

I assent.

RICHARD E. LUYT

Governor.

17th February, 1966.

ORDINANCE NO. 3 OF 1966.

PROPERTY TAX (AMENDMENT) ORDINANCE, 1965.

Arrangements of Sections.

Section

1. Short title and commencement.
2. Amendment of section 3 of the Principal Ordinance.
3. Amendment of section 4 of the Principal Ordinance.
4. Amendment of section 6 of the Principal Ordinance.
5. Amendment of section 10 of the Principal Ordinance.
6. Repeal and re-enactment of section 13 of the Principal Ordinance.
7. Repeal of Part V of the Principal Ordinance.
8. Amendment of Part VI of the Principal Ordinance.
9. Consequential amendments.

AN ORDINANCE to amend the Property Tax and the Gift Tax Ordinance, 1962, to provide for the abolition of the gift tax and for other purposes.

[19th February, 1966]

A.D. 1966. Enacted by the Legislature of British Guiana:—

Short title and commencement.
No. 19 of 1962.

1.(1) This Ordinance may be cited as the Property Tax (Amendment) Ordinance, 1965, and shall be construed and read as one with the Property Tax and the Gift Tax Ordinance, 1962, hereinafter referred to as the Principal Ordinance.

(2) This Ordinance shall be deemed to have come into operation with respect to and from the year of assessment 1965.

(3) From and after the commencement of this Ordinance, the Principal Ordinance may be cited as the Property Tax Ordinance, 1962, and section 1 of the Principal Ordinance shall have effect accordingly.

2. Section 3 of the Principal Ordinance is hereby amended in the following respects —

Amendment of section 3 of the Principal Ordinance.

- (a) by the deletion therefrom of the definition of the expressions "donee", "donor" and "gift"; and
- (b) by the substitution of the following definitions for the definitions of the expressions "market value" and "year of assessment" respectively—
 - “market value” with reference to any property at any date means the price which could reasonably have been obtained for that property in the open market on that date;
 - “year of assessment” means the period of twelve months commencing on the 1st January, 1962 and each subsequent period of twelve months;”

3. Subsection (1) of section 4 of the Principal Ordinance is hereby amended by the deletion therefrom of the words "and the Gift Tax".

Amendment of the Principal section 4 of Ordinance.

4. Section 6 of the Principal Ordinance is hereby amended in the following respects —

Amendment of section 6 of the Principal Ordinance.

- (a) by the substitution of a semicolon for the full stop at the end of the section; and
- (b) by the insertion thereafter of the following paragraph—
 - “(x) any company granted exemption from income tax on or after the 1st January, 1965 for a tax holiday period under section 2 of the Income Tax (In Aid of Industry) Ordinance, in respect of its property employed in the business of the company on the income of which such exemption from income tax is granted, during the tax holiday period.”

Cap. 300

5. Section 10 of the Principal Ordinance is hereby amended in the following respects —

Amendment of section 10 of the Principal Ordinance.

- (a) by the deletion of the word "and" at the end of the proviso to sub-paragraph (iii) of paragraph (a); and
- (b) by the insertion of the following sub-paragraph —
 - “(iv) investments made in British Guiana from and after the 1st January, 1965, of such nature as may be prescribed; and.”

6. Section 13 of the Principal Ordinance is hereby repealed and the following section substituted therefor —

Repeal and re-enactment of section 13 of the Principal Ordinance.

“Set-off against tax on property of shareholder.

13. When the value of the stocks or shares of a company which has paid or is liable to pay the tax has been included in the net property of a share-holder, an amount equal to the product of the value so included and the rate of the tax payable by the company shall be set off against tax payable by the shareholder:

Provided —

- (a) that the rate of tax shall be the rate arrived at by dividing the total value of the net property of the company (including property excluded under the provisions of sub-paragraph (iv) of paragraph (a) of section 10 of this Ordinance) into the tax payable by the company; and
- (b) that the amount to be set off shall in no case be in excess of the amount of the tax payable by the shareholder before the set off."

Repeal of
Part V of the
Principal
Ordinance.

7. Sections 14 to 18 (both sections inclusive) constituting Part V of the Principal Ordinance are hereby repealed.

Amendment of
Part VI of the
Principal
Ordinance.

8. Part VI of the Principal Ordinance is hereby amended in the following respects —

- (a) by renumbering the Part as Part V;
- (b) by renumbering sections 19 and 20 as sections 14 and 15 respectively;
- (c) by the deletion of the words "and the Gift Tax" in subsection (1) of section 14;
- (d) by the repeal of subsection (3) of section 14;
- (e) by renumbering subsection (4) of section 14 as subsection (3);
- (f) by substituting the word "second" for the word "third" in subsection (3) of section 14;
- (g) by deleting the words "and the Gift Tax" in subsection (3) of section 14; and
- (h) by inserting the following subsection as subsection (4) of section 14 —

"(4) Notwithstanding anything to the contrary contained in this Ordinance, where any person in any year of assessment within forty-five days after the date of a notice of assessment served on him by the Commissioner claiming property tax, pays to the Commissioner —

- (a) the amount equivalent to twice the amount of the property tax claimed in the notice for the purpose of purchasing prescribed government securities of equivalent value from the Accountant General; or
- (b) the amount nearest to twice the amount of the property tax claimed as aforesaid that can be applied towards the purchase of prescribed government securities from the Accountant General;

- (c) part of the property tax claimed as aforesaid and, in addition the amount equivalent to twice the amount of the remainder of the property tax for the purpose of purchasing from the Accountant General the equivalent in value of prescribed government securities; or
- (d) part of the property tax claimed as aforesaid and, in addition the amount nearest to twice the amount of the remainder of the property tax claimed as aforesaid that can be applied towards the purchase of prescribed government securities from the Accountant General,

the Commissioner shall discharge the property tax assessed and payment made to the Commissioner under this subsection in respect of the purchase price of the said securities shall be regarded as payment made for the said securities:

Provided that where payment is made to the Commissioner under this subsection towards the purchase of the aforesaid securities and there are no such securities on sale to the public at the time of payment, any such payment shall bear interest from the date of payment to the date on which such securities are available for purchase by the public, at the same rate payable eventually on the securities after purchase thereof."

9. The Principal Ordinance is hereby amended in the following respects —

Consequential amendments.

- (a) by the deletion of the second schedule thereto and the redesignation of the third schedule as the second schedule;
- (b) by the substitution of a reference to section 14 for the reference to section 19 in the second schedule; and
- (c) by the deletion of the words "and the Gift Tax" in the second schedule.

Passed by the House of Assembly on the 30th December, 1965.

E. V. VIAPREE

Clerk of the Legislature

(Bill No. 41/1965).