

BILL NO. 13 of 1989 TUESDAY, 1ST AUGUST, 1989

PARLIAMENT OFFICE,
Public Buildings,
Georgetown.
Guyana.

1989—08—01.

The following Bill which will be introduced in the National Assembly is published for general information.

F. A. Narain
Clerk of the National Assembly.



BILL No. 13 of 1989

TAXATION LAWS (AMENDMENT) BILL 1989

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Insertion of new section 92A in the Income Tax Act.
3. Insertion of new section 15A in the Corporation Tax Act.
4. Amendment of the Second Schedule to the Capital Gains Tax Act.
5. Amendment of section 14 of the Property Tax Act.
6. Amendment of the Second Schedule to the Property Tax Act.
7. Insertion of new section 26A in the Estate duty Act.

A BILL

Intituled

AN ACT to amend the Income Tax Act, the Corporation Tax Act, the Capital Gains Tax Act, the Property Tax Act and the Estate Duty Act.

A.D. 1989 Enacted by the Parliament of Guyana:—

Short title. 1. This Act may be cited at the Taxation Laws (Amendment) Act 1989.

Insertion of new section 92A in the Income Tax Act. 2. The Income Tax Act is hereby amended by the insertion after section 92 of the following section as section 92A

“Exchange of information. 92A. (1) The Government may enter into an agreement with the Government of any other country for the exchange of information for the prevention of evasion or avoidance of Income tax chargeable under this Act or under the corresponding law in force in that country, the investigation of cases, of such evasion or avoidance, or other matters relating to income tax.

(2) (a) The Minister may by order declare that an agreement referred to in subsection (1) shall have effect in accordance with its terms throughout and for its duration in relation to income tax notwithstanding anything in any other written law.

(b) The Minister may, subject to negative resolution of the National Assembly, make regulations for carrying out any agreement referred to in subsection (1).

(c) The obligation as to secrecy imposed by section 4 shall not prevent the disclosure to an authorised officer of the Government of a country with which an agreement, referred to in subsection (1), has been entered any information within the requirement or contemplation of that agreement.”.

Insertion of new section 15A in the Corporation Tax Act. Cap. 81:03 3. The Corporation Tax Act is hereby amended by the insertion after section 15 of the following section as section 15A —

“Application of provisions of section 92A of the Income Tax Act for the purposes of corporation tax.

15A. The provisions of section 92A of the Income Tax Act shall, as they apply to income tax, apply *mutatis mutandis* to corporation tax.”.

4. The Second Schedule to the Capital Gains Tax Act is hereby amended by the substitution for the words "88, 97 (1)" of the words "88, 92A, 97 (1)".

Amendment of the Second Schedule to the Capital Gains Tax Act, Cap. 81:20

5. Section 14 (3) of the Property Tax Act is hereby amended by the substitution for the words included with other in the brackets, "service of notices the payment and recovery of tax" of the words "service of notices, agreement with the Government of a country outside Guyana for the exchange of information, the payment and recovery of tax".

Amendment of section 14 of the Property Tax Act, Cap. 81:21

6. The Second Schedule to the Property Tax Act is hereby amended by the insertion in the first column in the appropriate numerical order of the words "92A" and in the corresponding entry in the second column (under the word "Evidence") of the words "Agreement with the Government of a country outside Guyana for the exchange of information".

Amendment of the Second Schedule to the Property Tax Act, Cap. 81:21

7. The Estate Duty Act is hereby amended by the insertion after section 26 of the following section as section 26A —

Insertion of new section 26A in the Estate Duty Act, Cap. 81:23

Cap. 81:01
 "Application of provisions of section 92A of the Income Tax Act for the purposes of estate duty"

26A. The provisions of section 92A of the Income Tax Act shall, as they apply to income tax, apply *mutatis mutandis* to estate duty."

EXPLANATORY MEMORANDUM

Clause 2 of this Bill seeks to insert a new section 92A in the Income Tax Act, Cap. 81:01, to provide that where the Government of Guyana enters into an agreement with the Government of another country relating to the exchange of information for the prevention of evasion or avoidance of income tax, the Minister may, by order, declare that such agreement shall in law have effect.

The other clauses of the Bill seek to apply the provisions of the new section 92A of the Income Tax Act to the Corporation Tax Act, Cap. 81:03, the Capital Gains Tax Act, Cap. 81:20, the Property Tax Act, Cap. 81:21, and the Estate Duty Act, Cap 81:23.

Carl B. Greenidge,
 Minister of Finance.