

Bill No. 28 of 1960.

PUBLISHED 3RD DECEMBER, 1960

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ESTATE DUTY (AMENDMENT) BILL, 1960.

ARRANGEMENT OF SECTIONS.

Section

1. Short title.
2. Amendment of section 14 of Chapter 301.
3. Validation of acts.

A BILL

Intituled

AN ORDINANCE TO AMEND THE ESTATE DUTY ORDINANCE.

Enacted by the Legislature of British Guiana:—

1. This Ordinance may be cited as the Estate Duty (Amendment) Ordinance, 1960, and shall be construed and read with the Estate Duty Ordinance, hereinafter referred to as the Principal Ordinance, and any Ordinance amending the same.

Short title.

Cap. 301.

2. Section 14 of the Principal Ordinance is hereby amended by the repeal of subsection (1) and the substitution therefor of the following subsection —

Amendment of section 14 of Chapter 301.

“(1) The Commissioner shall, if he is satisfied with the inventory and estimate of value given in the declaration as originally delivered, or with any amendment that is made therein upon his requisition, assess the duty on the basis of the inventory and estimate; but if he is dissatisfied with the inventory and estimate, he may either make an inventory and estimate himself or cause an inventory and estimate to be made on his behalf by a person named by him, and on the basis of the inventory and estimate so made, he shall have power to assess the duty payable, subject to appeal as hereinafter provided.”

3. Anything which has been done prior to the commencement of this Ordinance in purported exercise of the power conferred on the Commissioner under the preceding section, and which would have been lawful if this Ordinance had been in force, shall be deemed to have been lawfully done.

Validation of acts.

OBJECTS AND REASONS

Section 14 of the Estate Duty Ordinance has always been understood to give the Commissioner of Inland Revenue power to make his own valuation of an estate for estate duty purposes if he is dissatisfied with the inventory and valuation submitted to him by the person liable for the payment of estate duty. This procedure has been followed in the past but a recent decision of the Supreme Court has declared that section 14 does not bear this interpretation.

2. Clause 2 of the Bill which is based on corresponding legislation in Jamaica, therefore seeks to amend section 14 of the Ordinance to make the position clear.

W. P. D'ANDRADE,
Financial Secretary.

