



[L.S.]

I Assent,

James B. Carlisle,
Governor-General.

17th March, 2000.

ANTIGUA AND BARBUDA

No. 4 of 2000.

AN ACT to amend the Income ~~Tax~~ Act, Cap. 212

[13th April, 2000.]

ENACTED by the Parliament of Antigua and Barbuda **as** follows:

1. This Act may be cited **as** the Income ~~Tax~~ (Amendment) Act **2000.** **Short title.**
2. Section 2 of the Income Tax Act, in this Act referred to **as** the principal Act, is amended by inserting in the appropriate alphabetical position the following definition:

“ "economic activity" means an activity for which a charge is made;”.

Amendment of section 2 of Cap. 212.
3. Section 11 of the principal Act, is amended by **Amendment of section 11.**
 - (a) repealing the full stop at the end of paragraph (g) and substituting a semi colon; and

(b) inserting after paragraph (g) the following paragraph:

"(h) salaries, wages, directors fees and other payments made for services rendered by owners, directors, shareholders, their spouses and their children in excess of twenty-five per centum of the chargeable income before the deductions ~~and~~ made provided that in exceptional circumstances the Commissioner may permit payment in excess of twenty-five per centum."

Amendment of
section 32.

4. Section 32 of the principal Act is repealed and the following substituted:

"32. (1) The tax upon the gross income of a company, business, trade, profession or service involved in economic activity shall be charged at the rate of two per centum monthly on every dollar of the gross income; except that where the gross income is less than fifty thousand dollars in any year of income that company, business, trade, profession or service shall be exempt.

(2) The tax upon the chargeable income of a company shall be charged at the rate of forty per centum on every dollar of the chargeable income.

(3) Any tax paid under subsection (1) shall be set off for the purposes of collection

(a) against the tax charged on the chargeable income of a company in subsection (2); or

(b) against the tax charged on the chargeable income of an individual to whom the Business Tax Act applies.

Cap. 65.

(4) Schools and churches shall be exempt from the tax chargeable under subsection (1).

(5) The Minister may make regulations for the effective implementation of this section".

Insertion of section
46A.

5. After section 46 of the principal Act the following section is inserted:

"Returns of
businesses.

46A. It shall be the duty of every person carrying on a business, trade, profession or service involved in economic activity chargeable with tax under section 32(1) to deliver to the

Commissioner on or before the prescribed date in every month a true and correct return of the gross income from every source whatever for the month for which returns are being made and if absent from Antigua and Barbuda to give the name and address of an agent residing in Antigua and Barbuda."

6. After section 49 of the principal Act the following sections are inserted:

Insertion of sections 49A, 49B and 49C.

"Returns to be accompanied by financial statements schedule and payment.

49A. (1) Every return delivered to the Commissioner in accordance with sections 46, 47, 48 and 49 shall be accompanied by

- (a) a financial statement of the gross monthly income with the relevant ~~schedules~~ attached (in the form prescribed in Schedule B of the Income Tax Rules) giving details of
 - (i) salaries, management fees, directors fees and other payments to proprietors, directors and employees who are shareholders and relatives;
 - (ii) rent and interest paid giving the names and addresses of the persons to whom these payments are made; and
 - (iii) payments made to persons not resident in Antigua and Barbuda which are claimed as deductions in computing the profits; and
- (b) payment of the tax payable on the return so delivered.

(2) Every return delivered to the Commissioner in accordance with section 46A shall be accompanied by

- (a) a financial statement in the form prescribed in Schedule B of the Income Tax Rules; and

- (b) payment of the tax payable on the return so delivered.

power of the Commissioner to levy penalty.

49B. Where a person fails to make returns under sections 46, 46A, 47, 48 or 49 within the specified time the Commissioner may levy on the person a penalty of five hundred dollars or five per centum of the undisputed tax whichever is the greater.

Power of the Commissioner to obtain information.

49C. (1) Where a person has filed a return under sections 46, 46A, 47, 48 or 49 the Commissioner may by notice in writing require any other person

- (a) to furnish him, within the time specified in the notice, with particulars in respect of the person's income;
- (b) to attend before him and give evidence with respect to the person's income; and
- (c) to produce all books or other documents in his custody or under his control relating to the person's income.

(2) A person who fails to comply with a notice by the Commissioner under subsection (1) or knowingly gives false evidence commits an offence."

Amendment of section 56.

7. Section 56 of the principal Act is amended as follows:

- (a) in subsection (1) by repealing "the next subsection" and substituting the following:
"subsection (2)";
- (b) by inserting after subsection (1) the following subsection:

"(1a) On receipt of a notice under subsection (1) the persons ~~shall pay~~ to the Commissioner the amount of tax assessed as stated in the notice prior to exercising his rights ~~under~~ subsection (2)"; and

(c) in subsection (2) by **repealing** "fifteen days" and substituting the following:

"thirty days".

8. Section 59 of the principal Act is amended in subsection (5) by repealing "fifteen days" wherever it occurs and substituting the following:

Amendment of section 59.

"thirty days".

9. Section 60 of the principal Act is amended by repealing subsections (1), (2) and (5) and substituting the following subsections:

Amendment of section 60.

"(1) The Governor-General shall appoint not more than seven suitable and qualified persons of which he may, as circumstances require, empower any three to constitute the Board.

(2) The persons appointed by the Governor-General under subsection (1) shall serve for a period of two years.

(5) The Cabinet may make rules prescribing

(a) the proceedings to be followed in the conduct of appeals before the Board; and

(b) the allowances to be paid to members of the Board when they sit to hear and determine appeals."

10. Section 63 of the principal Act is repealed.

Repeal of section 63.

11. After section 75 of the principal Act, the following section is inserted in part XII:

Insertion of section 75A.

"Identification tax number.

75A. (1) Every person operating a company, business, trade, profession or service involved in economic activity shall register with the Commissioner of Inland Revenue for an identification

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tax number in accordance with the form set out in the Schedule.

(2) A person operating a company, business, trade, profession or service involved in economic activity and currently in operation has **thirty** days in which to register in accordance with subsection (1).

(3) A person operating a company, business, trade, profession or service involved in economic activity who fails to register within the time specified in subsection (2) **commits** an offence and is liable on summary conviction to a fine of two thousand dollars and a further fine of two hundred dollars for every day over the thirty days that the offence continues."

Amendment of
Schedule.

12. The Schedule to the principal Act is repealed and the following substituted:

"SCHEDULE

[section 2]

PART I

Australia, the Bahamas, Bangladesh, Barbados, Belize, Botswana, Brunei, Cameroon, Canada, Cyprus, Dominica, Fiji, the Gambia, Ghana, Grenada, Guyana, India, Jamaica, Kenya, Kiribati, Lesotho, Malawi, Malaysia, The Maldives, Malta, Mauritius, Mozambique, Namibia, Nauru, New Zealand, Nigeria, Pakistan, Papua-New Guinea, Saint Christopher and Nevis, St. Lucia, St. Vincent and the Grenadines, Samoa, Seychelles, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Swaziland, Tanzania, Tonga, Trinidad and Tobago, Tuvalu, Uganda, United Kingdom and Colonies, Vanuatu, Zambia, Zimbabwe.

PART 2

[section 75A]

REGISTRATION FOR IDENTIFICATION TAX NUMBER

NAME OF COMPANY, BUSINESS OR INDIVIDUAL _____

ADDRESS _____

Telephone _____ **FAX NO.** _____ **Email address** _____

Type of Enterprise

Sole Proprietor Partnership Corporation

Nature of Business _____

Date Business Commenced _____

Name of Owner/Partner/Directors	Address	Position Held

Signature _____

Name (Print) _____

Date _____

<p>FOR OFFICIAL USE ONLY</p> <p>IDENTIFICATION TAX NO. _____</p> <p>DATE ISSUED _____</p> <p>SIGNATURE _____</p> <p>ISSUING OFFICER</p>

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Passed the House of Representatives
this 2nd day of March, 2000.

B. Harris,
Speaker.

S. Walker,
Clerk to the House of Representatives.

Passed the Senate this 16th day
of March, 2000.

M. Percival,
President.

S. Walker,
Clerk to the Senate.

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