
Fourth Session Eleventh Parliament Republic of
Trinidad and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 18 of 2018

[L.S.]

AN ACT to amend the Income Tax Act

[Assented to 11th December, 2018]

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

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

2. In this Act, "the Act" means the Income Tax Act. Interpretation
Chap. 75:01

Long title amended **3.** The Act is amended in the long title by inserting after the word “thereof”, the words “and to provide for the sharing of information with certain Government entities and under certain international sharing arrangements”.

Section 4 amended **4.** Section 4 of the Act is amended—
 (a) in subsection 4, by—
 (i) deleting subsection (2)(a); and
 (ii) inserting after subsection (3), the following new subsections:

“ (4) Subsections (1) and (2) do not apply in respect of criminal proceedings, either on indictment or on summary conviction that have been commenced by the laying of information or the preferring of an indictment, under the Proceeds of Crime Act and the Anti-Terrorism Act.

Chap. 11:27

Chap. 12:07

(5) Notwithstanding subsections (1) and (2) where a written law authorizes the disclosure by the Board of any taxpayer information to an individual or entity, the Board shall, within a reasonable time, so disclose to the individual or entity and the individual or entity shall in respect of the taxpayer information so disclosed comply with subsection (6).

(6) Notwithstanding subsections (1) and (2), a person having an official duty or being employed in the administration of this Act shall, for the purposes of subsection (5)—

(a) provide taxpayer information to the Director of the Financial Intelligence Unit of Trinidad and Tobago (hereinafter referred to as the “FIU”) solely for the purpose of enabling the FIU to do its analysis under the Financial Intelligence Unit of Trinidad and Tobago Act; and

Chap.72:01

(b) provide taxpayer information to a member of the police service of the rank of Superintendent or above attached to the division or unit of the police service responsible for financial investigations or fraud, where such information is

Chap.11:11

required for the purpose of investigating whether an offence—

- (i) under the Proceeds of Crime Act;
- (ii) under the Anti-Terrorism Act;
- (iii) under the Prevention of Corruption Act; or
- (iv) involving fraud or dishonesty,

has been committed, may have been committed, or the identity of the person who may have committed such an offence; and

- (c) provide information relative to the taxpayer to the taxpayer, upon his request.

(6A) A member of the police service under subsection (6) who is conducting a financial investigation or investigating an offence under subsection (6)(b) shall apply to the Court *ex parte* and without notice, for an order directing the Board to disclose such taxpayer information as the Court thinks fit.

(7) Where the taxpayer information disclosed under this section discloses an offence referred to in section 4B, the taxpayer information may be used as evidence in any proceedings in respect of the offence.

(8) Where taxpayer information is received by the Board from another jurisdiction under a tax information sharing agreement for the exchange of information in relation to taxes, the Board shall not disclose such taxpayer information to other agencies for non-taxation purposes unless the jurisdiction supplying the taxpayer information has laws allowing for such sharing and the jurisdiction has consented to such sharing.”.

5. The Act is amended by inserting after section 4, the following new sections: New sections 4A to 4C inserted

“Restriction on use of taxpayer information 4A. Where taxpayer information has been provided under section 4(6), the recipient of such information shall—

- (a) only use the information for the purpose for which it was provided;
- (b) only retain the taxpayer information for as long as is necessary for the purpose collected; and

- (c) not disclose the taxpayer information for purposes other than the purpose for which it was collected without the prior consent of the Board.

Offences for breaches of section 4A

4B. A person who receives taxpayer information under section 4 and who breaches section 4A commits an offence and is liable—

- (a) on summary conviction to a fine of three hundred thousand dollars and to imprisonment for a term of twenty years; or
- (b) on conviction on indictment to a fine of five hundred thousand dollars and to imprisonment for a term of thirty years.

Interpretation of the phrases “statistical information” and “taxpayer information”

4C. For the purposes of section 4 to 4B—

“statistical information” means quantitative facts or figures which can be gathered in connection with or incidental to any census from which conclusions or information can be drawn but from which individual taxpayers cannot be identified; and

“taxpayer information” means information which can be attached to or identify an individual, entity or legal arrangement and in any form relating to one or more taxpayer that is—

- (a) obtained for the purposes of this Act; or

(b) prepared from information referred to in paragraph (a),
but does not include, statistical information.”.

Passed in the House of Representatives this 30th day of November, 2018.

J. SAMPSON-MEIGUEL
Clerk of the House

Passed in the Senate this 4th day of December, 2018.

B. CAESAR
Clerk of the Senate (Ag.)