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Third Session Eleventh Parliament Republic of
Trinidad and Tobago

HOUSE OF REPRESENTATIVES

BILL

AN ACT to amend the Property Tax Act, Chap. 76:04

THE PROPERTY TAX (AMENDMENT) BILL, 2018

Explanatory Notes

(These notes form no part of the Bill but are intended only to indicate its general purport)

The Property Tax (Amendment) Bill, 2018 seeks to amend the Property Tax Act, Chap. 76:04 (hereinafter referred to as “the Act”).

The Bill would contain twenty-five (25) clauses.

Clause 1 of the Bill would contain the short title of the Act for which this is the Bill.

Clause 2 of the Bill would provide for the definition of the word “Act”.

Clause 3 of the Bill would seek to amend section 3 of the Act to renumber the section as section 3(1), to amend the definitions of “appeal” and “Minister” and to insert a new subsection (2), which would seek to explain how the assessments would be conducted for town houses, condominiums and multi-owner commercial accommodations.

Clause 4 of the Bill would amend section 10 of the Act to clarify the provision to ensure that it is clear that it is every year that the taxes would be collected.

Clause 5 of the Bill would seek to amend section 15 of the Act by first renumbering the section as section 15(1) and then inserting a new subsection (2), to ensure that the fact that a building or other chattel creates a tax liability does not by such liability, give the person liable to the tax any legal entitlement to the land.

Clause 6 of the Bill would seek to amend section 16 of the Property Tax Act, in subsection (1), to remove from the list of places exempt from taxes a repletion that occurs in paragraph (c) which already appears in paragraphs (a) and (b) “lands attached to, or otherwise actually used in connection with and for the purposes of a place of learning maintained for educational, philanthropic or religious purposes, the whole profits from which are devoted or applied to such purposes”. In paragraph (d), the words “an incorporated charitable institution” is to be deleted and replaced with the words “a charity exempted from Corporation Tax under section 6(1)(g) of the Corporation Tax Act for approved charitable purposes” to make the provision more in line with the current requirements for charities. The clause would also amend paragraph (f) to include lands belonging to and in occupation of a

Statutory Authority or State enterprises to the list of lands exempted from the Property Tax. The clause also amends paragraphs *(h)*, *(k)*, *(l)* and *(m)* to ensure that the exemption only applies where the tertiary institutions referred to in those paragraphs are also in occupation. Paragraph *(n)* would also be removed from the lands that are subject to an exemption from the Property Tax. Since the list of State enterprises is now listed in the new Schedule IV, there is no longer a need for subsection (2), such as, the clause would seek to repeal subsection (2).

Clause 7 of the Bill would seek to amend section 18(3)(a)(i) of the Act to remove the word “surname” as “name” would be sufficient.

Clause 8 of the Bill would amend section 19 of the Act to repeal subsection (4) as its contents are more properly reflected in subsection (5) and to amend subsection (5) to change the article from definite to indefinite.

Clause 9 of the Bill would seek to amend section 20 of the Property Tax Act to replace subsection (1) to provide for circumstances where there has been an over-payment or underpayment of the tax liability. The clause is also being amended in subsection (2) to change the percentage rate at which interest on a refund would be calculated from one point two (1.2) per cent per month or part of a month to six (6) per cent per annum.

Clause 10 of the Bill would seek to amend section 21 of the Act which deals with objections to assessments. The amendments would provide in subsection (1) that an objection to an assessment is required to be filed within twenty-one days after receipt of the notice of assessment rather than after the annual tax becomes due and payable. Subclause (2) would now be repealed as the references to objections to the Commissioner is no longer necessary. Subsections (3) and (6) are also being amended to remove the reference to the Board receiving an objection “in respect of an incorrect assessment”. The clause goes on to correct an incorrect cross reference in subsection (7) and to do some further editorials. Subsection (12) is also being amended to allow for the off-set of other taxes owed to the State where a person has over-paid on his Property Tax or circumstances where there has been an overpayment. Finally, subsection (13) is being amended to provide that the rate of interest would be at six per cent per annum rather than one point two per cent per month or part of a month from the day after the expiration of that period until the amount outstanding is satisfied.

Clause 11 of the Bill would repeal section 22 of the Act as the only ground for an objection is contained in section 21(1).

Clause 12 of the Bill would seek to amend section 23 of the Property Tax Act by repealing subsection (3), and replacing it with a requirement that in every subsequent year of tax liability a person who wishes to seek relief must make an application.

Clause 13 of the Bill would seek to amend section 26 of the Act to correct a typo in subsection (1) and to insert a new subsection (3) to require the Board to issue a notice in writing of any decision to vary or revoke an authorisation issued under section 23 for a deferral.

Clause 14 of the Bill would seek to amend section 27(2) of the Act to recognise that the Board would make a determination based on an application made by the successor in title.

Clause 15 of the Bill would seek to amend section 29 of the Act to include a new subsection (2) which would entitle a person, who has objected to his assessment and is dissatisfied with the decision, to appeal to the Tax Appeal Board.

Clause 16 of the Bill would seek to amend section 31 of the Act to correct an editorial mistake and to include a new subsection (5) which would make it clear that for the purposes of this section the term “owner” does not include a tenant.

Clause 17 of the Bill would seek to amend section 33 of the Act to provide that the annual tax is previously due under the Act on 31st December would now be due on 30th September.

Clause 18 of the Bill would seek to amend section 34 of the Act to change the date on which penalties begin to accrue from the 15th September to the 15th March.

Clause 19 of the Bill would amend section 35 of the Act to include the words “together with any additional taxes and interest thereon”.

Clause 20 of the Bill would seek to amend section 36 of the Act to change the time from when time would start to run for a Notice of Demand to be sent from six months when the sums became due and owing to three months since the notice of non-payment has been sent.

Clause 21 of the Bill would amend section 37 of the Act to change the reference to the “Comptroller of Accounts, District Revenue or other person to whom the same ought to be paid” to a reference to the “Board of Inland Revenue.”.

Clause 22 of the Bill would seek to amend section 38 of the Act to make it clear that the tax together with the ten per cent and fifteen per cent penalties are also required to be owing before the distress can be sold.

Clause 23 of the Bill would insert a new section 53A which would empower the Minister to amend Schedules I and IV by Order.

Clause 24 of the Bill would seek to amend section 52A to move the moratorium date from 31st December, 2015 to 30th September, 2018.

Clause 25 would insert a new Schedule IV which lists the State Enterprises controlled by the State for public purposes which are exempted from tax liability.

BILL

AN ACT to amend the Property Tax Act, Chap. 76:04

[, 2018]

ENACTED by the Parliament of Trinidad and Tobago as Enactment
follows:

1. This Act may be cited as the Property Tax Short title
(Amendment) Bill, 2018.

2. In this Act, “the Act” means the Property Tax Act.
3. The Act is amended in section 3—
 - (a) by renumbering section 3 as section 3(1);
 - (b) in section 3(1) as renumbered—
 - (i) in the definition of “appeal”, by deleting the words “Commissioner upon an objection by the owner of land to a valuation or” and substituting the words “Board upon an objection by the owner of land to”; and
 - (ii) in the definition of “Minister”, by deleting the words “the assessment and collection of taxes” and substituting the word “finance”; and
 - (c) by inserting after section 3(1) as renumbered, the following new subsection:

“ (2) Where—

 - (a) a building occupies separately from other buildings, a location on a single parcel of land, the building shall for the purposes of liability to tax under this Act, be deemed to be land;
 - (b) a single dwelling accommodation is part of a multi-dwelling building each single dwelling accommodation shall, for the purposes of liability to tax under this Act, be deemed to be land; or
 - (c) a single commercial accommodation is part of a multi-owner building each single commercial accommodation shall, for the purposes of liability to tax under this Act, be deemed to be land.”.

4. Section 10 of the Act is amended by inserting after Section 10 amended the word “2010” the words “and for the 1st of January of every subsequent year thereafter”.

5. The Act is amended by renumbering section 15 Section 15 amended as section 15(1) and inserting after section 15(1) as renumbered, the following new subsection:

“ (2) The liability to tax of the owner of any chattel fixed or affixed to land does not create a legal entitlement to the land upon which the chattel is located where the owner of the chattel is not the legal owner of the land.”.

6. Section 16 of the Act is amended— Section 16 amended

(a) in subsection (1)—

- (i) by deleting paragraph (c);
- (ii) in paragraph (d), by deleting the words “an incorporated charitable institution” and substituting the words “a charity exempted from Corporation Tax under section 6(1)(g) of the Corporation Tax Act for approved charitable purposes;”;
- (iii) by deleting paragraph (f) and substituting the following paragraph:

“(f) land belonging to the State and in occupation of—

- (i) the State or its servants, where such servants are entitled to accommodation by virtue of the offices they hold;

- (ii) a Statutory Authority; or
- (iii) State enterprises controlled by the State, for public purposes and listed in Schedule IV;”;
- (iv) by deleting paragraph (*h*) and substituting the following new paragraph:

“(*h*) land belonging to the University of the West Indies and occupied by the University of the West Indies or its servants;”;

- (v) in paragraph (*k*), by inserting after the word “to” the words “and occupied by”;
- (vi) in paragraph (*l*), by inserting after the word “to” the words “and occupied by”;
- (vii) in paragraph (*m*), by inserting after the words “to” the words “and occupied by”; and
- (viii) deleting paragraph (*n*); and

(*b*) by repealing subsection (2).

Section 18 amended **7.** Section 18 of the Act is amended in subsection (3)(*a*)(i), by deleting the words “or surname”.

Section 19 amended **8.** Section 19 of the Act is amended—

- (*a*) by repealing subsection (4); and
- (*b*) in subsection (5), by deleting the words “the new” and substituting the words “a new”.

9. Section 20 of the Act is amended—

Section 20 amended

(a) by repealing subsection (1) and substituting the following new subsections:

“ (1) Where there is a change or variation in the information in the possession of the Board in respect of land for which tax liability has been imposed, the Board shall forthwith amend the assessment roll and issue a new notice of assessment under section 17.

(1A) Where as a result of an amendment to the assessment roll there has been—

(a) an overpayment of tax due, the Board shall, within sixty days of the date of the new notice, refund the amount of such overpayment; and

(b) an underpayment of tax due, the additional tax shall become due and payable within thirty days of the date of the new notice.”; and

(b) in subsection (2)—

(i) by inserting after the words “subsection (1)”, the words “(a)”; and

(ii) by deleting the words “one point two per cent per month or part of a month” and substituting the words “six per cent per annum”.

10. Section 21 of the Act is amended—

Section 21 amended

(a) in subsection (1), by deleting the words “next after the annual tax becomes due and

payable” and substituting the words “of the receipt of the notice under section 17”;

- (b) by repealing subsection (2);
- (c) in subsection (3), by deleting the words “in respect of an incorrect assessment of taxes”;
- (d) in subsection (5), by deleting the words “its decision” and substituting the words “a final and conclusive assessment”;
- (e) in subsection (6), by deleting the words “in respect of an incorrect assessment of tax, consider the objection and may either confirm, reduce or increase the value” and substituting the words “consider the objection and may either confirm, reduce or increase the tax”;
- (f) in subsection (7), by deleting the words “who fails to file an objection within the time frame specified in subsection (6) may” and substituting the words “and fails to file an objection within the time frame specified in subsection (1) may, where he is satisfied that he has a reasonable excuse for not making the application within the time frame,”;
- (g) in subsection (10), by deleting the words “in respect of an incorrect assessment of tax”;
- (h) in subsection (11), by deleting the words “within twelve months of such expiration”;
- (i) in subsection (12), by deleting all the words after the word “forthwith” and substituting the words—

“—

- (a) refund the amount of the overpayment to the owner thereof;
- or

- (b) off-set other taxes owed under any other written law.”; and
- (j) in subsection (13), by deleting the words “subsection (1) that remains outstanding for more than a period of six months after the date by which it became due, shall bear interest at the rate of one point two per cent per month or part of a month” and substituting the words “subsection (12) that remains outstanding for more than a period of six months from the determination of the objection, shall bear interest at the rate of six per cent per annum”.

11. Section 22 of the Act is repealed. Section 22 repealed

12. Section 23 of the Act is amended by repealing subsection (3), and substituting the following subsection: Section 23 amended

“ (3) The relief granted under this section shall be valid for two years and may be renewed if the conditions of the applicant as evidenced under subsection (2) remains unchanged.”.

13. Section 26 of the Act is amended— Section 26 amended

(a) in subsection (1), by inserting after the word “do”, the word “or”; and

(b) by inserting after subsection (2), the following new subsection:

“ (3) The Board shall issue a notice in writing of any decision to grant, vary or revoke an authorisation issued under section 23.”.

14. Section 27 of the Act is amended in subsection (2), by inserting after the word “Where”, the words “, on the application of the successor in title of the estate,”. Section 27 amended

Section 29 amended **15.** The Act is amended in section 29, by renumbering section 29 as section 29(1) and inserting after section 29(1) as renumbered, the following new subsection:

“ (2) A person who has objected to his assessment under section 21 and who is dissatisfied with the decision of the Board, may appeal to the Tax Appeal Board in accordance with the provisions of the Tax Appeal Board Act.”.

Section 31 amended **16.** Section 31 of the Act is amended—

(a) in subsection (4)(b), by inserting after the word “purpose”, the word “of”; and

(b) by inserting after subsection (4), the following new subsection:

“ (5) For the purposes of this section, the term “owner” shall not include a “tenant.”.

Section 33 amended **17.** Section 33 of the Act is amended by deleting all the words after the word “before” and substituting the words “30th September in every year.”.

Section 34 amended **18.** Section 34 of the Act is amended—

(a) in subsection (1), by deleting the words “on or before 15th September” and substituting the words “or any part remains unpaid on or before 15th March,”;

(b) in subsection (2), by deleting the word “(2)” and substituting the word “(1)”;

(c) in subsection (3), by—

(i) deleting the words “15th September” wherever they occur and substituting the words “16th March”; and

(ii) by deleting all the words after the words “, unless” and substituting the word “.”; and

(d) by inserting after subsection (3), the following new subsection:

“ (4) The Board may, where it is just and equitable to do so, waive the imposition of any penalty or interest under this Act.”.

19. Section 35 of the Act is amended by inserting after Section 35 amended the words “that land”, the words “together with any additional taxes and interest thereon”.

20. Section 36 of the Act is amended by deleting the Section 36 amended words “six months have elapsed since the same became due and owing” and substituting the words “and three months have elapsed since a notice of non-payment under section 34 has been sent”.

21. Section 37 of the Act is amended in subsection (1), Section 37 amended by deleting the words “Comptroller of Accounts, District Revenue or other person to whom the same ought to be paid” and substituting the word “Board”.

22. Section 38 of the Act is amended in— Section 38 amended

(a) subsection (1), by deleting the word “actual” and substituting the words “amount due in respect of such tax together with the increase of ten per cent and interest of fifteen per cent as provided by section 34 and the”; and

(b) subsection (2), by deleting the words “on demand”.

23. Section 52A of the Act is amended by deleting the Section 52A amended words “31st December, 2015” and substituting the word “30th September, 2018”.

24. The Act is amended by inserting after section 53, Section 53A inserted the following new section:

“Minister to amend Schedules I and IV 53A. The Minister may by Order, amend Schedules I and IV.”.

New Schedule inserted **25.** The Act is amended by inserting after Schedule III, the following new Schedule:

“SCHEDULE IV

[Section 16(1)]

STATE ENTERPRISES CONTROLLED BY THE STATE FOR PUBLIC PURPOSES
EXEMPTED FROM TAX LIABILITY

Community Improvement Services Limited
East Port-of-Spain Development Company Limited
Education Facilities Company Limited
Estate Management and Business Development Company Limited
InvesTT Limited
National Commission for Self-Help Limited
National Entrepreneurship Development Company Limited
National Health Services Company Limited
National Information and Communication Technology Company Limited
National Infrastructure Development Company Limited
National Schools Dietary Services Limited
Portfolio Credit Management Limited
Palo Seco Agricultural Enterprises Limited
Rural Development Company of Trinidad and Tobago Limited
The CEPEP Company Limited
The Sports Company of Trinidad and Tobago Limited
Trinidad and Tobago Creative Industries Company Ltd
Youth Training and Employment Partnership Programme (YTEPP) Limited
ExporTT Limited

STATE ENTERPRISES CONTROLLED BY THE STATE FOR PUBLIC PURPOSES
EXEMPTED FROM TAX LIABILITY

Public Transport Service Corporation

Trinidad and Tobago Electricity Commission

Water and Sewerage Authority

Agricultural Society of Trinidad and Tobago

Arima Borough Corporation

Board of Architecture of Trinidad & Tobago

Board of Engineering

Board of Management of the Student Revolving Loan Fund

Board Regulating the Practice of Medicine and Related
Professions

Caribbean Industrial Research Institute (CARIRI)

Central Bank of Trinidad and Tobago

Chaguaramas Development Authority

Cipriani College of Labour and Co-operative Studies
(formerly Cipriani Labour College)

Council of the Pharmacy Board of Trinidad and Tobago

Couva/Tabaquite/Talparo Regional Corporation

Criminal Injuries Compensation Board

Deposit Insurance Corporation

Diego Martin Regional Corporation

Eastern Regional Health Authority

Emergency Ambulance Services Board

Environmental Management Authority

Firearms Appeal Board

STATE ENTERPRISES CONTROLLED BY THE STATE FOR PUBLIC PURPOSES
EXEMPTED FROM TAX LIABILITY

Friendly Societies Housing Corporation

Institute of Marine Affairs

Land Settlement Agency

Land Survey Board

Legal Aid and Advisory Authority

Maritime and Fisheries Institute of Trinidad and Tobago

Mayaro/Rio Claro Regional Corporation

National Carnival Commission of Trinidad and Tobago

National Emergency Ambulance Services Authority

National Institute of Higher Education Research, Science &
Technology

National Insurance Board of Trinidad and Tobago

National Library and Information System Authority (NALIS)

National Museum and Art Gallery

National Trust of Trinidad and Tobago

North Central Regional Health Authority

North West Regional Health Authority

Penal/Debe Regional Corporation

Point Fortin Borough Corporation

Police Complaints Authority

Port-of-Spain City Corporation

Princes Town Regional Corporation

Princess Elizabeth Home for Handicapped Children

I confirm the above.

Speaker

Passed in the Senate this day of , 2018.

Clerk of the Senate

I confirm the above.

President of the Senate

No. 3 of 2018

THIRD SESSION
ELEVENTH PARLIAMENT
REPUBLIC OF
TRINIDAD AND TOBAGO

BILL

AN ACT to amend the Property Tax Act,
Chap. 76:04

Received and read the

First time

Second time

Third time