

LEGAL NOTICE NO. 282

REPUBLIC OF TRINIDAD AND TOBAGO

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

ORDER

MADE BY THE PRESIDENT UNDER SECTION 3 OF THE PROVISIONAL  
COLLECTION OF TAXES ACT

THE PROVISIONAL COLLECTION OF TAXES ORDER, 1997

1. This Order may be cited as the Provisional Collection of Taxes Citation  
Order, 1997.

2. The Old Age Pensions Act is amended in section 3(1), by deleting Chap. 32:02  
the words “three hundred and forty-nine dollars and eighty-five cents”<sup>amended</sup>  
and substituting the words “four hundred and forty-nine dollars and  
eighty-five cents”.

3. The Income Tax Act is amended—

Chap. 75:01  
amended

(a) in section 8, by inserting after paragraph (w), the following  
paragraph:

“(x) on the death of a person, a lump sum death  
benefit paid under his employer’s pension plan.”;

(b) in section (10) by—

(i) deleting the words “have been paid in that year of  
income” occurring in subsection (5A) and  
substituting the words “have been paid for the  
year of income to which the claim relates”  
occurring in subsection (5A); and

(ii) deleting subsection (9);

(c) by inserting after section 11(2), the following subsection:

“(2A) Notwithstanding subsection (2), the balancing  
allowance or balancing charge shall not be made in  
respect of assets to which section 11A relates, until the  
value of the machinery and plant has been fully  
written down.”;

(d) in section 11A by inserting after subsection (2), the  
following subsection:

“(2A) In computing the allowance applicable to the  
items in a class specified in the Seventh Schedule—

(a) the value of the machinery or plant  
acquired in a year of income shall be  
added to the written down value of the  
machinery or plant;

- (b) the value of the machinery or plant disposed of in a year of income shall be deducted from the written down value of the machinery or plant, so however, that in the case of—
- (i) a sale of machinery or plant, the amount deducted shall be the proceeds of sale of the machinery or plant; and
  - (ii) loss or destruction of machinery or plant, the amount deducted shall be the money received by way of insurance or compensation;
- (c) where the machinery or plant is used both for business and private purposes in a year of income, the allowance shall be reduced by such percentage as is just and reasonable, having regard to the proportion in which the machinery or plant is used for both business and private use;
- (d) the value of an item brought into the business from private use shall be the market value of that item on the date on which the item is brought into the business.”;
- (e) in section 27(1), by—
- (i) deleting all the words commencing with the word “save”; and
  - (ii) inserting after the word “allowed”, the words “subject to section 28(15).”;
- (f) in section 28—
- (i) in subsection (14) by deleting all the words commencing with the word “save”; and
  - (ii) by inserting after subsection (14), the following subsection:
    - “ (15) Where a person claims a deduction under section 27(1)(c) or (d) and
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under this section, the deduction shall be limited to an aggregate amount of twelve thousand dollars.”;

(g) in the Seventh Schedule by deleting from Class B and inserting in Class C, the item “computers”.

4. The Corporation Tax Act is amended in section 7(8), by deleting the words “have been paid in that year of income by the company” and by substituting the words “have been paid for the year of income to which the claim relates.” Chap. 75:02 amended

5. The Miscellaneous Taxes Act is amended— Chap. 77:01 amended

(a) in Part X by inserting after section 47, the following section:

“ 47A. Notwithstanding sections 45 and 47, fifty per cent of the monies collected pursuant to this Part, shall be allocated to the Ministry with responsibility for local government for the sole purpose of repair and maintenance of roads under its purview.”; and

(b) in Part II of the Sixth Schedule by deleting the words “\$2.10” in the second column and substituting the words “\$2.50”.

6. The Customs Act is amended in section 45(1) by deleting paragraph (ba) and substituting the following paragraph: Chap. 78:01 amended

“(ba) vehicles specially constructed for use by disabled persons and acquired for such use through purchase or gift.”.

7. The Customs (Import Duty) (Caribbean Common Market) Order, 1992, is amended by deleting, in relation to cigarettes, the words “\$2.10 per pack” and substituting the words “\$2.50 per pack”. Legal Notice No. 6 of 1992 amended

8. The Excise Duty (Tobacco Products) Order, 1997 is amended by deleting the words “\$2.10 per pack” and substituting the words “\$2.50 per pack”. Legal Notice No. 7 of 1992 amended

9. (1) Subject to subclause (2) and unless the contrary intention appears, this Order comes into effect on the 13th day of December, 1997. Commencement

(2) Clauses 2, 3, 4 and 5(a) come into effect on the 1st day of January, 1998.

Dated this 12th day of December, 1997.

A. LEUNG WOO-GABRIEL  
*Secretary to Cabinet*