

BILL o. **14 OF 1982** *SATURDAY, 30th OCTOBER, 1982*



GUYANA

BILL No. 14 of 1982

FISCAL ENACTMENTS (AMENDMENT) BILL 1982

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Amendment of certain fiscal enactments.

SCHEDULE

A BILL

Intituled

AN ACT to amend certain fiscal enactments

A.D. 1983 Enacted by the Parliament of Guyana:—

Short title.

1. This Act may be cited as the Fiscal Enactments (Amendment) Act 1982.

Amendment of certain fiscal enactments.

2. (1) The enactments specified in the first column of the Schedule are hereby amended in the manner specified in the corresponding entry in the second column of that Schedule.

Cap. 81:01

(2) The amendments made by subsection (1) to the Income Tax Act shall come into operation with respect to and from the year of assessment commencing on 1st January, 1983

Section 2

SCHEDULE

Enactments

Amendments

Deeds Registry Act, Cap. 5:01

Stction 16A

Insert after section 16 the following section as section 16A

“Require. ment of certificate before pass. ing of transport or ‘long lease’

16A There shall not be passed and executed before the Registrar —

- (i) the transport of a gift or voluntary sale of immovable property; and
- (ii) the lease of immovable property to which section 13 applies, or any transfer or assignment thereof unless,

Enactments

Amendments

Cap 81 01

in relation to the property referred to in paragraph (i) the donor or vendor, as the case may be, and in relation to the property referred to in paragraph (ii) the lessor, or transferor or assignor, as the case may be, presents to the Registrar a certificate of the Commissioner of Inland Revenue (hereinafter referred to as the Commissioner) stating that he has in accordance with section 60 of the Income Tax Act delivered to the Commissioner all his returns, including the return for the preceding year of income, and has paid all taxes due and payable to the Commissioner by him or has made arrangements to the satisfaction of the Commissioner for the payment of all such taxes that are due and payable.”.

Land Registry Act, Cap. 5:02 Section 76 (2)

For the full stop at the end of the proviso substitute a colon and insert the following further proviso —

Cap 81:01

“Provided further that the Registrar shall not accept and register a transfer in respect of a gift or voluntary sale unless the transferor presents to the Registrar a certificate of the Commissioner of Inland Revenue (hereinafter referred to as the Commissioner) stating that he has in accordance with section 60 of the Income Tax Act delivered to the Commissioner all his returns, including the return for the preceding year of income, and has paid all taxes due and payable to the Commissioner by him or has made arrangements to the satisfaction of the Commissioner for the payment of all such taxes that are due and payable.”.

Section 89 (2)

For the full stop at the end substitute a colon and insert the following proviso —

“Provided that the Registrar shall not register a lease expressed to be for a term of twenty-one years or more, or any transfer or

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Motor Vehicles
and Road
Traffic Act,
Cap. 51:02

Section 9 (1) (b)

Cap. 51:01

Tax Act, Cap.
80:01

Section 65 (3A)

assignment thereof, unless the lessor or transferor or assignor, as the case may be, presents to the Registrar a certificate from the Commissioner of Inland Revenue containing the particulars referred to in the second proviso to section 76 (2).”.

For the words “and the prescribed fee” substitute “, the prescribed fee and a certificate of the Commissioner of Inland Revenue stating that the registered owner has in accordance with section 60 of the Income Tax Act delivered to the Commissioner of Inland Revenue all his returns, including the return for the preceding year of income, and has paid all taxes due and payable to the Commissioner by him or has made arrangements to the satisfaction of the Commissioner for the payment of all such taxes that are due and payable.”.

Insert after subsection (3) the following subsection as subsection (3A) —

“(3A) (a) Every exhibitor who fails to pay the entertainment duty which is payable by him under this section within the time prescribed by subsection (3) shall, in addition to such entertainment duty, be liable to pay to the officer to whom such entertainment duty is to be paid a further sum of fifteen per cent of such entertainment duty or two hundred and fifty dollars, whichever is greater, and such additional sum shall be recoverable in the same manner as entertainment duty.

(b) The Commissioner of Inland Revenue may for any good cause shown remit wholly or in part the further sum payable by an exhibitor under paragraph (a).”.

Enactments**Amendments**

**Travel Voucher
Tax Act, Cap.
80:09**

Section 10 (1A)

Insert after subsection (1) the following subsection a subsection (1A) —

“(1A) (a) Where a carrier or charterer fails to pay to the Commissioner monies collected as travel voucher tax within the time prescribed by the regulations made under this Act, he shall, in addition to such travel voucher tax become liable to pay to the Commissioner a sum of fifteen per cent of such travel voucher tax or five hundred dollars, whichever is greater, and a further sum of fifty dollars per day for each day for which the travel voucher tax has not been paid to the Commissioner commencing on the second day following the day on which the tax became due, and such additional sums shall be recoverable in the same manner as travel voucher tax.

(b) The Commissioner may for any good cause shown remit, wholly or in part, the additional sums payable by a carrier or charterer under paragraph (a).”.

**Income Tax Act,
Cap. 81:01**

Section 13 (y)

For the colon at the end of paragraph (y) substitute a semicolon and insert thereafter the following paragraph as paragraph (z) —

“(z) pensions received by persons in Guyana from any other country.”.

Section 25 (2)

Substitute

“(2) Subsection (1) applies in the case of an individual who has obtained a loan for the purpose of purchasing a building for his occupation as a residence if he satisfies the Commissioner that prior to his purchase of it, the building was previously occupied for a period not exceeding five years.”.

Enactments**Amendments**

Section 25 (3)

Insert after subsection (2) the following subsection as subsection (3) —

(3) In ascertaining the chargeable income of any individual who was resident in Guyana in the year preceding the year of assessment and who has after the 31st December, 1981 obtained a loan for the purpose of financing additions, extensions or repairs to a building occupied by him as his residence there shall be allowed a deduction of the amount of the interest paid on that loan by that individual for such period:

Provided that —

- (i) no deduction shall be allowed in excess of such rate of interest as may be prescribed for the purposes of this section; and
- (ii) the Commissioner is satisfied that the addition, extension or repairs have been effected during the year of income.”.

EXPLANATORY MEMORANDUM

The Deeds Registry Act is sought to be amended by inserting a new section 16A so that no transport, or ‘long lease’ or transfer or assignment of such a lease, of immovable property shall be passed and executed before the Registrar of Deeds unless the transferor or lessor or assignor, as the case may be, presents to the Registrar a certificate from the Commissioner of Inland Revenue stating that he has filed all his returns and has paid all taxes due and payable to the Commissioner of Inland Revenue. Also the Land Registry Act, Cap. 5:02, is sought to be amended so that, the Registrar shall accept and register a transfer, or a ‘long lease’ or a transfer or assignment of such a lease, of registered land only where a similar certificate from the Commissioner of Inland Revenue is presented to him.

Section 9 of the Motor Vehicles and Road Traffic Act, Cap. 51:02 is sought to be amended so that on a transfer of registration of a motor vehicle the registered **owner must, together with his certificate of registration, also present to the licensing officer the certificate from the Commissioner of Inland Revenue referred to in paragraph one.**

Section 56 of the Tax Act, Cap. 80:01, is sought to be amended by the insertion of a new subsection (3A) providing that where an exhibitor does not pay over entertainment duty within the prescribed time, he shall in addition to such duty be liable to pay fifteen per cent of such duty or two hundred and fifty dollars whichever is greater. Power is also given to the Commissioner to remit the additional sum for good cause shown

Section 10 of the Travel Voucher Tax Act, Cap. 80:09, is sought to be amended by the insertion of a new subsection (1A) providing that where a carrier or charterer does not pay over travel voucher tax within the prescribed time he shall, in addition to such tax be liable to pay fifteen per cent of such tax or five hundred dollars whichever is greater, and fifty dollars per day for each day for which the tax remains unpaid. Power is also given to the Commissioner to remit the additional sums for good cause shown

Section 13 of the Income Tax Act, Cap. 81:01, is sought to be amended by the insertion of a new paragraph (z) giving exemption from taxation of pensions received in Guyana from overseas. Section 25 of this Act is sought to be amended, so that in ascertaining chargeable income there shall be allowed a deduction of the interest paid on loans obtained for additions, extensions and repairs to residences and for purchase of residences which were previously occupied for a period not exceeding five years.

H. D. Hoyte,
Vice President,
Economic Planning and Finance.

(Bill No. 14/1982)

(ST: 24/0)