

GUYANA

30
No. 27 of 1988

ORDER

Made Under

THE PETROLEUM (EXPLORATION AND PRODUCTION) ACT 1986

(Act No. 3 of 1986)

IN EXERCISE OF THE POWERS CONFERRED UPON THE MINISTER BY SECTION 51 OF THE PETROLEUM (EXPLORATION AND PRODUCTION) ACT 1986, I HEREBY MAKE THE FOLLOWING ORDER:—

1. This Order may be cited as the Tax Laws (Modification) ^{Citation.} Order 1988.
2. In this Order — Interpreta-
tion.
 - (a) "Agreement" means the Petroleum Agreement between the Government of the Co-operative Republic of Guyana on the one part and Lasmo Oil (Guyana) Limited of the second part and BHP Petroleum (Guyana) Inc. of the third part dated 28th July, 1988;
 - (b) "cost oil" means the proportion of crude oil production which the licensee utilises in any year of assessment for the recovery of costs pursuant to the Agreement;
 - (c) "profit oil" means the share of crude oil production to which the licensee and the Minister respectively are entitled under the Agreement, in any year of assessment, after deduction of cost oil, determined as provided in the Agreement.

Payment of income tax and corporation tax. 3. (1) The companies, Lasmo Oil (Guyana) Limited and BHP Petroleum (Guyana) Inc., together being a licensee under the Agreement and within the meaning of the Act, shall each pay income tax and corporation tax in accordance with the Agreement.

Cap. 81:01 (2) The provisions of the Income Tax Act and the Corporation Tax Act shall, subject to this Order and the Agreement, apply to, and in relation to, each company.

Cap. 81:03

(3) The income arising in each year of assessment under the Agreement of each company, for the purpose of the Income Tax Act and the Corporation Tax Act, shall include the amount of income tax and corporation tax paid pursuant to the Agreement and shall be determined by the following formula —

$$P \times (1 \text{ divided by } (1 - R))$$

where R is the effective or composite tax rate due on income or profits under the Income Tax Act and the Corporation Tax Act; and where P is equal to:

- (i) the total value of Cost Oil taken by each company to which it is entitled pursuant to the Agreement; plus
- (ii) the total value of Profit Oil taken by each company to which it is entitled as determined in accordance with the Agreement; and minus
- (iii) the costs and expenses of each company which are allowed to be recovered in such respective tax year under the Agreement.

Waiver of tax.

4. To the extent that in any year of assessment the assessment of tax based on gross income less costs and expenses computed under the Agreement exceeds the total value of the Minister's share of Profit Oil the Minister responsible for finance shall waive such excess.

Non Application of Property Tax Act. Cap. 81:21

5. The Property Tax Act shall not apply to, and in relation to, the two companies which are parties to the Agreement, they being a licensee under the Agreement and within the meaning of the Act.

Made this 5th day of August, 1988.

Winston S. Murray,
Minister of Trade and Tourism,
performing the duties of the
Minister of Finance.