the trust shall revert either to the donor or to such persons as he may determine at a future date, or where a trust provides that during the lifetime of the donor no disposition or other dealing with the trust property shall be made without the consent, written or otherwise, of the donor, such person shall

Trust subject to defeasance, i.e., with reversionary rights in donor.

nevertheless be liable to be taxed on the income derived from the property transferred in trust, or from property substituted therefor, as if such transfer had not been made.

(4) Subsection (1) of this section shall have effect (whether the transaction or disposition was effected or made before or after the 31st of December, 1941), in regard to assessments made in respect of the year of assessment 1942 and each succeeding year of assessment.

(5) Subsections (2) and (3) of this section shall apply to all transfers made or trusts created after the 4th of December, 1941.

(6) In this section "disposition" includes any trust, grant, agreement or arrangement.

(7) A discretion conferred on the Commissioner by this section may be exercised, on appeal under section 43, by the Judge.

Undistrib-  
uted profits  
of com-  
panies.

Ord. 25-1941,  
s. 8.

*Proviso*

**35.** (1) Where it appears to the Commissioner that with a view to the avoidance or reduction of tax, a company controlled by not more than five persons has not distributed to its shareholders, as dividend, profits made in any period ending after the 1st of January, 1941, which could be distributed without detriment to the company's existing business, the Commissioner, by notice in writing to the company, may direct that, for the purpose of assessment to tax, such profits shall for the period specified in the notice be deemed to be the income of the members, and the amount thereof shall be apportioned among the members, and tax shall be assessed and charged in respect of the sum so apportioned:

Provided that in determining whether any company has or has not distributed a reasonable part of its income as aforesaid, the Commissioner shall have regard not only to the current requirements of the company's business, but also to such other requirements as may be necessary or advisable for the maintenance and development of that business.

(2) A discretion conferred on the Commissioner by this section may be exercised, on appeal under section 43 by the Judge.

## RETURNS: BY WHOM TO BE MADE.

36. (1) Every person chargeable with tax shall, on or before the prescribed date in every year, deliver to the Commissioner a true and correct return of the whole of his income from every source whatsoever for the year immediately preceding the year of assessment, and shall, if absent from the Colony, give the name and address of an agent residing in the Colony.

Returns of  
personal  
incomes.  
Ch.33. No.10  
-1940, s. 34.

(2) Every employer shall, on or before the prescribed date in every year, prepare and deliver to the Commissioner a return containing—

Returns by  
employers.

(a) the names and places of residence of all persons employed by him; and

(b) the payments and allowances made to those persons in respect of such employment, except persons who are not employed in any other employment and whose remuneration in the employment for the year does not exceed nine hundred and sixty dollars:

Provided that the expression "remuneration" in this subsection shall be deemed to include not only moneys paid as salary, wages, overtime, or bonus, but also the annual value of any residence, quarters, board and lodging, or other allowances in kind received by an employee in respect of his services.

(3) Where the employer is a body of persons, the manager or other principal officer shall be deemed to be the employer for the purposes of this section, and any director of a company, or person engaged in the management of a company, shall be deemed to be a person employed.

(4) Returns required under the provisions of this section shall be in a form approved by the Commissioner.

(5) Any person who refuses, fails, or neglects to deliver any return required under the provisions of this section shall be guilty of an offence.

37. (1) The Commissioner may, by notice, require any person, or the attorney of any person, or the secretary, attorney, manager, agent, or other principal officer of a

Power of  
Commis-  
sioner to  
require  
returns.  
Ch.33. No.1-  
1940, s. 35.

company residing in the Colony, to make returns under this Ordinance within the time specified in such notice.

(2) Any person who, after being required by the Commissioner to make a return, fails or neglects to do so within the time specified, shall, whether or not any liability to tax is involved, be guilty of an offence.

#### PARTNERSHIPS.

Partner-  
ships.  
Ch. 33. No. 1—  
1940, s. 36.

38. (1) Where a trade, business, profession, or vocation is carried on by two or more persons jointly the income of any partner from the partnership shall be deemed to be the share to which he was entitled during the year preceding the year of assessment in the income of the partnership (such income being ascertained in accordance with the provisions of this Ordinance) and shall be included in the return of income to be made by such partner under the provisions of this Ordinance.

(2) (a) The precedent partner, that is to say, the partner who of the partners resident in the Colony—

(i) is first named in the agreement of partnership, or

(ii) if there be no agreement, is named singly or with precedence to the other partners in the usual name of the firm, or

(iii) is the precedent acting partner, if the partner named with precedence is not an acting partner,

shall make and deliver a return of the income of the partnership for any year, such income being ascertained in accordance with the provisions of this Ordinance, and shall declare therein the names and addresses of the other partners in the firm together with the amount of the share of the said income to which each partner was entitled for that year;

(b) Where no partner is resident in the Colony, the return shall be made and delivered by the attorney, agent, manager or factor of the firm resident in the Colony.

(3) Any person who refuses, fails, or neglects to deliver any return required under the provisions of this section shall be guilty of an offence.

## ASSESSMENTS.

39. (1) The Commissioner shall proceed to assess every person chargeable with the tax as soon as may be after the day prescribed for delivering the returns.

Commissioner to make assessments.  
Ch.33. No.1-  
1940, s. 37.

(2) Where a person has delivered a return, the Commissioner may—

(a) accept the return and make an assessment accordingly; or

Acceptance of return.

(b) refuse to accept the return and, to the best of his judgment, determine the amount of the chargeable income of the person and assess him accordingly.

Refusal of return.

(3) Where a person has not delivered a return and the Commissioner is of the opinion that such person is liable to pay tax, he may, according to the best of his judgment, determine the amount of the chargeable income of such person and assess him accordingly, but such assessment shall not affect any liability otherwise incurred by such person by reason of his refusal, failure, or neglect to deliver a return.

Assessment in default of return.

(4) If, at any time within the year of assessment or within two years after the expiration thereof, the Commissioner shall make an assessment which results in a person being charged to tax for the year of assessment in respect of a total chargeable income in excess of the chargeable income disclosed in the return of income rendered by such person, the Commissioner may (unless the person assessed proves to the Commissioner's satisfaction that the omission or incorrectness of the return did not amount to fraud, covin, art of contrivance, or gross or wilful neglect) charge such person, in addition to the total tax otherwise charged in the assessment, further tax not exceeding the amount of tax charged in respect of the excess.

Additional tax on increased chargeable income.  
Ord.25-1941,  
s. 9.

(5) If any person neglects or refuses to render a return of income as required by this Ordinance, the Commissioner may (unless such person proves to the Commissioner's satisfaction that the neglect or refusal was for reasonable cause and ought fairly to be excused) charge such person additional tax not exceeding the amount of tax

Additional tax for non-return of income.

which would have been payable if this subsection had not been enacted.

(6) Nothing in the preceding subsections shall be construed as derogating from any other provisions of this Ordinance.

(7) The provisions of this Ordinance shall apply to any additional tax charged by virtue of this section as they do to tax ordinarily chargeable under this Ordinance.

Commissioner may remit additional tax.

(8) Without prejudice to the powers conferred by section 74, the Commissioner may for reasons which may appear to him sufficient, at any time remit in whole or in part any additional tax charged under this section.

Judges discretion re additional tax

(9) A discretion to charge additional tax vested in the Commissioner by this section may be exercised, on appeal under section 43, by the Judge:

Provided that, if the Judge shall confirm the decision of the Commissioner to charge additional tax and shall find that the additional tax imposed by the Commissioner did not exceed the maximum additional tax which could properly be charged, the appeal as regards the additional tax shall be dismissed.

Appointment of agent in the United Kingdom.  
Ch.33. No.1-  
1940, s. 38.

**40.** For the purposes of facilitating the assessment of the income of persons residing in the United Kingdom, the Governor may appoint an agent in the United Kingdom who shall make enquiries on behalf of the Commissioner in respect of any such person as may apply to be dealt with through such agent, and shall ascertain and report to the Commissioner the amount of the chargeable income of such person in accordance with this Ordinance, and shall forward to the Commissioner the accounts and computations upon which his report is based. The Commissioner, on receipt of the report, shall enter the amount reported in the assessment list:

Provided that if it appears to the Commissioner that any error has occurred in the accounts or computation he may refer the report back for further consideration:

Provided also, that nothing in this section shall prevent the appeal to a Judge in the Colony conferred by section 43.

ASSESSMENT LISTS.

41. (1) After completing his assessment, the Commissioner shall prepare lists of persons liable to tax.

Lists of persons assessed and notices of assessment. Ch.33. No.1-1940, s. 39.

(2) Such lists (herein called the assessment lists) shall contain the names and addresses of the persons assessed to tax, the amount of the chargeable income of each person, the amount of the tax payable by him, and such other particulars as may be necessary.

NOTICES OF ASSESSMENTS.

42. (1) The Commissioner shall cause to be served on each person whose name appears on the assessment lists a notice addressed to him at his usual place of abode or business stating the amount of his chargeable income and the amount of tax payable by him, and informing him of his rights under the next subsection.

Notices to be served on persons assessed. Ch.33. No.1-1940, s. 40. Ord.25-1941, s. 10.

(2) If any person disputes the assessment he may apply to the Commissioner, by notice of objection in writing, to review and to revise the assessment made upon him. Such application shall state precisely the grounds of his objections to the assessment and shall be made within fifteen days from the date of the service of the notice of assessment:

Objections to assessment.

Provided that the Commissioner, upon being satisfied that, owing to absence from the Colony, sickness, or other reasonable cause, the person disputing the assessment was prevented from making the application within such period, shall extend the period as may be reasonable in the circumstances.

(3) On receipt of the notice of objection referred to in subsection (2) of this section, the Commissioner may require the person giving the notice of objection to furnish such particulars as the Commissioner may deem necessary with respect to the income of the person assessed, and to produce all books or other documents in his custody or under his control relating to such income and may summon any person who, he thinks, is able to give evidence respecting the assessment to attend before him and may examine such person except the clerk, agent, servant, or other person confidentially employed in the affairs of the person to be charged, on oath or otherwise.

(4) In the event of any person assessed, who has objected to an assessment made upon him, agreeing with the Commissioner as to the amount at which he is liable to be assessed, the amount so agreed shall be the amount at which such person shall stand assessed, and the assessment shall be confirmed or amended accordingly:

Provided always, that in the event of any person who under subsection (2) of this section, has applied to the Commissioner for a revision of the assessment made upon him failing to agree with the Commissioner as to the amount at which he is liable to be assessed, his right of appeal to a Judge, under the provisions of this Ordinance, against the assessment made upon him, shall remain unimpaired.

#### APPEALS.

Appeals  
against  
assessments.  
Notice of  
appeal and  
delay for  
appealing.

Ch.33. No.1-  
1940, s. 41.

**43.** (1) Any person who, being aggrieved by an assessment made upon him, has failed to agree with the Commissioner in the manner provided in subsection (4) of the last preceding section, may appeal against the assessment to a Judge in Chambers upon giving notice in writing to the Commissioner within fifteen days from the date of the refusal of the Commissioner to amend the assessment as desired:

Provided that, notwithstanding the lapse of such period of fifteen days, any person may appeal against such assessment if he shows to the satisfaction of a Judge in Chambers that, owing to absence from the Colony, sickness, or other reasonable cause, he was prevented from giving notice of appeal within such period, and that there has been no unreasonable delay on his part.

(2) Such appeal shall be by summons, and evidence shall be received at the hearing if tendered.

Attendance  
of appellant.

(3) Every person appealing shall attend before the Judge in person on the day and at the time fixed for the hearing of his appeal:

Provided that if it be proved to the satisfaction of the Judge that, owing to absence from the Colony, sickness, or other reasonable cause, any person is prevented from attending in person at the hearing of his appeal on the day and at the time fixed for that purpose, the Judge may postpone the hearing of the appeal for such reasonable time as he thinks necessary for the attendance of the appellant,

or he may admit the appeal to be made by any agent, clerk, or servant of the appellant, on his behalf.

(4) Seven clear days' notice shall, unless rules made hereunder otherwise provided, be given to the Commissioner of the date fixed for the hearing of the appeal.

Notice of date of hearing to be given to Commissioner.

(5) The onus of proving that the assessment complained of is excessive shall be on the appellant.

Burden of proof.

(6) If the Judge is satisfied that the appellant is overcharged he may reduce the amount of the assessment by the amount of the overcharge, and if he is satisfied that the appellant is undercharged he may increase the amount of the assessment by the amount of the undercharge.

Judge's power as to assessment.

(7) Notice of the amount of tax payable under the assessment as determined by the Judge shall be served by the Commissioner upon the appellant.

Notice to appellant of Judge's assessment.

(8) All appeals shall be heard *in camera*, unless the Judge shall, on the application of the appellant, otherwise direct.

Mode of hearing appeal.

(9) The costs of the appeal shall be in the discretion of the Judge hearing the appeal and shall be a sum fixed by the Judge.

Costs of appeal.

(10) The decision of the Judge hearing the appeal shall be final:

Finality of appeal.

Provided that the Judge hearing such appeal may, if he so desires, and shall, on the application of the appellant or the Commissioner, state a case on a question of law for the opinion of the Full Court.

Power to state case.

(11) The Chief Justice may make rules governing such appeals and providing for the method of tendering evidence and appointing places for the hearing of such appeals and prescribing the procedure to be followed on a case being stated.

Rules.

(12) Notwithstanding anything contained in subsection (2) of section 54 if the Judge is satisfied that tax in accordance with his decision upon the appeal may not be recovered, the Judge may require the appellant forthwith to furnish such security for payment of the tax, if any, which may become payable by the appellant as may seem to the Judge to be proper. If such security is not given the

Appellant to give security for payment of tax.  
Ord.25-1941,  
s. 11.

tax assessed shall become payable forthwith and shall be recoverable forthwith.

#### ERRORS IN ASSESSMENTS AND NOTICES.

Assessments,  
etc., not  
void by  
reason of  
errors  
therein in  
names and  
descriptions.  
Ch.33. No.1-  
1940, s. 42.

44. (1) No assessment, warrant or other proceeding purporting to be made in accordance with the provisions of this Ordinance shall be quashed, or deemed to be void or voidable, for want of form, or be affected by reason of a mistake, defect, or omission therein, if the same is in substance and effect in conformity with or according to the intent and meaning of this Ordinance or any Ordinance amending the same, and if the person assessed or intended to be assessed or affected thereby is designated therein according to common intent and understanding.

(2) An assessment shall not be impeached or affected—

(a) by reason of a mistake therein as to—

(i) the name or surname of a person liable, or

(ii) the description of any income, or

(iii) the amount of tax charged;

(b) by reason of any variance between the assessment and the notice thereof:

Provided that in cases of assessment, the notice thereof shall be duly served on the person intended to be charged, and such notice shall contain, in substance and effect, the particulars on which the assessment is made.

#### ADDITIONAL ASSESSMENTS.

Omissions  
and under-  
charges may  
be rectified  
within  
two years.  
Ch.33. No.1-  
1940, s. 43.

45. Where it appears to the Commissioner that any person liable to tax has not been assessed, or has been assessed at a less amount than that which ought to have been charged, the Commissioner may, within the year of assessment or within two years after the expiration thereof, assess such person at such amount or additional amount as according to his judgment ought to have been charged, and the provisions of this Ordinance as to notice of assessment, appeal, and other proceedings under this Ordinance shall apply to such assessment or additional assessment and to the tax charged thereunder.

## REPAYMENT OF TAX.

46. (1) If it be proved to the satisfaction of the Commissioner that any person for any year of assessment has paid tax, by deduction or otherwise, in excess of the amount with which he is properly chargeable, such person shall be entitled to have the amount so paid in excess refunded. Every claim for repayment under this section shall be made within two years from the end of the year of assessment to which the claim relates. The Commissioner shall give a certificate of the amount to be repaid and upon the receipt of the certificate the Accountant General shall cause repayment to be made in conformity therewith.

Circumstances under which repayment may be made.  
Ch.33. No.1-1940, s. 44.

(2) Except as regards sums repayable on an objection or appeal, no repayment shall be made to any person in respect of any year of assessment as regards which that person has failed or neglected to deliver a return or has been assessed in a sum in excess of the amount contained in his return, provided that he has received notice of the assessment made upon him for that year, unless it is proved to the satisfaction of the Commissioner that such failure or neglect to deliver a true and correct return did not proceed from any fraud or wilful act or omission on the part of that person.

## RELIEF IN CASES OF DOUBLE TAXATION.

47. (1) Any person who has paid, by deduction or otherwise, or is liable to pay, tax under this Ordinance for any year of assessment on any part of his income and who proves to the satisfaction of the Commissioner that he had paid, by deduction or otherwise, or is liable to pay income tax in the United Kingdom for that year in respect of the same part of his income, shall be entitled to relief from tax under this Ordinance paid or payable by him on that part of his income at a rate equal to the amount by which the rate of tax appropriate to his case under this Ordinance exceeds half the appropriate rate of United Kingdom tax. If, however, the rate of tax appropriate to his case under this Ordinance exceeds the appropriate rate of United Kingdom tax, he shall be entitled only to relief at a rate equal to half the appropriate rate of United Kingdom tax: Provided that where in the case of any

Relief in respect of United Kingdom income tax.  
Ord. 2-1944, s. 2.

individual, but for this proviso, the amount of tax payable under this Ordinance after allowance of any relief as aforesaid, when added to the amount of income tax payable in the United Kingdom in respect of the same part of his income after allowance of such relief as is granted by section 27 of the Finance Act, 1920 (which amount is hereinafter referred to as "the net United Kingdom tax") would exceed the greater of the amounts of tax which, but for the reliefs aforesaid, would be payable under this Ordinance and in the United Kingdom respectively (which amounts are hereinafter referred to respectively as "the gross Colonial tax" and "the gross United Kingdom tax"), the Commissioner may, if he is satisfied that special hardship would otherwise be caused, grant such additional relief from the tax payable under this Ordinance as he may think fit up to an amount sufficient to reduce the net tax to an amount which, when added to the net United Kingdom tax, will be equivalent to the gross Colonial tax or the gross United Kingdom tax, whichever is the greater.

(2) For the purposes of this section, a certificate issued by or on behalf of the Commissioners of Inland Revenue in the United Kingdom shall be receivable in evidence to show what is the appropriate rate of United Kingdom tax or the net United Kingdom tax in any particular case.

(3) For the purposes of this section, the expression "rate of tax" when applied to tax paid or payable under this Ordinance, means the rate determined by dividing the amount of the tax paid or payable for the year (before the deduction of any relief granted under this section) by the amount of the income in respect of which the tax paid or payable under this Ordinance has been charged for that year, except that where the income which is the subject of a claim to relief under this section is computed by reference to the provisions of section 26 on an amount other than the ascertained amount of the actual profits, the rate of tax shall be determined by the Commissioner.

**48.** (1) If any person resident in the Colony who has paid, by deduction or otherwise, or is liable to pay tax, under this Ordinance for any year of assessment on any part of his income, proves to the satisfaction of the Com-

Certificate  
of United  
Kingdom  
Commis-  
sioners.

Computation  
of rate of  
tax.

Relief in  
respect of  
Empire  
income tax.  
Ch.33. No.1-  
1940, s. 46.

missioner that he has paid by deduction or otherwise, or is liable to pay, Empire income tax for that year in respect of the same part of his income, he shall be entitled to relief from tax in the Colony paid or payable by him on that part of his income at a rate thereon to be determined as follows—

Residents.

(a) if the Empire rate of tax does not exceed one-half of the rate of tax appropriate to his case under this Ordinance in the Colony, the rate at which relief is to be given shall be the Empire rate of tax;

(b) in any other case the rate at which relief is to be given shall be half the rate of tax appropriate to his case under this Ordinance.

(2) If any person not resident in the Colony who has paid by deduction or otherwise, or is liable to pay, tax under this Ordinance for any year of assessment on any part of his income, proves to the satisfaction of the Commissioner that he has paid, by deduction or otherwise, or is liable to pay, Empire income tax for that year of assessment in respect of the same part of his income, he shall be entitled to relief from tax paid or payable by him under this Ordinance on that part of his income at a rate thereon to be determined as follows—

Non-residents.

(a) if the Empire rate of tax appropriate to his case does not exceed the rate of tax appropriate to his case under this Ordinance, the rate at which relief is to be given shall be one-half of the Empire rate of tax;

(b) if the Empire rate of tax appropriate to his case exceeds the rate of tax appropriate to his case under this Ordinance, the rate at which relief is to be given shall be equal to the amount by which the rate of tax appropriate to his case under this Ordinance exceeds one-half of the Empire rate of tax.

(3) For the purposes of this section, the expression "Empire income tax" means any income tax charged under any law in force in any Commonwealth country or in any place under His Majesty's protection (other than the United Kingdom or the Colony), provided that the legislature of that part or place has provided for relief in respect of tax charged on income both in that part

Empire  
income tax  
defined.

or place and the Colony in a manner similar to that provided in this section.

Computation  
of rate of  
tax.

(4) For the purposes of this section, the rate of tax under this Ordinance shall be computed in the manner provided by subsection (3) of the last preceding section, and the Empire rate of tax shall be computed in a similar manner.

Resident  
defined.

(5) Where a person is, for any year of assessment, resident both in the Colony and in a part or place in which Empire income tax is charged, he shall, for the purposes of this section, be deemed to be resident where, during that year, he resides for the longer period.

Period  
within  
which a  
claim may  
be made for  
relief from  
double  
taxation.

Ch.33. No.1-  
1940, s. 47.

**49.** A claim for relief under sections 47 and 48 shall be made within two years from the end of the year of assessment to which it relates:

Provided that such a claim, though not made within the said period of two years, shall be admitted if made within six years from the end of the said year of assessment and within six months from the date upon which the relevant amount of United Kingdom income tax or of Empire income tax, as the case may be, has been ascertained.

#### RELIEF FROM DOUBLE TAXATION.

Arrange-  
ments for  
relief from  
double  
taxation of  
income.

Ord.21-1947,  
s. 4.

**50.** (1) If the Governor in Council by order declares that arrangements specified in the Order have been made with the Government of any territory outside the Colony 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 territory, 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 enactment.

Ord. 9-1948,  
s. 2.

(2) On the making of an Order under this section with respect to arrangements relating to the United Kingdom section 47 of this Ordinance shall cease to have effect and shall be deemed to have ceased to have had effect from the beginning of the first year of assessment for which arrangements are expressed to apply except in so far as the arrangements otherwise provide.

(3) On the making of an Order under this section with respect to arrangements relating to any territory forming part of the Commonwealth countries (other than the United Kingdom or the Colony) section 48 of this Ordinance shall cease to have effect as respects that territory except in so far as the arrangements otherwise provide.

(4) Any Order made under this section may be revoked by a subsequent Order.

(5) Where any arrangements have effect by virtue of this section, the obligation as to secrecy imposed by section 4 of this Ordinance shall not prevent the disclosure to any authorised officer of the government with which the arrangements are made of such information as is required to be disclosed under the arrangements.

(6) The Governor in Council may make rules for carrying out the provisions of any arrangements having effect under this section.

#### TAX CREDITS AGAINST INCOME TAX.

51. (1) The provisions of this section shall have effect where, under arrangements having effect under section 50 of this Ordinance, tax payable in respect of any income in the territory with the Government of which the arrangements are made is to be allowed as a credit against tax payable in respect of that income in the Colony; and in this section the expression "foreign tax" means any tax payable in that territory which under the arrangements is to be so allowed and the expression "income tax" means tax chargeable under this Ordinance.

Tax credits.  
Interpre-  
tation.  
Ord.21-1947,  
s. 4.

(2) The amount of the income tax chargeable in respect of the income shall be reduced by the amount of the credit:

General  
requirement  
of residence.

Provided that credit shall not be allowed against income tax for any year of assessment unless the person entitled to the income is resident in the Colony for that year.

(3) The credit shall not exceed the amount which would be produced by computing the amount of the income in accordance with the provisions of this Ordinance and then charging it to income tax at a rate ascertained by dividing the income tax chargeable (before allowance of

Limits on  
total credit.

credit under any arrangements having effect under section 50 of this Ordinance) on the total income of the person entitled to the income by the amount of his total income.

(4) Without prejudice to the provisions of the preceding subsection, the total credit to be allowed to a person for any year of assessment for foreign tax under all arrangements having effect under section 50 of this Ordinance shall not exceed the total income tax payable by him for that year of assessment, less any tax payable by him under the provisions of section 32 of this Ordinance.

(5) In computing the amount of the income—

(a) no deduction shall be allowed in respect of foreign tax (whether in respect of the same or any other income);

(b) where the income tax chargeable depends on the amount received in the Colony, the said amount shall be increased by the appropriate amount of the foreign tax in respect of the income;

(c) where the income includes a dividend and under the arrangements foreign tax not chargeable directly or by deduction in respect of the dividend is to be taken into account in considering whether any, and if so what, credit is to be given against income tax in respect of the dividend the amount of the income shall be increased by the amount of the foreign tax not so chargeable which falls to be taken into account in computing the amount of the credit;

but notwithstanding anything in the preceding provisions of this subsection a deduction shall be allowed of any amount by which the foreign tax in respect of the income exceeds the credit therefor.

(6) Paragraphs (a) and (b) of the preceding subsection (but not the remainder thereof) shall apply to the computation of total income for the purposes of determining the rate mentioned in subsection (3) of this section, and shall apply thereto in relation to all income in the case of which credit falls to be given for foreign tax under arrangements for the time being in force under section 50 of this Ordinance.

(7) Where, in the case of any dividend, foreign income tax not chargeable directly or by deduction in respect of

Effect on  
computation  
of income of  
allowance of  
credit.

Special  
provisions as  
to dividends.

the dividend is, under the arrangements, to be taken into account in considering whether any, and if so what, credit is to be given against income tax in respect of the dividend, the foreign income tax not so chargeable which is to be taken into account shall be that borne by the body corporate paying the dividend upon the relevant profits in so far as it is properly attributable to the proportion of the relevant profits which is represented by the dividend.

The relevant profits are—

(a) if the dividend is paid for a specified period, the profits of that period;

(b) if the dividend is not paid for a specified period but is paid out of specified profits, those profits;

(c) if the dividend is paid neither for a specified period nor out of specified profits, the profits of the last period for which accounts of the body corporate were made up which ended before the dividend became payable:

Provided that if, in a case falling under sub-paragraph (a) or sub-paragraph (c) of this paragraph, the total dividend exceeds the profits available for distribution of the period mentioned in the said sub-paragraph (a) or the said sub-paragraph (c), as the case may be, the relevant profits shall be the profits of that period plus so much of the profits available for distribution of preceding periods (other than profits previously distributed or previously treated as relevant for the purposes of this paragraph) as is equal to the excess; and for the purposes of this proviso the profits of the most recent preceding period shall first be taken into account, then the profits of the next most recent preceding period, and so on.

(8) Where—

(a) the arrangements provide, in relation to dividends of some classes, but not in relation to dividends of other classes, that foreign tax not chargeable directly or by deduction in respect of dividends is to be taken into account in considering whether any, and if so what, credit is to be given against income tax in respect of the dividends; and

(b) a dividend is paid which is not of a class in relation to which the arrangements so provide,

then, if the dividend is paid to a company which controls, directly or indirectly, not less than one-half of the voting power in the company paying the dividend, credit shall be allowed as if the dividend were a dividend of a class in relation to which the arrangements so provide.

Miscellaneous.

(9) Credit shall not be allowed under the arrangements against income tax chargeable in respect of the income of any person for any year of assessment if he elects that credit shall not be allowed in the case of his income for that year.

(10) Any claim for an allowance by way of credit shall be made not later than two years after the end of the year of assessment, and in the event of any dispute as to the amount allowable the claim shall be subject to objection and appear in like manner as an assessment.

(11) Where the amount of any credit given under the arrangements is rendered excessive or insufficient by reason of any adjustment of the amount of any tax payable either in the Colony or elsewhere, nothing in this Ordinance limiting the time for the making of assessments or claims for relief shall apply to any assessment or claim to which the adjustment gives rise, being an assessment or claim made not later than two years from the time when all such assessments, adjustments and other determinations have been made, whether in the Colony or elsewhere, as are material in determining whether any and if so what credit falls to be given.

Deduction  
of tax from  
dividends.  
Ord. 21-1947,  
s. 4.

**52.** (1) Where the tax paid or payable by a company is affected by double taxation relief the amount to be set off under section 24 of this Ordinance, or to be repaid under section 46 of this Ordinance, in respect of the tax deductible from any dividend paid by the Company shall be reduced as follows—

(a) if no tax is chargeable on the recipient in respect of the dividend, the deduction shall be an amount equal to tax on the gross dividend at the rate of double taxation relief applicable thereto;

(b) if the rate of tax chargeable on the recipient in respect of the dividend is less than the rate of double taxation relief applicable to the dividend, the reduction

shall be an amount equal to tax on the gross dividend at the difference between those two rates.

(2) For the purposes of this section—

(a) if the income of the person chargeable includes one dividend such as is mentioned in the preceding subsection, that dividend shall be deemed to be the highest part of his income;

(b) if his income includes more than one such dividend, a dividend shall be deemed to be a higher part of his income than another dividend if the net Colonial rate applicable to the former dividend is lower than that applicable to the latter dividend;

(c) where tax is chargeable at different rates in respect of different parts of any such dividend, or where tax is chargeable in respect of some part of any such dividend and is not chargeable in respect of some other part thereof, each part shall be deemed to be a separate dividend;

(d) the expression "double taxation relief" has the same meaning as in section 23 of this Ordinance and the expression "the rate of double taxation relief" means the rate which represents the excess of the rate of tax deductible from the dividend over the net Colonial rate applicable thereto.

#### GENERAL POWERS OF COMMISSIONER.

53. (1) The Commissioner may, by notice in writing, require any person to furnish him within a specified time with a schedule containing such particulars as he may require for the purposes of this Ordinance with respect to the income of such person.

Power of  
Commissioner to  
require  
schedule of  
particulars.  
Ch.33. No.1-  
1940, s. 48.

(2) Any person who fails or neglects duly to furnish such schedule shall be guilty of an offence.

(3) The Commissioner may, by not less than fourteen days' notice in writing, require any person to attend before him and give evidence with respect to his income, and to produce all books or other documents in his custody or under his control relating to such income.

Power of  
Commissioner to  
require  
persons to  
attend before  
him.

(4) Any person who, without lawful excuse, refuses or neglects to attend or give evidence in pursuance of such

notice or to produce such books or other documents, or who refuses to answer any lawful question touching the matters under consideration or knowingly or wilfully gives any false evidence under this section, shall be guilty of an offence.

#### COLLECTION AND RECOVERY OF TAX.

Date for  
payment.  
Ord.56-1946,  
s. 3, and  
Ord.50-1949,  
s. 3.

**54.** (1) The tax appearing in the assessment lists shall be payable to the Commissioner on or before the prescribed date.

Procedure  
in cases  
where  
objection or  
appeal is  
pending.

(2) Collection of tax shall in cases where notice of an objection or an appeal has been given, remain in abeyance until such objection or appeal is determined:

Provided that the Commissioner may in any such case enforce payment of that portion of the tax (if any) which is not in dispute.

Collection  
of tax after  
determina-  
tion of  
objection  
or appeal.  
Ch.33. No.1-  
1940,  
s. 49 (4).

(3) Where payment of tax in whole or in part has been held over pending the result of a notice of objection or of an appeal, the tax outstanding under the assessment as determined on such objection or appeal, as the case may be, shall be payable within thirty days from the receipt by the person assessed of the notification of the tax payable and if such tax is not paid within such period, payment thereof may be enforced under the provisions of this Ordinance.

Penalty for  
non-pay-  
ment of tax;  
and enforce-  
ment of  
payment.  
Ch.33. No.1-  
1940, s. 50.

**55.** If any tax is not paid on or before the prescribed date, a sum equal to five per centum of the amount of the tax payable shall be added thereto, and the provisions of this Ordinance relating to the collection and recovery of tax shall apply to the collection and recovery of such sum.

Recovery of  
tax.  
Ch.33. No.1-  
1940, s. 51,  
and  
Ord.25-1941,  
s. 12.

**56.** In the event of any tax or any portion thereof not being paid on or before the date on which it becomes payable, the same shall be recoverable by distress and sale of the goods, chattels, and lands belonging to the person making default in payment.

Issue of  
warrants to  
enforce  
payment.  
Ch.33. No.1-  
1940, s. 52,  
and  
Ord.56-1946,  
s. 4.

**57.** It shall be lawful for the Commissioner to issue warrants under his hand addressed to the Marshal requiring him to enforce payment of the tax.

58. It shall be the duty of the Marshal forthwith to execute all warrants addressed to him according to the tenor thereof, and to levy upon the goods, chattels, and lands of the person liable to pay the tax and to sell so much of the same as may be required to satisfy such liability.

Duty of  
Marshal.  
Ch.33. No.1-  
1940, s. 53.

59. (1) There shall be paid to the Marshal such commission, fees, charges, and expenses as may be prescribed in respect of the duties performed by him under this Ordinance; and all such commission, fees, charges, and expenses may be levied for over and above any sum due in respect of tax.

Marshal's  
fees.  
Ch.33. No.1-  
1940, s. 54.

(2) All such commission, fees, charges, and expenses received or recovered by the Marshal shall be paid into the Treasury.

60. Every sale of land by the Marshal shall be by public auction before the doors of the Supreme Court; and notice of such sale shall be given in the *Royal Gazette* in each of the three consecutive weeks before the day of the sale.

Sale by  
public  
auction.  
Ch.33. No.1-  
1940, s. 55.

61. (1) The Marshal shall have power by deed to convey all lands sold by him and every such conveyance so executed by the Marshal shall have the same force and effect as if executed by the person whose estate or interest in such lands is purported to be conveyed thereby.

Conveyance  
on sale.  
Ch.33. No.1-  
1940, s. 56.

(2) (a) In the case of land under the Real Property Ordinance, the Marshal may execute such instruments and do such acts and things as under the provisions of the said Ordinance may be necessary or proper to transfer any such land.

(b) On production of the proper instruments and payment of the requisite fees the Registrar General shall duly register such transfer.

62. (1) Any surplus moneys arising on any sales under this Ordinance shall be paid to the person entitled thereto.

Surplus  
on sale.  
Ch.33. No.1-  
1940, s. 57.

(2) The Commissioner may, if he thinks fit, pay any such surplus moneys into Court; and the Supreme Court or a Judge thereof may, on the petition of any person

entitled or claiming to be entitled to such moneys or any part thereof, make order for the payment of the same or any part thereof to the person entitled thereto.

#### RECOVERY OF TAX IN CERTAIN CASES.

When assessment has already been made.

Ch. 33. No. 1-1940, s. 58, and Ord. 25-1941, s. 11.

**63.** (1) If in any particular case the Commissioner has reason to believe that a person who has been assessed to tax may leave the Colony before such tax becomes payable without having paid such tax, he may by notice in writing to such person demand payment of such tax within the time to be limited in such notice. Such tax shall thereupon be payable at the expiration of the time so limited and shall in default of payment, unless security for payment thereof be given to the satisfaction of the Commissioner, be recoverable forthwith.

When assessment has not yet been made.

(2) If in any particular case the Commissioner has reason to believe that tax upon any chargeable income may not be recovered, he may at any time and as the case may require—

(a) forthwith by notice in writing require any person to make a return and to furnish particulars of any such income within the time to be specified in such notice;

(b) make an assessment upon such person in the amount of the income returned, or if default is made in making such return or the Commissioner is dissatisfied with such return, in such amount as the Commissioner may think responsible;

(c) by notice in writing to the person assessed require that security for the payment of the tax assessed be forthwith given to his satisfaction.

Charging tax during a chargeable year and before year of assessment.

(3) If in any particular case the Commissioner has reason to believe that tax upon any income chargeable to such tax may not be recovered, he may at any time—

(a) by notice in writing to the person by whom the tax would be payable determine a period for which tax shall be charged and require such person to render within the time specified therein returns and particulars of such income for that period;

(b) make an assessment upon such person in the amount of the income returned, or if default is made

in making a return or the Commissioner is dissatisfied with such return, in such amount as the Commissioner may think reasonable.

(4) Notice of assessment made in accordance with the provisions of subsections (2) and (3) of this section shall be given to the person assessed, and any tax so assessed (in accordance with the provisions of subsections (2) and (3) of this section) shall be payable on demand made in writing under the hand of the Commissioner, and shall in default of payment, unless security for the payment thereof be given to the satisfaction of the Commissioner, be recoverable forthwith.

Any person who has paid the tax in accordance with a demand made by the Commissioner or who has given security for such payment under subsections (2) and (3) of this section shall have the rights of objection and appeal conferred by sections 42 and 43, and the amount paid by him shall be adjusted in accordance with the result of any such objection or appeal.

The provisions of subsections (2) and (3) of this section shall not affect the powers conferred upon the Commissioner by section 45.

64. For the avoidance of doubt it is hereby declared to be, and always to have been, the law that any income tax not paid on the day on which it becomes payable is a debt due to the Crown and, without prejudice to any other manner in which the same may be lawfully recovered, is recoverable in the manner provided in the Crown Suits Ordinance.

Construc-  
tion.  
Ord.25-1941.

#### NOTICES.

65. (1) Every notice to be given by the Commissioner under this Ordinance shall be signed by the Commissioner or by some person or persons from time to time appointed by him for that purpose, and every such notice shall be valid if the signature of the Commissioner or of such person or persons is duly printed or written thereon:

Signatures  
of notices.  
Ch.33. No.1-  
1940, s. 59.

Provided that any notice in writing under this Ordinance to any person requiring him to furnish particulars to the Commissioner, or any notice under this Ordinance requiring

the attendance of any person or witness before the Commissioner shall be personally signed by the Commissioner or by any person duly authorised by him.

(2) A signature attached to any notice and purporting to be the signature of any person so appointed shall be taken to be the signature of that person until the contrary be shown.

Service of  
notices.  
Ord.25-1941,  
s. 13.

**66.** (1) Notice may be served on a person either personally or by being sent by post to his last known business or private address : Provided that service by post in the case of a notice requiring the attendance of any person or witness before the Commissioner shall be by registered post.

(2) A notice sent by post shall be deemed to have been served, in the case of persons resident in the Colony not later than the fifteenth day succeeding the day when posted, and in the case of persons not so resident, not later than the thirtieth day succeeding the day on which the notice would have been received in the ordinary course by post, and in proving such service it shall be sufficient to prove that the letter containing the notice was properly addressed and posted.

#### IMPRISONMENT OF DEFAULTERS.

In case of  
refusal to  
pay where  
there are no  
distrainable  
effects,  
defaulter  
may be  
imprisoned.  
Ch.33. No.1-  
1940, s. 61.

**67.** (1) If a person neglects or refuses to pay the tax charged upon him by virtue of this Ordinance, and no sufficient distress can be found whereby the same may be levied, the Governor may, by warrant under his hand and the Public Seal of the Colony, commit such person to prison, there to be kept without bail until payment be made of that sum or security given to his satisfaction for payment thereof, together with such further sum as he may adjudge to be reasonable for the costs and expenses of apprehending and conveying such person to prison, where he shall be detained and kept according to the tenor and effect of the warrant.

Release.

(2) The Governor may issue his warrant to the Superintendent of Prisons directing the liberation of any defaulter, and, on receipt thereof, the Superintendent of Prisons shall forthwith release and discharge such defaulter

out of custody, unless he is under detention for some other cause than that set forth in the warrant of commitment.

## GENERAL.

68. Any person engaged in any trade, business or profession shall keep in the English language proper books of account sufficient to record all transactions necessary in order to ascertain the gains and profits made or the loss incurred in each such trade, business or profession, and any such person who fails to comply with this provision shall be guilty of an offence, and in addition to any penalty incurred he shall be liable to pay any tax to which he may be assessed under the provisions of this Ordinance.

Traders, etc.,  
to keep  
accounts in  
English.  
Ch.33. No.1-  
1940, s. 62.

69. Any person who—

(a) for the purpose of obtaining any deduction, rebate, reduction, or payment in respect of tax for himself or for any other person, or who in any return, account, or particulars made or furnished with reference to tax, knowingly makes any false statement or false representations;

False state-  
ments and  
returns.  
Ch.33. No.1-  
1940, s. 63.

(b) aids, abets, assists, counsels, incites, or induces another person—

(i) to make or deliver any false return or statement under this Ordinance, or

(ii) to keep or prepare any false accounts or particulars concerning any income on which tax is payable under this Ordinance,

shall be guilty of an offence.

70. Any person who fails or neglects to perform any duty required to be performed under this Ordinance shall be guilty of an offence.

Failure to  
perform  
required  
duty.  
Ch.33. No.1-  
1940, s. 64.

71. Any person guilty of an offence under this Ordinance shall, unless some other penalty is specifically provided for such offence, be liable, on summary conviction to a fine of four hundred and eighty dollars.

Penalties for  
offences.  
Ch.33. No.1-  
1940, s. 65.

Limitation  
of time for  
prosecutions.  
Ch.33. No.1-  
1940, s. 66.

**72.** Prosecutions for offences under this Ordinance may be commenced at any time within three years next after the cause of complaint arose.

Saving for  
criminal  
proceedings.  
Ch.33. No.1-  
1940, s. 67

**73.** The provisions of this Ordinance shall not affect any criminal proceedings under any other Ordinance or law.

Governor in  
Council may  
remit tax.  
Ch.33. No.1-  
1940, s. 68.

*Am by 26/55*  
**74.** The Governor in Council may remit the whole or any part of the tax payable by any person if he is satisfied that it would be just and equitable to do so.

Regulations.  
Ch.33. No.1-  
1940, s. 69.

**75.** (1) The Governor in Council may make regulations generally for carrying out the provisions of this Ordinance, and may, in particular, by those regulations provide—

*Am by 26/55*  
(a) for the deduction and payment of tax at the source in respect of emoluments and pensions payable out of the revenue of the Colony;

(b) for the payment of tax by monthly or other instalments;

(c) for any such matters as are authorised by this Ordinance to be prescribed; and

(d) for any other matter or thing, whether similar or not to those above mentioned, in respect of which it may be expedient to make regulations for the purpose of carrying this Ordinance into execution.

(2) If any person contravenes the provisions of any regulation made under this Ordinance he shall be guilty of an offence and liable to the penalty prescribed by section 71.

SCHEDULE.

*Am by 06/55*

(Section 22.)

Scale of Rates of Income Tax Payable on the Net Chargeable Income.

Ord. 25-1947, s. 2.

- (1) In the case of a person other than a Company—
  - For every dollar of the first 1,000 dollars ... 10 cents.
  - For every dollar of the next 1,000 dollars ... 12 cents.
  - For every dollar of the next 1,000 dollars ... 16 cents.
  - For every dollar of the next 1,000 dollars ... 20 cents.
  - For every dollar of the next 1,000 dollars ... 28 cents.
  - For every dollar of the next 1,000 dollars ... 30 cents.
  - For every dollar of the next 4,000 dollars ... 35 cents.
  - For every dollar of the next 4,000 dollars ... 40 cents.
  - For every dollar of the next 4,000 dollars ... 45 cents.
  - For every dollar of the next 4,000 dollars ... 55 cents.
  - For every dollar of the next 6,000 dollars ... 65 cents.
  - For every dollar of the next 32,000 dollars ... 75 cents.
  - For every dollar of the next 6,000 dollars ... 85 cents.
  - For every dollar of the remainder of the chargeable income ... 90 cents.
- (2) In the case of a Company other than a Life Insurance Company ... 40 per centum
- (3) In the case of a Life Insurance Company ... 15 per centum