



GUYANA

ACT NO. 15 OF 1974.

NATIO. AL DEVELOPMENT SURTAX ACT.

I assent.

A. Chung
A. CHUNG,
President.

19th April, 1974.

SECTION ARRANGEMENT OF SECTIONS

- 1. Short title.
- 2. Interpretation.

3. Administration of this Act.
4. Charge of national development surtax.
5. Due date of payment of surtax and interest payable.
6. Deduction of surtax on payment of emoluments.
7. Payment of surtax by instalments.
8. Saving for income tax.
9. No double taxation relief to be allowed rateably or by way of tax credit.
10. Application of provisions of the Income Tax Act.
11. Penalty.
12. Regulations.

AN ACT to provide for the imposition of a National Development Surtax upon the chargeable income of individuals.

A.D. 1974 Enacted by the Parliament of Guyana:—

Short title 1. This Act may be cited as the National Development Surtax Act 1974.

Interpretation. 2. In this Act, unless the context otherwise requires —
 “chargeable income” means the chargeable income of an individual ascertained under the provisions of the Income Tax Act;

Cap. 81:01 “Commissioner” means the Commissioner of Inland Revenue;

 “emoluments” and “year of assessment” shall have the respective meanings assigned to them by section 2 of the Income Tax Act;

 “tax” means the national development surtax imposed by this Act.

Adminis- 3. (1) The Commissioner shall be responsible for the due
 tration of administration of this Act.

(2) Any functions conferred by virtue of this Act on the Commissioner shall be exercised, as may be necessary, by the Deputy Commissioner of Inland Revenue or any Assistant Commissioner of Inland Revenue, according as the Commissioner may direct.

Charge of 4. Subject to this Act, for the year of assessment 1975
 national and each subsequent year of assessment there shall be charged,
 development levied and collected upon the chargeable income of every individual a national development surtax at the rate of five per cent of the said income and the tax shall be payable by that individual:

 Provided that the tax shall not be payable by any person whose chargeable income does not exceed five hundred dollars.

5. (1) Subject to this Act, the tax shall be charged upon the assessment to income tax of an individual under the Income Tax Act and shall be payable by that individual.

Due date of payment of surtax and interest Payable

(2) Subject to sections 6 and 7, the tax shall be payable on or before 30th April in the next ensuing year, and upon the service of a notice of assessment under section 76 of the Income Tax Act, the balance of tax due, if any, shall be payable to the Commissioner within thirty days after service of the notice of assessment.

(3) If all, or any part of the tax, is not paid by the due date as mentioned in subsection (2), it shall carry interest at the rate of fifteen per cent from that date to the date of payment.

6. (1) On the making of any payment after the coming into force of this Act to any employee or the holder of any office of, or on account of, any emoluments in respect of the year preceding the year of assessment 1975 or any subsequent year of assessment, the tax shall, subject to and in accordance with any regulations made under this Act, be deducted or withheld by the person making the payment and the provisions of sections 93 (2) to (12) (inclusive) and 94 of the Income Tax Act and any regulations made thereunder for the purpose shall, with such adaptations or modifications as are necessary or expedient, have effect for the purposes of this Act.

Deduction of surtax on payment of emoluments.

(2) For the year preceding the year of assessment 1975 the employer shall deduct or withhold under subsection (1) the annual amount of the tax in as far as practicable equal instalments (whether monthly or otherwise) commencing in the month of April in 1974.

7. (1) Every individual to whom section 69 (1) of the Income Tax Act applies shall pay to the Commissioner —

Payment of surtax by instalments.

(a) in 1974, on or before 1st July, 1st October and 31st December, respectively, an amount equal to one-third of the tax as estimated by him on his chargeable income estimated for the purposes of section 69 of the Income Tax Act; and

(b) on or before 1st April, 1st July, 1st October and 31st December, respectively, in each year thereafter preceding the year of assessment an amount equal to one-quarter of the tax as estimated by him on his chargeable income estimated for the purposes of section 69 of the Income Tax Act,

and on or before 30th April, in the next ensuing year, the remainder of the tax payable on the basis of the return submitted by him under section 60 of the Income Tax Act.

(2) The Commissioner may estimate the amount of tax payable by any individual where —

(a) that individual fails to make the return required by section 60 of the Income Tax Act;

- (b) there was no chargeable income for the year of assessment immediately preceding the year of assessment in respect of which payment was required,

and after making a demand therefor in writing of such individual, subsection (1) shall apply accordingly as if the estimate of the Commissioner was the estimate of such individual.

(3) The provisions of subsection (1) of this section shall not apply to an individual to whom section 6 applies.

(4) In addition to the interest payable under section 5(3), where any individual, being required by this Act to pay a part or instalment of the tax, has failed to pay all or any part thereof as required, he shall on payment of the amount he failed to pay, pay interest at the rate of fifteen per cent annum from the day on or before which he was required to make the payment to the day of payment or the beginning of the period in respect of which he becomes liable to pay interest thereon under section 5(3), whichever is earlier.

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Saving for
Income Tax.

8. In ascertaining the chargeable income of an individual for the purposes of income tax no deduction or allowance shall be made of, or on account of, the tax imposed by this Act.

No double
taxation
relief to
be allowed
rateably or
by way of
tax credit.

9. Notwithstanding anything hereinbefore provided, no provision of the Income Tax Act for the purposes of any double taxation relief to be calculated according to any rate for abatement of income tax, or to be afforded by way of the allowance against income tax of any credit, on account of income taxation under the law of any country, other than Guyana, shall apply in relation to the tax or be applied for the purposes thereof.

Application
of the pro-
visions of
the Income
Tax Act.

10. Subject to this Act, the provisions of the Income Tax Act shall, in so far as they are applicable with reference to an individual, apply *mutatis mutandis* in relation to the tax as imposed by this Act as they apply in relation to income tax.

Penalty

11. A person who contravenes or fails to comply with the provisions of section 5, 6 or 7 or of regulations made under this Act shall be liable on summary conviction to a fine of two thousand dollars and in the case of a continuing offence to a further fine of fifty dollars for every day on which any default continues after conviction therefor.

Regulations.

12. The Minister responsible for finance may make regulations generally for giving effect to this Act.

Passed by the National Assembly on the 17th of April, 1974



F. A. NARAIN,

Clerk of the National Assembly.

(Bill No. 11/1974)