



**GUYANA**

ACT No. 5 of 1987

**FISCAL ENACTMENTS (AMENDMENT) ACT 1987**

I assent,  
*H. D. Hoyte*  
**H. D. HOYTE,**  
President.

1987-07-30

**ARRANGEMENT OF SECTIONS**

**SECTION**

- 1. Short title and commencement.

2. Amendment of section 96 of the Evidence Act.
3. Amendment of section 11 of the Tax Act.
4. Amendment of section 12 of the Tax Act.
5. Repeal of the National Development Surtax Act.
6. Amendment of section 2 of the Income Tax Act.
7. Amendment of section 13 of the Income Tax Act.
8. Amendment of section 20 of the Income Tax Act.
9. Amendment of section 21 of the Income Tax Act.
10. Amendment of section 21A of the Income Tax Act.
11. Amendment of section 22 of the Income Tax Act.
12. Amendment of section 23 of the Income Tax Act.
13. Repeal of sections 34 and 34A and re-enactment as sections 34, 34A and 34B of the Income Tax Act.
14. Repeal and re-enactment of section 36 of the Income Tax Act.
15. Amendment of section 39 of the Income Tax Act.
16. Amendment of section 60 of the Income Tax Act.
17. Amendment of the Capital Gains Tax Act.
18. Amendment of the Property Tax Act.

AN ACT to amend the Evidence Act, the Tax Act, the Income Tax Act, the Capital Gains Tax Act and the Property Tax Act, and to repeal the National Development Surtax Act.

A. D. 1987

Enacted by the Parliament of Guyana :—

Short title  
and com-  
mencement.

1. (1) This Act may be cited as the Fiscal Enactments (Amendment) Act 1987.

Cap. 80:10

(2) The repeal of the National Development Surtax Act shall be deemed to have come into operation on 1st January, 1987.

Cap. 81:01

(3) The amendments made to the Income Tax Act, the Capital Gains Tax Act and the Property Tax Act shall come into operation with respect to and from the year of assessment commencing on 1st January, 1988.

Cap. 81:20  
Cap. 81:21

Amendment  
of section 96  
of the Evi-  
dence Act.  
Cap. 5:03

2. Section 96(4) of the Evidence Act is hereby amended by the substitution for the words "a fee of one dollar" of the words "such fee as the Minister may by order prescribe".

Amendment  
of section 11  
of the Tax  
Act.  
Cap. 80:01

3. Section 11(3) of the Tax Act is hereby amended by the substitution for the words "two hundred and fifty thousand" of the words "one million".

Amendment  
of section 12  
of the Tax  
Act.  
Cap. 80:01

4. Section 12(2) of the Tax Act is hereby amended by the substitution for the words "five hundred thousand" of the words "one million".

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5. The National Development Surtax Act is hereby repealed.

Repeal of  
the National  
Development  
Surtax Act.  
Cap. 80:10

6. Section 2 of the Income Tax Act is hereby amended by the deletion from the definition of "incapacitated person" of the words "married woman,".

Amendment  
of section 2  
of the In-  
come Tax  
Act.  
Cap. 81:01

7. Section 13 of the Income Tax Act is hereby amended in the following respects —

Amendment  
of section 13  
of the In-  
come Tax  
Act.  
Cap. 81:01

(a) by the insertion after paragraph (u) of the following paragraph as paragraph (v) —

"(v) the income derived as interest on moneys deposited in any savings account of any individual in Guyana, up to an amount not exceeding five hundred dollars,";

(b) by the deletion of paragraph (x).

8. Section 20 of the Income Tax Act is hereby amended in the following respects —

Amendment  
of section 20  
of the In-  
come Tax  
Act.  
Cap. 81:01

(a) by the substitution for the word "deducted" of the word "allowed";

(b) in paragraph (a), by the substitution for the words "one thousand two hundred and fifty" of the words "two thousand five hundred";

(c) in paragraph (b), by the deletion of the words "or arising to the individual from any pension, superannuation or other allowance or deferred pay given in respect of his past services".

9. Section 21 of the Income Tax Act is hereby amended in the following respects —

Amendment  
of section 21  
of the In-  
come Tax  
Act.  
Cap. 81:01

(a) by the substitution for the words "one thousand two hundred and fifty" wherever they occur, of the words "two thousand five hundred";

(b) in paragraph (a), by the insertion after the words "by him," of the words "not being a wife whose

income is charged as of an individual under section 34,";

(c) in paragraph (c), by the substitution for the semicolon of a colon;

(d) by the deletion of paragraph (d).

Amendment  
of section 21A  
of the In-  
come Tax  
Act.  
Cap. 81:01

10. Section 21A of the Income Tax Act is hereby amended in the following respects —

(a) by the substitution for the words “one thousand two hundred and fifty” wherever they occur, of the words “two thousand five hundred”;

(b) in paragraph (a), by the insertion after the words “he had” of the words “no wife but had” and after the words “by him,” of the words “not being a reputed wife whose income is charged as of an individual under section 34,”;

(c) by the deletion of paragraph (b).

Amendment  
of section 22  
of the In-  
come Tax  
Act.  
Cap. 81:01

11. Section 22(1) of the Income Tax Act is hereby amended by the substitution for the words “five hundred” wherever they occur, of the words “one thousand”.

Amendment  
of section 23  
of the In-  
come Tax  
Act.  
Cap. 81:01

12. Section 23(1) of the Income Tax Act is hereby amended by the substitution for the words “three hundred and seventy-five” of the words “one thousand” and for the words “five hundred” wherever they occur, of the words “one thousand”.

Repeal of  
sections 34  
and 34A and  
re enactment  
as sections  
34, 34A and  
34B of the  
Income Tax  
Act.  
Cap. 81:01

13. Sections 34 and 34A of the Income Tax Act are hereby repealed and the following sections substituted therefor —

“Charge of 34. (1) The income of a married woman living with her husband shall, unless an election is made under section 34A, be charged as of an individual in her name.

(2) Any deduction under section 22(1) shall, where the wife is separately charged under this section, be allowed to the husband unless the husband and wife make a joint election stating the extent to which any deduction thereunder shall be allowed in ascertaining their chargeable income in which case the deduction shall be allowed in the manner elected.

(3) An election under subsection (2) shall be made by notice in writing to the Commissioner on or be-

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fore 31st day of March in the year next following that to which the election relates :

Provided that the Commissioner may, on reasonable cause being shown to him whereby the election was prevented from taking place by that date, extend the time for making the election to such later date as he may specify in writing.

(4) Where any income of a wife living with her husband arises or accrues to her from or in respect of any trade, business, profession, office employment or vocation carried on or exercised —

- (a) by her husband; or
- (b) by a close company;
- (c) jointly by her husband and any partner of his including herself,

then such income shall be treated for the purpose of subsection (1) as the income of the wife only if, when and to the extent in respect of which —

- (i) she or her husband satisfies the Commissioner that it is commensurate with work done by the wife wholly and exclusively with the object of enabling her husband, the close company or the partners, as the case may be, to make a profit; and
- (ii) the Commissioner notifies both the husband and the wife in writing that he is so satisfied.

(5) Subsection (4) shall as it applies to any income in relation to a wife *mutatis mutandis* apply to any income in relation to a husband.

(6) In subsection (4) (b) "close company" has the same meaning as in the Schedule to the Corporation Tax Act.

Cap. 81:03

(7) Where any income arises or accrues in any of the circumstances mentioned in subsection (4) or (5) —

- (a) the wife; and
- (b) her husband, the close company or the partners, as the case may be,

shall deliver or cause to be delivered to the Commissioner, not later than 31st day of March in the year next following that in which the income arose or accrued, a written notice stating that the income arose or accrued in such circumstances, and any person who fails to comply with this subsection shall be guilty of an offence against this Act.

Election as to wife's income.

34A. (1) The income of a married woman living with her husband shall, where the husband and wife jointly elect that their income shall be charged in the name of the husband, be deemed for the purposes of this Act to be the income of the husband, and shall be charged in the name of the husband:

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 bears 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.

(2) An election under this section shall be made by notice in writing to the Commissioner at any time during the year preceding the year of assessment to which the election relates or not later than 31st day of March in the year of assessment:

Provided that the Commissioner may, on reasonable cause being shown to him whereby the election was prevented from taking place by that date, extend the time for making the election to such later date as he may specify in writing.

(3) Any election under this section that could have been made jointly with a spouse who has died may, within the period referred to in subsection (2), be made jointly with the deceased's personal representative.

Reputed wife's income.

34B. Sections 34 and 34A shall **mutatis mutandis** apply in the case of a reputed wife living with her



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reputed husband where the reputed husband has no wife living with and maintained by him.”.

14. Section 36 of the Income Tax Act is hereby repealed and the following section substituted therefor —

“Rates of  
TAX.

36. The tax upon the chargeable income of every person, other than a company, shall be charged at the following rates —

|  |               |
|--|---------------|
| For every dollar of the first \$1,500 —          | Nil           |
| ” ” ” ” ” next 1,500 —                           | 10 cents      |
| ” ” ” ” ” ” 1,500 —                              | 15 ”          |
| ” ” ” ” ” ” 1,800 —                              | 20 ”          |
| ” ” ” ” ” ” 2,000 —                              | 30 ”          |
| ” ” ” ” ” ” 2,000 —                              | 40 ”          |
| ” ” ” ” ” ” 3,000 —                              | 45 ”          |
| ” ” ” ” ” the remainder of the chargeable income | — 55 cents.”. |

Repeal and re-enactment of section 36 of the Income Tax Act.  
Cap. 81:01

15. Section 39(1) (b) of the Income Tax Act is hereby amended by the deletion of the words “(other than a gross payment not being remitted out of Guyana)”.

Amendment of section 39 of the Income Tax Act.  
Cap. 81:01

16. Section 60(1) (a) of the Income Tax Act is hereby amended by the substitution for the words “one thousand, two hundred and fifty” of the words “four thousand”.

Amendment of section 60 of the Income Tax Act.  
Cap. 81:01

17. The Capital Gains Tax Act is hereby amended by the repeal of section 11 and by the substitution of the following section therefor —

Amendment of the Capital Gains Tax Act  
Cap. 81:20

“Charge of  
wife’s  
capital  
gains.

11. The net capital gain of a married woman living with her husband shall be charged in her name.”.

18. The Property Tax Act is hereby amended by the repeal of section 11 and by substitution of the following section therefor —

Amendment of the Property Tax Act.  
Cap. 81:21

“Charge of  
wife’s  
property.

11. The value of the net property of a married woman living with her husband for any year of assessment shall be charged in her name.”.

Passed by the National Assembly on 1987—05—07



F. A. Narain,

Clerk of the National Assembly.