

THE TRINIDAD AND TOBAGO REVENUE AUTHORITY  
BILL, 2010

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HOUSE OF REPRESENTATIVES

## **BILL**

AN ACT to establish the Trinidad and Tobago  
Revenue Authority and for related matters

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THE TRINIDAD AND TOBAGO REVENUE AUTHORITY  
BILL, 2010

**Explanatory Note**

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

This Bill seeks to provide for the establishment of the Trinidad and Tobago Revenue Authority (“the Authority”) to replace the Board of Inland Revenue and Customs and Excise Division. Part I of the Bill would provide for the commencement of the proposed Act by Proclamation in clause 2, the proposed Act’s inconsistency with the Constitution in clause 3, the definition of terms in clause 4 and for the proposed Act to bind the State in clause 5.

Part II of the Bill would establish the Authority as a body corporate in clause 6. In clause 7, the Authority would be responsible for the assessment, collection, administration and enforcement of the revenue laws set out in the Schedule to the Bill (hereinafter referred to as the “revenue laws”).

Part III of the Bill would provide for the establishment of a Board of Management for the Authority (hereinafter referred to as “the Board”). By clause 8, the Board would comprise a Chairman, a Vice-Chairman, a Permanent Secretary of the Ministry of Finance, the Chief Executive Officer of the Authority, a person nominated by the Tobago House of Assembly and four other persons, at least two of whom would be from the private sector. All members, except the *ex officio* members, would be appointed by the Minister. Clause 8 would also provide for the criteria for the selection and disqualification of the members of the Board.

By clause 9, the functions and powers of the Board would include the approval and implementation of management policies, service standards, performance targets, employees’ codes of conduct, strategic plans, budgets and annual reports, ensuring that the Authority is managed in accordance with modern corporate governance procedures and practice and overseeing the internal audit of the Authority. The Board would not be responsible for the administration and enforcement of the revenue laws. The administration and enforcement of the revenue laws would be the responsibility of the Chief Executive Officer and the Board would not have power to give specific directions to the Chief Executive

Officer or any officer or employee of the Authority with respect to the enforcement of the revenue laws. The Board would also be prohibited from having access to information held by the Authority in respect of individuals, companies or firms for the purposes of the administration and enforcement of the revenue laws. The Board would also not have access to information pertaining to legal actions by or against the Authority in connection with the administration and enforcement of the revenue laws.

Clause 10 of the Bill would require Board members to act honestly and in good faith and to exercise the care, diligence and skill of a reasonably prudent person and would also provide for the indemnification of Board members in certain cases.

Clause 11 of the Bill would provide for the disclosure of interests by Board members.

Clause 12 of the Bill would enable the Minister to give the Board policy directions in relation to any matter relating to its functions.

By clause 13, the term of office of members of the Board would be determined by the Minister.

Clause 14 of the Bill would provide for the resignation and removal of Board members, other than the Permanent Secretary and the Chief Executive Officer. Provision would also be made for the filling of vacancies in the membership of the Board and the making of acting appointments to the Board.

Clause 15 of the Bill would provide for the meetings of the Board. The Board would be required to meet at least once in every month under the chairmanship of the Chairman or, in his absence, the Vice-Chairman. Provision would be made for a member of the Board to participate in a meeting by telephone or other means of communication and for the taking of decisions by round robin. The Board would appoint an employee of the Authority to be its Secretary.

Part IV of the Bill would provide for the staff of the Authority. By clause 16, the Chief Executive Officer and the Deputy Chief Executive Officer would be appointed by the Minister. They would both be appointed for a term of five years. Provision would be made for the criteria for the selection and disqualification of the Chief Executive Officer and Deputy Chief Executive Officer.

By clause 17, the Chief Executive Officer would be the chief executive officer of the Authority and be responsible for the daily management of the administration and operations of the Authority, the administration and enforcement of the revenue laws and the

giving of advice to the Minister in respect of the administration and enforcement of the revenue laws. The Chief Executive Officer would be subject to the general directions of the Board with respect to the daily management of the administration of the Authority. He would be subject to general directions of the Minister in relation to the administration and enforcement of the revenue laws.

By clause 18, the Deputy Chief Executive Officer would perform such duties as are assigned to him by the Chief Executive Officer and would be subject to the general and special directions of the Chief Executive Officer.

Clause 19 of the Bill would provide for the resignation and removal of the Chief Executive Officer and the Deputy Chief Executive Officer, for the filling of vacancies in the office of Chief Executive Officer or Deputy Chief Executive Officer and for the making of acting appointments to any such office.

Clause 20 of the Bill would provide for the employment of other officers and staff of the Authority by the Board.

Clause 21 of the Bill would empower the Authority to enter into contracts for services.

Clause 22 of the Bill would require the Board to establish a pension fund plan for the officers and employees of the Authority within two years of the coming into force of the proposed Act.

Part V of the Bill would provide for the funds of the Authority. By clause 23, the funds of the Authority would include moneys appropriated to it by Parliament and would be kept in a financial institution approved by the Minister. Clause 24 would empower the Authority to borrow money with the approval of the Minister.

Clause 25 of the Bill would require all public moneys collected by the Authority to be paid into the Exchequer Account at such times and in such manner as the Minister may direct. By clause 26, the Exchequer and Audit Act (Chap. 69:01) would apply to the Authority and the Chief Executive Officer would be a Receiver of Revenue for the purposes of that Act.

Clause 27 of the Bill would exempt the Authority from the provisions of the Central Tenders Board Act (Chap. 71:91). The Board would, however, be required to make rules governing the award of tenders and contracts. These rules would be subject to the approval of the Minister and to negative resolution of Parliament.

Clause 28 of the Bill would exempt the Authority from all taxation of every kind and description.

Clause 29 of the Bill would provide for the annual preparation and submission of the Authority's strategic plan which the Minister must lay in Parliament within three months of receipt of same. Clause 30 of the Bill would provide for the submission of annual estimates of expenditure and income to the Minister. Clause 31 of the Bill would provide for the keeping of proper accounts and clause 32 of the Bill would provide for the auditing of the accounts of the Authority by the Auditor General.

Clause 33 of the Bill would require the Chief Executive Officer to submit to the Board and to the Ministry a monthly report in respect of revenue collected. Clause 34 of the Bill would require the Board to submit an annual report to the Minister in respect of the Authority and the Minister would lay each annual report in Parliament.

Part VI of the Bill would make miscellaneous provisions with respect to—(a) the administration of oaths or affirmations of secrecy to the members of the Board and the application of the Integrity in Public Life Act (Chap. 22:01) to officers and employees of the Authority (clause 35); (b) the vesting of State property in the Authority (clause 36); (c) the saving of rights subsisting against the Board of Inland Revenue or the Comptroller of Customs and Excise and legal actions (clause 37); (d) consequential amendments to existing legislation (clause 38); (e) the making of regulations by the Minister to carry the proposed Act into effect (clause 39); and (f) amendment to the Schedule by Order of the Minister (clause 40).

## **BILL**

AN ACT to establish the Trinidad and Tobago Revenue  
Authority and for related matters

[ , 2010]

WHEREAS it is enacted by section 13(1) of the <sup>Preamble</sup> Constitution that an Act of Parliament to which that section applies may expressly declare that it shall have effect even though inconsistent with sections 4 and 5 of the Constitution and, if any Act does so declare, it shall have effect accordingly:



And whereas it is provided in section 13(2) of the Constitution that an Act of Parliament to which that section applies is one the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three-fifths of all the members of that House:

And whereas it is necessary and expedient that the provisions of this Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution:

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

PART I  
PRELIMINARY

Short title      1. This Act may be cited as the Trinidad and Tobago Revenue Authority Act, 2010.

Commencement      2. This Act comes into force on such date as is fixed by the President by Proclamation.

Act inconsistent with the Constitution      3. This Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution.

Interpretation      4. In this Act—

- “annual report” means the annual report referred to in section 34;
- “Authority” means the Trinidad and Tobago Revenue Authority established under section 6;
- “Board” means the Board of Management of the Authority established under section 8;
- “Chairman” means the Chairman of the Board appointed under section 8(2);
- “Chief Executive Officer” means the person holding or acting in the post of Chief Executive Officer of the Authority established under section 16;

“Deputy Chief Executive Officer” means a person holding or acting in the post of Deputy Chief Executive Officer of the Authority established under section 16;

“Exchequer Account” has the meaning assigned to it by section 2 of the Exchequer and Audit Act;

Chap. 69:01

“member” means a member of the Board;

“mentally ill” has the meaning assigned to it in section 2(1) of the Mental Health Act;

Chap. 28:02

“Minister” means the Minister to whom responsibility for finance is assigned and “Ministry” shall have the corresponding meaning;

“public moneys” has the meaning assigned to it by section 2 of the Exchequer and Audit Act;

“registered medical practitioner” means a person registered under the Medical Board Act;

Chap. 29:50

“revenue laws” means the laws that are specified in the Schedule;

Schedule

“strategic plan” means a strategic plan or a revised strategic plan referred to in section 29.

5. This Act binds the State.

Act binds the State

## PART II

### TRINIDAD AND TOBAGO REVENUE AUTHORITY

6. (1) There is established as a body corporate, an authority to be known as the “Trinidad and Tobago Revenue Authority”. Establishment and powers of the Authority

- (2) The Authority shall have the power to—
- (a) sue and be sued, enter into contract with its corporate name, have a common seal and alter or change it at pleasure, have perpetual succession, acquire and hold real and personal property for the purposes for which the Authority is constituted, dispose of such property and to regulate its own procedure and business;
  - (b) require that judicial notice shall be taken of the corporate seal of the Authority, and that every document purporting to be a document sealed by the Authority and to be attested in accordance with the statutory provisions, if any, applicable to the attestation of documents so sealed shall, unless the contrary is proved, be received in evidence and be deemed to be such a document without further proof;
  - (c) vest in a majority of the members of the body the power, subject to the quorum fixed under this Act, to bind other members thereof;
  - (d) invest moneys, not immediately required to be expended in meeting any obligation or discharging any function of the Authority, in securities approved by the Minister; and
  - (e) borrow sums of money in accordance with section 24.
- (3) The Authority shall be an agent of the State.

Functions of the  
Authority

**7.** Subject to sections 9 and 17, the functions of the Authority are—

- (a) the assessment and collection of taxes under the revenue laws;
- (b) the administration of the revenue laws; and
- (c) the enforcement of the revenue laws.

## PART III

## BOARD OF MANAGEMENT OF THE AUTHORITY

8. (1) There is established a Board of Management of the Authority. Establishment and constitution of the Board

(2) The Board shall be appointed by the Minister and shall comprise nine members as follows:

- (a) a Chairman;
- (b) a Vice-Chairman;
- (c) a Permanent Secretary of the Ministry;
- (d) the Chief Executive Officer;
- (e) a person nominated by the Tobago House of Assembly; and
- (f) four other persons, at least two of whom shall be from the private sector.

(3) The members shall be selected from among persons who—

- (a) have the capacity and experience needed to oversee the management of a large and diverse organization; and
- (b) have qualifications or experience in finance, accounting, taxation, public administration, law or such other related field of expertise.

(4) A person, other than the Permanent Secretary and the Chief Executive Officer appointed under subsection (2), is disqualified from appointment as a member, if he—

- (a) is not ordinarily resident in Trinidad and Tobago;
- (b) is a member of Parliament, the Tobago House of Assembly or a municipal corporation;
- (c) is employed on a full-time basis as a public officer;

- (d) is an undischarged bankrupt or has compounded with his creditors;
- (e) has been convicted of an indictable offence or any offence involving dishonesty;
- (f) has, after being previously appointed as a member, been removed in accordance with this Act; or
- (g) has been certified by a registered medical practitioner to be mentally ill.

Functions and  
powers of the Board

**9.** (1) Subject to subsection (2), the Board shall be responsible for approving and ensuring the implementation of management policies in relation to—

- (a) the finances, real property and other assets and resources of the Authority, the securing of contracts, the procurement of goods and services and other administrative activities;
- (b) human resources, including those related to recruitment, remuneration, promotion, training and development, performance assessment, conditions of work, discipline, termination of employment and superannuation benefits;
- (c) service standards and performance targets;
- (d) a code of conduct for the employees of the Authority;
- (e) the strategic plan, budget and annual report of the Authority;
- (f) the mandate for collective bargaining and approving collective agreements in relation to the terms and conditions of employment of persons employed by the Authority;
- (g) probity in the use and allocation of resources;
- (h) the principles of good corporate governance procedures and practice; and
- (i) the internal audit of the Authority.

(2) In the exercise of its functions, the Board shall not be responsible for the functions of the Authority as specified in section 7 and shall not—

- (a) provide specific directions to the Chief Executive Officer or any employee of the Authority with respect to the functions of the Authority;
- (b) have access to any information concerning an individual or other person, whether or not incorporated, which may be obtained by the Authority as a result of the functions of the Authority; or
- (c) have access to any documents or other information concerning—
  - (i) legal actions instituted in the name of the Authority for the purpose of enforcing any of the revenue laws; or
  - (ii) legal actions brought against the Authority in relation to a function of the Chief Executive Officer under any of the revenue laws.

**10.** (1) In the exercise of the functions of the Board, every member shall— Duty of care and indemnity

- (a) act honestly and in good faith, with a view to the best interests of the Authority; and
- (b) exercise the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances.

(2) A member is not liable for breach of duty under subsection (1) if the member relies, in good faith, on—

- (a) the financial statements of the Authority represented in a written report by the Auditor General or an officer or employee of the Authority who is authorized to issue such a report as fairly reflecting the financial condition of the Authority; or

- (b) a report of an accountant, attorney-at-law or other professional person whose profession lends credibility to a statement made by them.

Disclosure of interests

**11.** (1) A member shall disclose any direct or indirect interest in a matter being considered or about to be considered by the Board by writing to the Board or by requesting to have entered in the minutes of the Board the nature and extent of the interest.

(2) Disclosure required by subsection (1) shall be made—

- (a) at the meeting of the Board at which the matter is first considered;
- (b) if the member did not then have an interest in the matter, at the first meeting of the Board after the member becomes interested;
- (c) if the member becomes interested after the decision is made, at the first meeting of the Board after the member becomes interested; or
- (d) if the member was interested in the matter before becoming a member, at the first meeting of the Board after becoming a member.

(3) Where a member has a direct or indirect interest in a matter and a decision on the matter is one that in the ordinary course of the business or activity of the Authority would not require approval by the Board, a member shall disclose in writing to the Authority or request to have entered in the minutes of a meeting of the Board the nature and extent of his interest as soon as the member becomes aware of the decision.

(4) A member referred to in this section shall recuse himself from participating in a matter in which he has an interest.

(5) A contract between the Authority and one or more members or between the Authority and another person of which a member is a director or an officer or in which a member has a direct or indirect interest, is neither void nor voidable by reason only of that relationship or by reason only that a member with a direct or indirect interest in the contract is present at or is counted to determine the presence of a quorum at a meeting of the Board that authorized the contract if the—

- (a) member disclosed the interest in accordance with subsection (2) or (3); and
- (b) contract was approved by the Board and it was reasonable and fair to the Authority at the time it was approved.

**12.** (1) The Minister may in writing, give the Board <sup>Power of the Minister</sup> policy directions in respect of the performance of its functions.

(2) The Board shall ensure the implementation of any directions given to it by the Minister in accordance with subsection (1).

**13.** The appointment of a member, other than the <sup>Tenure of office of members</sup> Permanent Secretary and the Chief Executive Officer, shall be on such terms and conditions as may be determined by the Minister.

**14.** (1) This section applies to all members, other <sup>Resignation and removal of members</sup> than the Permanent Secretary and the Chief Executive Officer appointed under section 8.

(2) A member may at any time resign his office in writing under his hand addressed to the Minister.

(3) The Minister may by written notice, remove a member from office if he—

- (a) becomes unable to perform the duties of his office;



- (b) is or has become disqualified from being appointed as a member under section 8(4);
- (c) discredits the Authority;
- (d) is declared or becomes bankrupt or insolvent;
- (e) is convicted of a criminal offence;
- (f) fails to fulfil the duties of his office; or
- (g) for any other sufficient cause.

(4) If a member dies, resigns, is removed from or otherwise vacates his office prior to the expiry of the term for which he has been appointed, the Minister shall appoint a person to hold or act in the vacant office of the member as soon as reasonably practicable.

(5) An appointment of a member under subsection (4) may be for the unexpired period of the term of office of the person in whose place he is appointed or for a new term of office.

(6) The Minister may appoint a person who is not a member to act as a member in the same capacity during any period when a member is absent from duty or from Trinidad and Tobago or is, for any other reason, unable to perform the duties of the office of member, and a person appointed to act during a vacancy shall not continue to act for more than six months.

(7) The Minister may terminate an appointment under subsection (6) at any time.

(8) Where a person is acting as a member and the office becomes vacant while the person is so acting, that person may continue so to act until the Minister otherwise directs, the vacancy is filled or a period of six months from the date on which the vacancy occurred expires, whichever occurs first.

**15.** (1) The Board shall meet at least once every month at such place and time as may be designated by the Chairman.

(2) At every meeting of the Board, the Chairman shall preside except that in the absence of—

(a) the Chairman, the Vice-Chairman shall preside; and

(b) the Chairman and the Vice-Chairman, the members present shall elect from among themselves a person to preside.

(3) The quorum of the Board shall be five members.

(4) Subject to section 11(4), each member is entitled to vote on any matter before the Board.

(5) The Board shall take its decision by a majority vote of the members present and in the event of a tie, the person presiding shall have a casting vote.

(6) No act or proceeding of the Board shall be invalid by reason only of the existence of a vacancy among its members or of any defect in the appointment of a member.

(7) Notwithstanding anything contained in this section—

(a) a member may, if all the other members consent, participate in a meeting of the Board by means of such telephone or other communication facilities as permit all persons participating in the meeting to hear each other, and a member participating in such a meeting by such means is deemed to be present at that meeting; and

(b) a resolution in writing signed by all members entitled to vote on that resolution at a meeting of the Board is as valid as if it had been passed at a meeting of the Board.

(8) The Board shall appoint an employee of the Authority to be its secretary, who shall—

- (a) make preparations for and attend meetings of the Board;
- (b) prepare and keep minutes of the proceedings of the Board; and
- (c) carry out such other duties as may be determined by the Board.

(9) The Board may establish its own rules to govern the conduct of its affairs and the rules shall be subject to the approval of the Minister.

#### PART IV

##### STAFF OF THE AUTHORITY

Appointment of Chief Executive Officer and Deputy Chief Executive Officer

**16.** (1) The Minister shall appoint the Chief Executive Officer and Deputy Chief Executive Officer of the Authority on terms and conditions determined by the Board and for terms not exceeding five years with eligibility for reappointment.

(2) The Chief Executive Officer and the Deputy Chief Executive Officer shall be persons who have demonstrated skill and experience in the area of tax or customs administration, corporate management or areas such as accounting, economics, law, business or other relevant fields, and who have a capacity to manage and direct large and complex organizations and who have an understanding of the welfare of employees.

(3) A person is disqualified from appointment as the Chief Executive Officer or the Deputy Chief Executive Officer if he—

- (a) is a member of Parliament, the Tobago House of Assembly or a municipal corporation;
- (b) is an undischarged bankrupt or has compounded with his creditors;

- (c) has been convicted of an indictable offence or any offence involving dishonesty; and
- (d) has been certified by a registered medical practitioner to be mentally ill.

17. (1) The Chief Executive Officer shall be responsible for— Functions of the Chief Executive Officer

- (a) the daily management and direction of the administration of the Authority;
- (b) the daily management and direction of the functions of the Authority as specified in section 7; and
- (c) advising the Minister, on his own initiative or at the request of the Minister, on any matter that could affect public policy or public finances and any other matter that the Minister considers could improve the effectiveness or efficiency of the administration or enforcement of the revenue laws.

(2) In the performance of his functions under—

- (a) subsection (1)(a), the Chief Executive Officer is subject to the general directions of the Board; and
- (b) subsection (1)(b), the Chief Executive Officer is subject to the general directions of the Minister.

(3) The Chief Executive Officer may in writing, delegate any of his functions or powers under the revenue laws to such officer of the Authority as he thinks fit.

18. (1) The Deputy Chief Executive Officer shall perform such duties as are assigned to him by the Chief Executive Officer. Duties of the Deputy Chief Executive Officer

(2) In the performance of his duties, the Deputy Chief Executive Officer shall be subject to the general and special directions of the Chief Executive Officer.

Resignation and  
removal of Chief  
Executive Officer or  
Deputy Chief  
Executive Officer

**19. (1)** The Chief Executive Officer or the Deputy Chief Executive Officer may at any time resign his office by letter addressed to the Minister.

(2) The Minister may, by written notice, remove the Chief Executive Officer or the Deputy Chief Executive Officer from office—

- (a) if he becomes unable to perform the functions of his office;
- (b) if he is or has become disqualified from being appointed to his office under section 16(4);
- (c) if he discredits the Authority;
- (d) if he is declared or becomes bankrupt or insolvent;
- (e) if he is convicted of a criminal offence;
- (f) if he fails to fulfil the duties of his office;
- (g) if he fails to comply with section 11(1); or
- (h) for any other sufficient cause.

(3) If the Chief Executive Officer or Deputy Chief Executive Officer dies, resigns, is removed from or otherwise vacates his office prior to the expiry of the term for which he has been appointed, a person shall be appointed in accordance with section 16 to hold or act in the vacant office, as soon as is reasonably practicable.

(4) An appointment of a person under subsection (3) may be for the unexpired period of the term of office of the person in whose place he is appointed or for a new term of office.

(5) The Minister may appoint a person to act as Chief Executive Officer or Deputy Chief Executive Officer during any period when the post is vacant or the holder of the office is absent from duty or from Trinidad and Tobago or is, for any other reason, unable to

perform the duties of the office of member, and a person appointed to act during a vacancy shall not continue to act for more than six months.

(6) The Minister may terminate an appointment under subsection (5) at any time.

(7) Where a person is acting as the Chief Executive Officer or Deputy Chief Executive Officer pursuant to an appointment under section 5 and the office becomes vacant while the person is so acting, that person may continue so to act until the Minister otherwise directs, the vacancy is filled, or a period of six months from the date on which the vacancy occurred expires, whichever occurs first.

**20.** The Board may, on such terms and conditions as it Employment of staff may determine, employ such persons as the Authority may require.

**21.** The Authority may enter into contracts for Employment for specific tasks services with persons for the performance of such tasks that the Authority considers necessary for the due performance of its functions and exercise of its powers under this Act, on such terms and conditions as are agreed between the Authority and the person.

**22.** The Board shall, within two years of the coming Establishment of pension fund into force of this Act, establish a pension fund for the benefit of all officers and employees of the Authority.

## PART V

### FINANCIAL PROVISIONS

- 23.** (1) The funds of the Authority shall comprise— Funds of the Authority
- (a) such moneys as may be appropriated by Parliament for the purposes of the Authority;
  - (b) with the approval of the Minister, moneys paid to the Authority by way of fees, fines,

grants, rent, interest and other income derived from the investment of the Authority's funds or the disposal of its property; and

(c) moneys borrowed by the Authority in accordance with this Act.

(2) The funds of the Authority shall be kept in such financial institutions as the Minister may approve.

(3) The funds of the Authority shall be applied in defraying the following expenditure:

(a) the expenses incurred in carrying out the functions of the Authority as specified in section 7;

(b) the remuneration, fees and allowances of members and of the persons appointed to committees established by the Board;

(c) the emoluments, allowances, fees and superannuation benefits of employees of the Authority;

(d) contributions to the pension fund referred to in section 22;

(e) fees for the services of consultants;

(f) capital and operating expenses, including expenses incurred in the maintenance and insurance of the property of the Authority;

(g) the making and maintenance of investments of the Authority;

(h) any other expenditure authorized by the Board in the discharge of the Authority's functions; and

(i) any sum authorized to be paid under a revenue law.

Power to borrow

**24.** (1) The Authority may, with the approval of the Minister, borrow sums required for meeting any of its obligations under this Act.

(2) The Minister may guarantee in such manner and on such conditions as he thinks fit, the payment of the principal and interest in respect of any borrowing of the Authority under this section

**25.** All public moneys collected by the Chief Executive Officer under the revenue laws shall be paid into the Exchequer Account at such times and in such manner as the Minister may direct.

Payment of public moneys into Exchequer Account

**26.** (1) The Exchequer and Audit Act applies to the Authority.

Application of Exchequer and Audit Act  
Chap. 69:01

(2) The Chief Executive Officer shall be a receiver of revenue for the purposes of the Exchequer and Audit Act.

**27.** (1) Subject to subsection (3), the Authority in pursuance of its functions, is exempt from the Central Tenders Board Act.

Exemption from Central Tenders Board Act  
Chap. 71:91

(2) The Board shall, subject to the Minister's approval, make rules relating to the award of tenders and contracts and those rules shall govern the conduct of the award of tenders and related matters.

(3) Until rules are made under subsection (2), the Authority shall follow the procedures detailed in the Central Tenders Board Act.

(4) Rules made under this section shall be subject to negative resolution of Parliament.

(5) Rules made under this section shall be available to any person on request and on payment of the prescribed fee.

**28.** The Authority, its assets, property, income and its operations and transactions authorized under any Act, shall be exempt from all taxation of every kind and

Exemption from taxes, etc.



description, including customs duties, corporation tax, value added tax, lands and buildings taxes, stamp duty, business levy and green fund levy.

Approval of  
strategic plan

**29.** (1) The Board shall prepare and submit annually to the Minister a strategic plan for the Authority.

(2) The Minister shall cause the strategic plan to be laid in Parliament within three months of receipt of same.

Budget proposal

**30.** In respect of each financial year, the Board shall prepare and submit to the Minister estimates of the Authority's—

(a) expected income, if any, arising from any source; and

(b) expected expenditure,

no later than three months before the commencement of the financial year.

Board to keep proper  
accounts

**31.** The Board shall—

(a) cause proper books, accounts and records to be maintained in accordance with internationally recognized accounting standards, principles and practices; and

(b) ensure that—

(i) all payments by the Authority are correctly made and properly authorized; and

(ii) adequate control is maintained over the management of assets and the incurring of liabilities.

Audit

**32.** (1) The accounts of the Authority shall be audited annually by the Auditor General.

(2) The Auditor General shall have access to all books of accounts, records, documents, assets and information held by the Authority.

(3) Subject to section 9(1)(e), nothing in subsection (1) precludes the Auditor General from performing a management or comprehensive audit of the operations and activities of the Authority.

(4) On completion of any audit of the Authority, the Auditor General shall immediately draw the attention of the Minister and the Board to any irregularity disclosed by the audit which, in the opinion of the Auditor General, is of sufficient importance to justify doing so.

(5) The Auditor General shall submit to the Minister and the Board a report on the results of the annual audit.

**33.** The Chief Executive Officer shall submit to the Monthly report Board and to the Minister a monthly report in respect of the revenue collected.

**34.** (1) The Board shall, after the submission of the Annual report Auditor General's Report, submit an annual report to the Minister in respect of the Authority.

(2) The Minister shall lay the annual report in Parliament within three months of receipt of the report.

## PART VI

### MISCELLANEOUS

**35.** (1) Before commencing the duties of his office, a Oath or affirmation of secrecy member shall take an oath, or make an affirmation of secrecy, to be administered by a Justice of the Peace, that he will faithfully and impartially exercise the functions of his office and that he will not, except in accordance with the provisions of the Integrity in Public Life Act, disclose any information received by him as a Chap. 22:01 member.

(2) A person who breaches the oath or affirmation of secrecy referred to in subsection (1)—

(a) commits an offence and is liable on

summary conviction to a fine of twenty-five thousand dollars and to imprisonment for five years; and

(b) is liable to have his contract of employment terminated.

Vesting of property

**36.** All assets and liabilities of the Government that are immediately prior to the coming into force of this Act, existing in relation to the functions of the Board of Inland Revenue or the Customs and Excise Division, shall upon the coming into force of this Act and unless specifically designated by the Minister, be vested in the Authority.

Savings

**37.** (1) Subject to the provisions of this Act, any right of any person, including a right of appeal, subsisting against the Board of Inland Revenue or the Comptroller of Customs and Excise immediately before the coming into force of this Act shall, on the coming into force of this Act, be treated as subsisting against the Chief Executive Officer in so far as that right relates to the duties of the Chief Executive Officer under any of the revenue laws.

(2) Any power, duty or function that, immediately before the coming into force of this Act, was vested in the Board of Inland Revenue or the Comptroller of Customs and Excise by virtue of any written law or under a contract, lease or other document, shall, on the coming into force of this Act, be transferred to the Authority.

(3) Any action, suit or other legal proceeding to which the Board of Inland Revenue or the Comptroller of Customs and Excise is a party that is pending in any court immediately before the coming into force of this Act, may, on the coming into force of this Act, be continued by or against the Chief Executive Officer.

- 38.** (1) A reference in any written law to—
- Consequential  
amendments
- (a) the Board of Inland Revenue or the Comptroller of Customs and Excise, however referred to, shall be construed as a reference to the Chief Executive Officer; and
- (b) the Customs and Excise Division, however referred to, shall be construed as a reference to the Authority.
- (2) Section 3 of the Income Tax Act is repealed. Chap. 75:01

**39.** The Minister may make regulations prescribing anything necessary or convenient for carrying out or giving effect to this Act. Regulations

**40.** The Minister may amend the Schedule by Order. Amendment to  
Schedule

#### SCHEDULE

(Section 40)

##### REVENUE LAWS

Provisional Collection of Taxes Act, Chap. 74:01

Rates, Taxes and Licences (Payment by Cheque) Act, Chap. 74:02

Rates and Charges Recovery Act, Chap. 74:03

Casual Revenue Act, Chap. 74:04

Income Tax Act, Chap. 75:01

Corporation Tax Act, Chap. 75:02

Unemployment Levy Act, Chap. 75:03

Petroleum Taxes Act, Chap. 75:04

Health Surcharge Act, Chap. 75:05

Value Added Tax Act, Chap. 75:06

Stamp Duty Act, Chap. 76:01

Stamp Duty (Special Provisions) Act, Chap. 76:03

Property Tax Act, 2009

Taxes Exemption Act, Chap. 76:50

Tax Information Exchange Agreements Act, Chap. 76:51

Miscellaneous Taxes Act, Chap. 77:01

Customs Act, Chap. 78:01

Customs Brokers and Customs Clerks Act, Chap. 78:03

Anti-dumping and Countervailing Duties Act, Chap. 78:05

Excise (General Provisions) Act, Chap. 78:50  
Liquor Licences Act, Chap. 84:10  
Income Tax (In Aid of Industry) Act, Chap. 85:04  
Tourism Development Act, Chap. 87:22  
Brewery Act, Chap. 87:52  
Spirits and Spirit Compounds Act, Chap. 87:54

Passed in the House of Representatives this        day  
of                    , 2010.

*Clerk of the House*

IT IS HEREBY CERTIFIED that this Act is one the Bill for  
which has been passed by the House of Representatives  
and at the final vote thereon in the House has been  
supported by the votes of not less than three-fifths of  
all the members of the House, that is to say, by the votes  
of                    members of the House.

*Clerk of the House*

I confirm the above.

*Speaker*

Passed in the Senate this        day of                    , 2010.

*Clerk of the Senate*

IT IS HEREBY CERTIFIED that this Act is one the Bill for  
which has been passed by the Senate and at the final  
vote thereon in the Senate has been supported by  
the votes of not less than three-fifths of all the members  
of the Senate, that is to say, by the votes  
of                    members of the Senate.

*Clerk of the Senate*

I confirm the above.

*President of the Senate*

No. 8 of 2010

THIRD SESSION  
NINTH PARLIAMENT  
REPUBLIC OF  
TRINIDAD AND TOBAGO

**BILL**

AN ACT to establish the Trinidad and  
Tobago Revenue Authority and for  
related matters

Received and read the

First time.....

Second time.....

Third time.....