

THE OFFICIAL GAZETTE 24TH JANUARY, 2018
LEGAL SUPPLEMENT — A



ACT NO. 3 OF 2018

INCOME TAX (AMENDMENT) ACT 2018

I assent.



David Granger,
President.

2018.01.24

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Insertion of new section 3A in the Principal Act.
3. Amendment of section 5 of the Principal Act.
- 3A. Amendment of section 20 of the Principal Act.
4. Amendment of section 33E of the Principal Act.
5. Amendment of section 33F of the Principal Act.
6. Amendment of section 60A of the Principal Act.
7. Insertion of new section 60B in the Principal Act.
8. Amendment of section 71 of the Principal Act.
9. Amendment of section 82 of the Principal Act.
10. Amendment of section 86 of the Principal Act.
11. Amendment of section 93 of the Principal Act.
12. Amendment of section 98 of the Principal Act.

AN ACT to amend the Income Tax Act.

A.D. 2018

Enacted by the Parliament of Guyana:-

Short title.
Cap. 81:01

1. This Act, which amends the Income Tax Act, may be cited as the Income Tax (Amendment) Act 2018.

Insertion of new section 3A in the Principal Act.

2. The Principal Act is amended by the insertion immediately after section 3 of the following section –

“Electronic documents and information and communication technology.

3A. (1) For the purposes of this Act, records, documents, certificates and forms may be electronic.

(2) In the administration of this Act, the Commissioner-General may authorise the use of electronic technology and may for this purpose –

- (a) require electronic documents and electronic signatures;
- (b) establish hardware and software systems;
- (c) provide for any matter in relation to information and communication technology.

(3) The Minister may, by regulations subject to negative resolution of the National Assembly, provide for the carrying out of any matter authorised under this section.”.

Amendment of section 5 of the Principal Act.

3. Section 5(b)(ii) of the Principal Act is amended by the insertion immediately after the words “travelling,” of the words “vacation,”.

Amendment of section 20 of the Principal Act.

3A. Section 20 of the Principal Act is amended by the deletion of the words “and such deduction shall be apportioned according to the individual’s earning period and allowed accordingly”.

Amendment of section 33E of the Principal Act.

4. Section 33E(1) of the Principal Act is amended by the substitution for paragraph (a) of the following –

“(a) in the case of gold, on a sliding scale, at the rate as follows –

- (i) under USD \$1,100 or its equivalent in any other currency per ounce of gold – 2% of gross proceeds;
- (ii) USD \$1,100 - \$1,300 or its equivalent in any other currency per ounce of gold – 2.5% of gross proceeds;
- (iii) above USD \$1,300 - \$1,600 or its equivalent in any other currency per ounce of gold – 3% of gross proceeds;
- (iv) above USD \$1,600 or its equivalent in any other currency per ounce of gold – 3.5% of gross proceeds;”.

Amendment of section 33F of the Principal Act.

5. Section 33F(1) of the Principal Act is amended by the substitution for the words “twenty percent” of the words “ten percent”.

Amendment of section 60A of the Principal Act.

6. Section 60A(6) of the Principal Act is amended by the insertion of the following paragraph –

“(c) A person sixty-five years and over shall be exempt from the payment of fees under paragraphs (a) and (b).”.

Insertion of new section 60B in the Principal Act.

7. The Principal Act is amended by the insertion immediately after section 60A of the following section –

“Electronic filing of returns.

60B. (1) For the purposes of this Act, lodging of a tax return shall include the electronic filing of tax returns by the use of electronic media.

(2) A return of income filed electronically shall be deemed to be a return filed with the Commissioner-General on the day the Commissioner-General acknowledges receipt of it.

(3) This section applies *mutatis mutandis*

Cap. 81:03

to the Corporation Tax Act.”.

Amendment of section 71 of the Principal Act.

8. Section 71(1) of the Principal Act is amended by the substitution for the words “who has been assessed to tax” of the words “,whether assessed to tax or not.”.

Amendment of section 82 of the Principal Act.

9. Section 82 of the Principal Act is amended by the substitution for subsection (5) of the following –

“(5) (a) No appeal shall lie to the Board unless the person aggrieved by an assessment made upon him by the Commissioner-General has paid to the Commissioner-General tax equal to one-third of the tax in dispute.

(b) Where the payment under paragraph (a), would cause hardship to the aggrieved person, the person may apply to the Commissioner-General to lodge a bond or guarantee equal to one-third of the tax in dispute in lieu of the deposit of tax.

(c) Where the Commissioner-General is satisfied that the aggrieved person has established hardship he may grant the application to lodge the bond or guarantee in lieu of the deposit of tax.”.

Amendment of section 86 of the Principal Act.

10. Section 86 of the Principal Act is amended by the insertion immediately after subsection (6) of the following subsection –

“(6A) Where the judge is satisfied that the amount of the assessment is accurate then the appellant shall pay to the Commissioner-General interest at the rate of twelve percent from the time of the filing of the appeal.”.

Amendment of section 93 of the Principal Act.

11. Section 93(4) of the Principal Act is amended by the deletion of the words “there shall become payable by such person to the Commissioner-General, unless the Commissioner-General otherwise directs, a sum of ten percent of such amount or ten dollars whichever is the greater and”.

A.D. 2018]

INCOME TAX (AMENDMENT) ACT 2018

[No. 3

Amendment of
section 98 of the
Principal Act.

12. Section 98 of the Principal Act is amended by the insertion immediately before the full stop of the words “or has lodged a bond or guarantee to the satisfaction of the Commissioner-General”.

Passed by the National Assembly on the 10th January, 2018.



S.E. Isaacs,
Clerk of the National Assembly.

(BILL No. 18/2017)