

GUYANA

No. 8 of 1988.

REGULATIONS

Made Under

THE CORPORATION TAX ACT

(Cap. 81:03)

IN EXERCISE OF THE POWERS CONFERRED UPON THE MINISTER  
BY SECTION 16 OF THE CORPORATION TAX ACT, I HEREBY  
MAKE THE FOLLOWING REGULATIONS:—

Citation.

1. These Regulations which amend the Corporation Tax (Prescribed Form) Regulations\*, may be cited as the Corporation Tax (Prescribed Form) (Amendment) Regulations 1988.

<sup>Amendment</sup>  
<sup>of Schedule</sup>  
<sup>to the</sup>  
<sup>Principal</sup>  
<sup>Regulations.</sup>

2. The Schedule to the Principal Regulations is hereby amended by the substitution for the Corporation Tax Return Form of the following form —

\*Cap 81:03 Subsidiary Legislation.

198

## CORPORATION TAX RETURN

CONFIDENTIAL



MADE UNDER THE PROVISIONS OF THE INCOME TAX ACT, CHAPTER 81:01 AS APPLIED BY SECTION

16 OF THE CORPORATION TAX ACT

YEAR OF ASSESSMENT ENDING 31ST DECEMBER, 198

RETURN TO BE MADE OF THE PROFITS OF THE PREVING YEAR ENDING 31ST DECEMBER, 198

To be delivered to the Commissioner of Inland Revenue, P.O. Box 19406, Georgetown, on or before 30th April, 1989 with the information and Applicable Schedules required by this Return

1. I.R.D. File Number: 

2. Company Name: ..... (BLOCK CAPITALS)

3. Company Address: ..... (BLOCK CAPITALS)

4. Nature of Business: .....

5. Accounting Period — From: ..... To: .....

6. Principal Business Activity: .....

7. Principal Product: .....

B. Last Corporation Tax Return was filed  
for Year of Assessment 198

9. Office Telephone No.

10. Tick Box If:  Commercial Company  
(See Sec. 2 Income Tax  
Act, Chapter 81:01) Non-Commercial Company Close Company  
(See Schedule to Corporation  
Tax Act, 1970) Insurance Company  
Carrying on Long Term  
Business as defined in  
Sec. 2 of the Insurance Act, 1970. Investment Company  
(See Corporation Tax Act  
Sec. 2(i) (a) to (g).) Non-Resident Company  
(See Corporation Tax Act,  
Sec. 2(l) and Sec. 2(iv).)

FOR OFFICIAL USE ONLY		G\$
INCOME		
11. Gains or Profits from working of Estates or cultivation of land, etc.		1
12. Gains or Profits from any Trade, Business, Profession or Vocation.		2
13. Dividends, Interest or Discounts (Local).		3
14. Dividends, Interest or Discounts (Foreign).		4
15. Charges or Annuities, etc.		5
16. Rents, Royalties, Premiums, etc.		6
17. TOTAL INCOME		7
ALLOWANCES		A
18. Initial Allowance		8
19. Wear and Tear		9
20. Export Allowance		10
21. Land Development Expenditure Allowance		11
22. Losses		12
23. TOTAL DEDUCTION:		13
24. CHARGEABLE INCOME (A - B)		14
25. SET-OFF		B
26. DOUBLE TAX RELIEF		15
27. REMISSION		16
28. TOTAL CREDIT		17
29. NET PROFIT/LOSS (C - D)		18
		D
		E

30. Tax Liability in respect of the Year of Assessment 198... (See Line 39 on Page 2).  
 31. Total Payments in respect of the Year of Assessment 198... (See Line 36).  
 32. Balance of Tax due and payable on or before 30th April, 198... (Line 30 less Line 36).  
 33. Cheque No. .... Enclosed for ... being balance of Income Tax due as above.  
 34. Refund (if any).  
 35. Payments in respect of Year of Assessment 198...

PAYMENT DUE	RECEIPT NO.	DATE PAID	\$ AMOUNT
16th March, 198			
16th June, 198			
16th Sept., 198			
16th Dec., 198			
		TOTAL	\$

36. OTHER PAYMENTS (IF ANY) IN RESPECT OF THE YEAR OF ASSESSMENT, 198

## GENERAL DECLARATION

I, ..... declare that this is a true and correct Return of the whole of the Profits of .....  
 (Name of Company)

from every source whatsoever chargeable under the Corporation Tax Act and that the schedules and statements included in the return are true and correct, and I further declare that I am authorised by ..... to sign the Return on behalf of the said Company.

Given under my hand this ..... day of ..... 198

SIGNATURE

OFFICE

I.R.D. FA 4-(Revised)

## COMPUTATION OF TAX LIABILITY — See Instructions on Page 10

	Income	G4	
1. Gross Receipts or Gross Sales (Schedule A)	***	1.	.....
2. Returns and Discounts Allowed	***	2.	.....
3. Line 1 less Line 2	***	3.	.....
4. Cost of Sales or Operations (Schedule B)	***	4.	.....
5. Gross Profits (Line 3 less Line 4)	***	5.	.....
6. Dividends and other Distributions (Schedule C) ...	***	6.	.....
7. Interest (Attach Schedule)	***	7.	.....
8. Rents (Attach Schedule)	***	8.	.....
9. Royalties	***	9.	.....
10. Balancing Charge (Schedule H) ...	***	10.	.....
11. Capital Gains deemed Income (Schedule D)	***	11.	.....
12. Other Income (Attach Schedule)	***	12.	.....
13. Total Income (Sum of Lines 5 to 12)	***	13.	.....
<b>Deductions</b>			
14. Remuneration of Directors	***	14.	.....
15. Salaries and Wages (Not deducted elsewhere)	***	15.	.....
16. Repairs (Attach Schedule)	***	16.	.....
17. Bad and Doubtful Debts (Attach Schedule)	***	17.	.....
18. Gross Payments (Schedule F, Part I)	***	18.	.....
19. Rates and Taxes (Attach Schedule)	***	19.	.....
20. Advertising ...	***	20.	.....
21. Contributions to Approved Funds, Schemes or Plans (Attach Schedule)	***	21.	.....
22. Preference Dividends Paid	***	22.	.....
23. Initial Allowance (Attach Schedule)	***	23.	.....
24. Wear and Tear Allowances (Schedule G)	***	24.	.....
25. Balancing Allowance (Schedule H)	***	25.	.....
26. Export Allowance (Schedule I)	***	26.	.....
27. Land Development Expenditure Allowance (Page 10)	***	27.	.....
28. Other Deductions e.g. Reinsurances and Provisions for unexpired risks (Attach Schedule)	***	28.	.....
29. Total Deductions (Sum of Lines 14 to 27)	***	29.	.....
30. Line 13 less Line 29 ...	***	30.	.....
31. Tax Exempt Income (Schedule I)	***	31.	.....
32. Line 30 less Line 31 ...	***	32.	.....
33. Donations under Covenant (Schedule J)	***	33.	.....
34. Chargeable Profits (Line 32 less Line 33)	***	34.	.....
<b>Corporation Tax</b>			
35. Total Tax (See page 11 for rates)	***	35.	.....
36. Tax Relief for Losses Brought Forward (Attach Schedule)	***	36.	.....
37. Double Tax Relief (Schedule K)	***	37.	.....
38. Total Relief (sum of Lines 36 and 37)	***	38.	.....
39. Tax Liability (Line 35 less Line 38)	***	39.	.....

Note: (a) Reconciliation of Chargeable Profits with Balance on Profit and Loss Account should be made on Schedule M.

**SCHEDULE C – INCOME FROM DIVIDENDS AND OTHER  
DISTRIBUTIONS**

Name and Address of Company from which Distributions (including Dividends) are Received	Total Distributions Received (Sum of Columns 3 to 9.)	FROM RESIDENT COMPANIES			FROM NON-RESIDENT COMPANIES			
		Preference dividends \$.	Preferece Shares issued before 31st Jan. 1969.	Other Dividends	Distributions other than Dividends	Carrying on business in Guyana	Distributions other than Dividends	Dividends
1	2	\$	\$	\$	\$	\$	\$	\$
.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....
Totals .....	.....	(b)	(c)	(d)				

Instructions

(a) Dividend Warrants must be submitted.

(b) Enter the total of Column 2 on Line 6 of Page 2.

(c) Show total of Column 4 and 5 in Line 2 of

Schedule 1

**SCHEDULE D – CAPITAL GAINS DEEMED INCOME**

(Capital Gains Tax Act Chap. 81:20 As Amended by Amendment Act 1970)

Assets held for not more than 12 months.

Description of Asset (Attach further details if necessary)	Date Disposed of	Date Acquired	Belling Price	Cost plus Allowable Expenses	Gain or Loss
1	2	3	4	5	6
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....
Net Gain .....	.....	.....	.....	.....	.....

Note:-

If Net Gain enter in line 11 of page 2.

**SCHEDULE E - REMUNERATION OF DIRECTORS (Close Companies Only)**

Enter Total of Column b In Line 14 of Page 2...

If no payments were made write "NONE" in this box.

### **Instructions**

- (a) In Column 3, P.T. means "Part-time" and W.T. means "substantially the whole of his time".  
(b) To determine allowable deductions (Column 9) see section 12 of Corporation Tax Act 1970.

SCHEDULE F - PART I

#### **Gross Payments**

	Total Payments to Residents and Non-Residents (b)	Payments made or Credited to Non-Residents (c)	Amount of with- holding tax deducted and paid to Commissioner of Inland Revenue
	1	2	3
1. Interest on Debt, Mortgage or Security	.....	.....	.....
2. Rentals	.....	.....	.....
3. Royalties	.....	.....	.....
4. Management Charges (b)	.....	.....	.....
5. Charge for Personal Services and Technical and Managerial Skills (d)	.....	.....	.....
6. Premiums (other than Premiums paid to Insurance Companies and Contributions to Pension Funds and Schemes)	.....	.....	.....
7. Commissions, Fees and Licences	.....	.....	.....
8. Discounts	.....	.....	.....
9. Other	.....	.....	.....
<b>TOTAL PAYMENTS</b>		<b>(a)</b>	

## Instructions

- (a) Enter total of Column 1 on Line 1B of Part 2.

(b) Totals in Columns 1 and 2 must not include amounts deducted under any other item listed on Page 2; nor must they include payments which will be treated as distributions under Sections 38(1)(d) and 38(8) of the Income Tax Act. Show payments under Section 38(9) separately in Part III of this Schedule.

(c) Include in Column 2 payments without any deductions whatsoever made or credited to any person not resident in Guyana or to any person on behalf of such non-resident person, and to every non-resident company, where such person or company is not engaged in trade or business in Guyana. Give details of these payments in Part II of this Schedule.

(d) In the case of payments of (1) Management Charges and (2) Charges for Personal Service and Technical and Managerial Skills to Head Office, Parent, Subsidiary or Associated Company the basis of the calculation together with details thereof should be submitted.

SCHEDULE F — PART II  
Gross Payments to Non-Residents

Country of Non-Resident to whom Payment is made	Interest on Debt Mortgage or Security			Rental			Royalties-Mining			Royalties-Patents, Etc.			Management Charges		
	R.T. %	G.P. \$	T.W. €	R.T. %	G.P. \$	T.W. €	R.T. %	G.P. \$	T.W. €	R.T. %	G.P. \$	T.W. €	R.T. %	G.P. \$	T.W. €
Totals ... . . .	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Country of Non-Resident to whom Payment is made	Charges for Personal Service and Technical and Managerial Skills			Premiums (other than Premiums Paid to Insurance Companies and Contributions to Pension Funds and Schemes)			Commissions Fees and Licences			Discounts			Totals (Sum of Columns 1 to 8)		
	R.T. %	G.P. \$	T.W. €	R.T. %	G.P. \$	T.W. €	R.T. %	G.P. \$	T.W. €	R.T. %	G.P. \$	T.W. €	G.P. \$	T.W. €	
Totals ... . . .	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

R.T. - Rate of Withholding Tax.

G.P. - Gross Payment.

T.W. - Tax Withheld and paid to Commissioner of Inland Revenue.

Instructions

Where no tax has been paid to Commissioner of Inland Revenue, write NIL under tax withheld.

**SCHEDULE II - BALANCING CHARGES AND ALLOWANCES**

### Instructions

(a) The Balancing Charge or Allowance is the difference of Columns 5 and 7, but the Balancing Charge is restricted to the amount of allowance granted in Column 6.

- (b) Enter Balancing Charge on Line 10 of Page 2  
 (c) Enter Balancing Allowance on Line 25 of Page 2

**SCHEDULE I - TAX EXEMPT PROFITS**

	B.	C.
1. INTEREST — Transfer from the Schedule on Interest	.....	.....
2. DIVIDENDS — Enter the sum total of Columns 4 and 5 of Schedule C	.....	.....
3. PREFERENCE DIVIDENDS — Enter receipts of Preference Dividend paid out of Tax Exempt Profit where such dividends are exempt under specific enactments (a)	.....	.....
4. INCOME TAX (in aid of Industry) ACT, CHAPTER 81:02 AND OTHER TAX EXEMPT PROFITS — not reported in Lines 1 to 3 above (a)	.....	.....
Total	.....	.....

### **Instructions**

- (a) Preference Dividends has the meaning given to it in Section 2(1) of the Corporation Tax Act 1970

- (b) Income Tax (in aid of Industry) Act, Chapter R1:02 and other Tax Exempt Profits, Separate Financial Statements together with a statement in the form of Page 2 of this return MUST be furnished in respect of each company enjoying tax holiday status. Where a special account showing the distribution and payments of interest made out of the tax exempt profits is maintained as mentioned this account should also be attached.

**SCHEDULE I - PAYMENTS UNDER DEEPS OF COVENANT**

### **Instructions**

- (a) Enter the amount claimed here, . . . . . and on Line 33 of Page 2

- (b) For payments under Sec. 35, attach Schedule.

LBB 1A-1

SCHEDULE K - DOUBLE TAX RELIEF						
Name of Company or person from whom income is received (grouped according to country) (1)	Type of income Dividends, interest, Royalties, Rent, etc., per (2)	% of the issued shares of voting stock of the paying company owned by the receiving company, where applicable (3)	Gross Income before deduction of tax on foreign country per (4)	Tax paid in foreign country (5)	Rate of tax suffered in foreign country (6)	Relief Claimed (7)
			\$ 0	\$ 0	\$ 0	\$ 0

## Instructions

- (a) Enter the total of column 7 on line 38 of page 2.  
 (b) Where different types of income are subject to different rates of tax in any foreign country, show separately under columns 2, 4, 5 and 6 the different amounts applicable.  
 (c) Certificates of Assessment should be supplied where applicable.

SCHEDULE L - EXPORT ALLOWANCE							
Product Exported (1)	Country of Destination (2)	Export Sales (3)	Total Sales (4)	% of Export Sales to Total Sales (5)	Total Sales Profit (6)	Export Profit (Column 5 x Column 6) (7)	Export Allowance (8)

## Instructions

- (a) "Export Sales" means the proceeds of sales (Ex factory) of the output of the company exported to a country other than a country specified in (e) below by the company either directly or through any other person during a year of income.  
 (b) "Total Sales" means the proceeds of sales (Ex factory) of the output of a company during a year of income.  
 (c) "Total Sales Profit" means the amount which would be charged to tax as chargeable profit of the company if  
 (i) the manufacture, production and sale of the product to which the export allowance applies were the only source of profit of the company; and  
 (ii) no loss available as a deduction under Section 19 was taken into account.  
 (d) The following products do not qualify for export allowance:  
 Bauxite, Gold, Diamond, Petroleum, Sugar, Rum, Molasses, Rice, Timber, Lumber and Shrimps.  
 (e) Export to the following countries do not qualify for export allowance:  
 Antigua & Barbuda, Barbados, Belize, Dominica, Grenada, Jamaica, Montserrat, St. Christopher & Nevis, St. Lucia, St. Vincent and the Grenadines and Trinidad & Tobago.  
 (f) Export allowance is given as a proportion of export profit. The appropriate proportion is determined as set out in the Table below.

TABLE

Where the Percentage of Export Sales in relation to Total Sales	Percentage of Export Profit deductible as Export Allowance shall be -
(i.) under 10 per cent	Nil
(ii.) is 10 per cent or more but does not exceed 21 per cent	25 per cent
(iii.) exceeds 21 per cent but does not exceed 41 per cent	35 per cent
(iv.) exceeds 41 per cent but does not exceed 61 per cent	45 per cent
(v.) exceeds 61 per cent	50 per cent

## SCHEDULE M - RECONCILIATION OF CHARGEABLE PROFIT WITH BALANCE OF PROFIT AND LOSS ACCOUNT

## PROFIT/LOSS AS PER PROFIT AND LOSS ACCOUNT

## ADD/DEDUCE EXPENSES NOT ALLOWABLE

(1)	(2)	(3)	(4)	(5)

## DEDUCE/ADD ALLOWABLE EXPENSES NOT CHARGED AS TO EXPENSE INCOME EXCLUDED IN ACCOUNTS

(1)	(2)	(3)	(4)	(5)

Chargeable Profit as on Line 34 of Part 2

## Instructions

## General

- (a) Attach Audited Balance Sheet, Manufacturing, Trading, Profit and Loss and Appropriation Accounts and a Reconciliation of Fixed Assets.
- (b) Where schedule space is insufficient, use separate schedules in the format indicated in the Return.
- (c) Do not make more than one entry on a line.
- (d) New Companies please supply:
  - (i) Date of commencement of business.
  - (ii) Opening Balance Sheet.
  - (iii) Copies of Memorandum and Articles of Association.
  - (iv) Copies of any agreement regarding the acquisition of the business of any proprietorship, partnership or company.

## Page 1:

Line 6 — State the principal business activity which accounts for the largest percentage of gross Receipts.

Line 7 — State the principal product of the activity reported at Line 6.

## Page 2:

## Line 7 — INTEREST —

- (a) Particulars to be included in schedule are interest received from mortgages, loans, bank accounts, debentures, bonds and other sources.
- Line 8 — RENTS —**
- (a) Attach schedule showing the situation of each property, the gross rent received and full particulars of expenses on repairs, rates and taxes, fire insurance premiums and interest on mortgages or loans, stating to whom such interest was paid.
- (b) Enter on Line 8 all gross rents received.
- (c) Expenses should be included in the appropriate lines for Deductions.

## Line 12 — OTHER INCOME —

- (a) Enter gross amount of each income not reported elsewhere in the return and attach a schedule showing details.
- (b) Include recoveries of BAD DEBTS deducted in prior years.

## Line 16 — REPAIRS —

- (a) A full description of all repairs carried out should be given.
- (b) Do not include expenditure in respect of extensions, improvements or structural alteration or any expenses not wholly and exclusively incurred in the production of the income.
- (c) If details have already been supplied in the schedule on rents, particulars need not be repeated.

## Line 17 — BAD AND DOUBTFUL DEBTS

- (a) Enter only debts incurred in any trade, business, profession or vocation.
- (b) Particulars to be supplied are:
  - (i) the name and address of the debtor
  - (ii) the amount of the debt
  - (iii) the nature of the debt
  - (iv) the length of time the debt has been outstanding
  - (v) the reason for write-off
  - (vi) what attempts have been made to collect the debt
- (c) Where a provision is made for doubtful debts, indicate whether it is general or specific; if specific, the above details are to be furnished.

## Line 19 — RATES AND TAXES —

- (a) Enter rates, taxes paid or accrued during the accounting period and attach a schedule showing the type and amount of tax.
- (b) Do not include INCOME TAX or CORPORATION TAX or PROPERTY TAX.
- (c) If details have already been supplied in the schedule on rents, particulars need not be repeated.

## Line 20 — ADVERTISING —

Enter the total amount incurred on advertising during the accounting period. Expenditure on advertising must be wholly and exclusively incurred in the production of the income.

## Line 26 — EXPENSE ALLOWANCE (See Schedule D)

## Line 27 — LAND DEVELOPMENT EXPENDITURE ALLOWANCE

Insert 10% of Expenditure incurred for the purpose of development and improvement of agricultural land. In this regard, you are to submit a schedule setting out the following:

- (a) Year of expenditure
- (b) Amount expended for each year
- (c) Amount written off in taxpayer's books in respect of each year's expenditure
- (d) Amount claimed for current year

## Line 28 — OTHER DEDUCTIONS

- (a) Enter any other deductions wholly and exclusively incurred in the production of the income for which no space is provided in the return.
- (b) Such deductions, if claimed, should be detailed and explained in the schedule.

## Line 37 — TAX RELIEF FOR LOSSES BROUGHT FORWARD —

- (a) The set-off in respect of previous years' losses is limited to one-half of the tax on the chargeable income (Line 36 of Page 2).
- (b) Show:
  - (i) Amount of loss brought forward from previous year.
  - (ii) Amount set off this year.
  - (iii) Amount of loss to be carried forward to the following year.

RATES OF TAX1. Corporation Tax

(a) Commercial Company	Thirty-Five Percentum	(35%)
(b) Other than Commercial Company	Twenty-Five Percentum	(25%)

2. Income Tax

(a) Long Term Insurance Companies	Forty-Five Percentum	(45%)
(b) All Other Companies Except Investment Companies	Twenty Percentum	(20%)

3. Withholding Tax On Distributions

Type Of Company	Distribution To	Rate Of Tax
(1) Commercial	(a) Company (Resident or Non-Resident)	Forty Percentum (40%)
	(b) Non-Resident Individual over \$10,000.00	Forty Percentum (40%)
	(c) Non-Resident Individual \$10,000.00 and under	Thirty-one Percentum (31%)
(2) Non-Commercial (Except Long Term Insurance)	(a) Company (Resident or Non-Resident)	Thirty-Five Percentum (35%)
	(b) Non-Resident Individual over \$8,000.00	Thirty-Five Percentum (35%)
	(c) Non-Resident Individual \$8,000.00 and under	Twenty-Seven Percentum (27%)
(3) Long Term Insurance	(a) A Company (Resident or Non-Resident)	Forty-Five Percentum (45%)
	(b) A Non-Resident Individual	Forty-Five Percentum (45%)

4. Withholding Tax On Payments

The Rate of Tax on all payments is Twenty-Five Percentum (25%).

5. Withholding Tax on Insurance Premiums To non-resident Companies

- (a) Companies Carrying on business in Guyana rate of Tax is six percentum (6%)
- (b) Companies not carrying on business in Guyana rate of Tax is ten percentum (10%)

PENALTIES

1. Any person chargeable with tax who refuses, fails or neglects to deliver a Return of his income to the Commissioner on or before the prescribed day in every year is liable to a penalty not exceeding \$1,500.00.

2. Where a person has not delivered a Return within the prescribed time under Section 60(1) of the Income Tax Act, the Commissioner may add in an assessment made upon such a person a sum equal to two percent of the amount of the tax assessed.

3. Where a person refuses, fails or neglects to make a return of chargeable income for the year immediately preceding the Year of Assessment within the time specified in a notice issued by the Commissioner to such person under Sec. 60(4) of the Income Tax Act, the Commissioner shall add to the assessment a sum equal to five percent of the amount of tax assessed.

4. Any person who without reasonable excuse makes an incorrect return by omitting or understating any income of which he is required by the act to make a return, whether or his own behalf or on behalf of another person, or makes an incorrect statement in connection with a claim for deduction in estimating taxable income, or gives any incorrect information in relation to any matter or thing affecting his own liability to tax or the liability of any other person liable on summary conviction to a fine not exceeding \$1,500.00 and double the amount of the tax which has been or would have been undercharged in consequence thereof.

5. Any person who knowingly makes any false statement or representation in any Income Tax Return, or who keeps or prepares false accounts of any profits chargeable to Income Tax, or fails or omits any person in such offence, is liable on summary conviction to a fine not exceeding \$1,500.00 and twice the amount of tax which has been undercharged in consequence of such false account, particulars return statement, information or would have been so undercharged if the account, particulars, return, statement, information or representation has been accepted as correct and to imprisonment for six months.

Made this 12th day of April, 1988.

*Carl B. Greenidge,  
Minister of Finance.*