

THE OFFICIAL GAZETTE 16TH JANUARY, 2017
LEGAL SUPPLEMENT — A



ACT NO. 12 OF 2017

INCOME TAX (AMENDMENT) ACT 2017

I assent.



David Granger,
President.

January 16, 2017

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Amendment of section 8 of the Principal Act.
3. Amendment of section 20 of the Principal Act.
4. Amendment of section 20A of the Principal Act.

5. Repeal of section 33E(4) of the Principal Act.
6. Amendment of section 33F of the Principal Act.
7. Amendment of section 8 of the Principal Act.
8. Insertion of new section 36A in the Principal Act.
9. Amendment of section 39 of the Principal Act.
10. Amendment of section 60 of the Principal Act.
11. Amendment of section 60A of the Principal Act.
12. Amendment of section 65 of the Principal Act.
13. Amendment of section 99 of the Principal Act.
14. Amendment of section 102 of the Principal Act.
15. Insertion of new section 102A in the Principal Act.
16. Amendment of section 109 of the Principal Act.
17. Amendment of section 110 of the Principal Act.
18. Amendment of section 111 of the Principal Act.

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INCOME TAX (AMENDMENT) ACT 2017

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AN ACT to amend the Income Tax Act.

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Enacted by the Parliament of Guyana:-

Short title and commencement.
Cap 81:01

1. (1) This Act, which amends the Income Tax Act, may be cited as the Income Tax (Amendment) Act 2017.

(2) The amendments to the Income Tax Act shall come into operation with respect to and from the year of income commencing on 1st January 2017.

Amendment of section 8 of the Principal Act.

2. Section 8(1) and (4) of the Principal Act are amended by the substitution for the words “six hundred and sixty thousand dollars” of the words “seven hundred and twenty thousand dollars”.

Amendment of section 20 of the Principal Act.

3. Section 20 of the Principal Act is amended by the substitution for the words “six hundred and sixty thousand dollars” of the words “seven hundred and twenty thousand dollars or one third of an individual’s total income from all sources excluding income subject to withholding taxes under section 39(1) (per annum), whichever is greater”.

Amendment of section 20A of the Principal Act.

4. Section 20A(1) of the Principal Act is amended by the substitution for the words “thirty million dollars” of the words “fifteen million dollars” and this amendment shall apply to a loan obtained on or after 1st February 2017.

Repeal of section 33E(4) of the Principal Act.

5. Section 33E(4) of the Principal Act is repealed.

Amendment of section 33F of the Principal Act.

6. Section 33F(1) of the Principal Act is amended as follows –

- (a) by substitution for the words “ten percent” of the words “twenty percent”;

- (b) by the substitution for the full stop at the end, of a colon;

- (c) by the insertion of the following proviso –

“Provided that for the purpose of calculating the amount of tax to be withheld, there shall be allowed a deduction of seven hundred and twenty thousand dollars per annum apportioned according to the individual’s earning period.”.

- Amendment of section 36 of the Principal Act.
7. Section 36 of the Principal Act is amended by the substitution for the words “rate of thirty percent” of the words “twenty-eight percent of the chargeable income for every person less than one million four hundred and forty thousand dollars per annum”.
- Insertion of new section 36A in the Principal Act.
8. The Principal Act is amended by the insertion immediately after section 36 of the following section –
- “Tax on every person other than a company. 36A. The chargeable income of every person, other than a company, in excess of one million, four hundred and forty thousand dollars shall be taxed at the rate of forty percent.”.
- Amendment of section 39 of the Principal Act.
9. Section 39 of the Principal Act is amended as follows –
- (a) (i) in subsection (6), by the substitution for the full stop at the end, of a colon;
- (ii) by the insertion of the following proviso to subsection (6) –
- “Provided that this subsection does not apply to payments disbursed to contractors under subsection (13).”;
- (b) by the insertion of the following subsections –
- “(13) Payments disbursed to contractors in excess of five hundred thousand dollars for a contract shall be subject to a withholding tax at a rate of two percent on every payment.
- (14) In this section “contractor” means a person contracting with or employed directly by an owner or an agent of the owner to supply services, goods, materials, equipment, or personnel in the furtherance of the services.”.
- Amendment of section 60 of the Principal Act.
10. Section 60(1)(a) of the Principal Act is amended by the substitution for the words “six hundred and sixty thousand dollars” of the words “seven hundred and twenty thousand dollars”.
- Amendment of section 60A of the Principal Act.
11. Section 60A of the Principal Act is amended by the insertion of the following subsection –
- “(6)(a) Every person applying for a TIN certificate shall pay a fee of one thousand dollars.

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- (b) Every person applying for a reprint of a TIN certificate previously issued by the Revenue Authority shall pay a fee of five thousand dollars.”.

Amendment of
section 65 of
the Principal
Act.

12. Section 65 of the Principal Act is amended as follows –

- (a) in subsection (4), by the substitution for the words “one hundred dollars” of the words “two hundred thousand dollars”;
- (b) in subsection (5), by the insertion immediately after the word “offence” of the words “and shall be liable on summary conviction to a fine of two hundred thousand dollars or to imprisonment for six months”;
- (c) by the insertion of the following subsection –

“(6) Any non-resident company which refuses, fails or neglects to keep accounts and records as prescribed shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one million dollars.”.

Amendment of
section 99 of
the Principal
Act.

13. Section 99 of the Principal Act is amended as follows –

- (a) by the substitution for subsection (1) of the following subsection –

“(1) If a taxpayer fails to pay the income tax on or before the due date, the taxpayer shall be liable to pay a penalty of an amount equal to two percent per month of the tax outstanding, for each month or part thereof that the tax remains outstanding:

Provided, however, that if the taxpayer has entered into an installment arrangement with the Commissioner-General the penalty amount shall be one percent per month or part thereof beginning on the date the installment arrangement takes effect.”;

- (b) in subsection (2) by the substitution for the words “two percent” of the words “ten percent”;
- (c) by the insertion immediately after subsection (2) the following subsection –

“(2A) If a taxpayer fails to file a nil tax return or a tax return which discloses a loss, under section 60(1)(b), (4), or (4B) by the due date specified therein, the taxpayer is liable to pay a penalty of fifty thousand dollars.”;

- (d) in subsection (3), by the substitution for the words “five percent” of the words “ten percent”.

Amendment of section 102 of the Principal Act.

14. Section 102 of the Principal Act is amended by the insertion immediately after subsection (6) of the following subsection –

“(7) Where judgment is granted against a taxpayer, in favour of the Revenue Authority and the taxpayer is a customer with a bank, trust company, credit union or other financial institution, the Commissioner-General shall by demand or notice, require the bank, trust company, credit union or other financial institution to remit the amount payable to the Revenue Authority as a debt owed to the State.”.

Insertion of new section 102A in the Principal Act.

15. The Principal Act is amended by the insertion immediately after section 102 of the following section –

“Distress. 102A. (1) The Commissioner-General may recover unpaid tax by distress proceedings against the movable property of the person liable to pay the tax, referred to as the “person liable”, by issuing an order in writing, specifying the person liable, the location of the property, and the tax liability to which the proceedings relate.

(2) For the purposes of executing distress under subsection (1), the Commissioner-General may –

(a) at any time enter any house or premises described in the order authorising the distress proceedings; and

(b) require a police officer to be present while the distress is being executed.

(3) Property upon which a distress is levied under this section, other than perishable goods, must be kept for ten days either at the premises where the distress was levied or at such other place as the Commissioner-General may consider appropriate, at the cost of the person liable.

(4) Where the person liable does not pay the tax due, together with the costs of the distress –

(a) in the case of perishable goods, within such period as the Commissioner-General considers reasonable having regard to the condition of the goods; or

(b) in any other case, within ten days after the distress is levied,

the property distrained upon may be sold by public auction, or in such other manner as provided in regulations.

(5) The proceeds of a disposal under subsection (4) shall be applied by the auctioneer or seller first towards the cost of taking, keeping, and selling the property distrained upon, then by the Commissioner-General

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towards the tax due and payable, and the remainder of the proceeds, if any, shall be restored to the person liable.

(6) Nothing in this section precludes the Commissioner-General from proceeding under section 101 with respect to any balance owed if the proceeds of the distress are not sufficient to meet the costs thereof and the tax due.

(7) All costs incurred by the Commissioner-General in respect of a distress may be recovered by the Commissioner-General from the person liable as tax due under this Act.”.

Amendment of section 109 of the Principal Act.

16. Section 109 of the Principal Act is amended by the substitution for the words “fifteen thousand dollars” of the words “one hundred thousand dollars”.

Amendment of section 110 of the Principal Act.

17. Section 110 (1) (c) (i) of the Principal Act is amended by the substitution for the words “fifteen thousand dollars” of the words “one hundred thousand dollars”.

Amendment of section 111 of the Principal Act.

18. Section 111 (1) (b) (ii) (A) of the Principal Act is amended by the substitution for the words “fifteen thousand dollars” of the words “one hundred thousand dollars”.

Passed by the National Assembly on the 6th January, 2017.



Clerk of the National Assembly.

(BILL No. 31/2016)