
Second Session Tenth Parliament Republic of
Trinidad and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 2 of 2012

[L.S.]

AN ACT to provide for the variation of certain duties
and taxes, the introduction of other provisions of a
fiscal nature and related matters

[Assented to 29th February, 2012]

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

PART I
PRELIMINARY

1. (1) This Act may be cited as the Finance Act, 2012. Short title and
commencement

(2) Section 8(b) of Part VIII (National Insurance) and Part IX (Senior Citizens' Pension) of the Act have effect from 1st February, 2012.

(3) Part II (Retiring Allowances), Part IV (Prison Service) and Part XI (Fire Service) of the Act have effect from 1st October, 2011.

(4) Part V (Police Service) of the Act has effect from 1st October, 2010.

PART II

RETIRING ALLOWANCES

Chap. 2:03
amended

2. The Retiring Allowances (Legislative Service) Act is amended in section 6(1), by inserting after the words "of that person" wherever they occur, the words "or a monthly pension in the sum of three thousand dollars, whichever is the greater".

PART III

GAMBLING AND BETTING

Chap. 11:19
amended

3. The Gambling and Betting Act is amended—

(a) in section 28(3), by deleting the words "fifty thousand dollars" and substituting the words "two hundred and fifty thousand dollars"; and

(b) in section 36(5), by deleting the words "fifty thousand dollars and to imprisonment for six months" and substituting the words "two hundred and fifty thousand dollars and to imprisonment for two years".

PART IV

PRISON SERVICE

Chap. 13:02
amended

4. The Prison Service Act is amended by inserting after section 15 the following section:

15A. Notwithstanding any other provision in this Act and any other written law, the President, by Order, may grant a duty allowance to officers in the First Division and Second Division in the Prison Service."

PART V

POLICE SERVICE

5. The Police Service Act is amended by inserting after section 8 the following section: Chap. 15:01 amended

“Duty allowance 8A. Notwithstanding any other provision in this Act and any other written law, the President, by Order, may grant a duty allowance to officers in the First Division and Second Division in the Police Service.”

PART VI

REGISTRAR GENERAL

6. The Registrar General Act is amended by inserting after section 7 the following section: Chap. 19:03 amended

“Waiver of fees 7A. (1) Notwithstanding section 7, where the Government is required to pay fees under this Act, there shall be a waiver of the payment of those fees.

(2) This section has effect from 1st January, 2011.”

PART VII

MUNICIPAL CORPORATIONS

7. The Municipal Corporations (Pensions) Act is amended by inserting after section 14 the following sections: Chap. 25:05 amended

“Computation of pension in acting capacity prior to compulsory retirement 14A. (1) Where an officer who immediately prior to—

(a) the date of his compulsory retirement; or

(b) the date on which he proceeds on annual leave prior to the date of compulsory retirement,

has acted in a higher office for a period of three continuous years, that officer shall be eligible to have his pension, gratuity or other allowance calculated as if he were

confirmed in that higher office and for the purpose of computing such pension, gratuity or other allowance, he shall be deemed to be an officer to whom section 14(1)(a) of the Act applies.

(2) Where an officer who immediately prior to—

- (a) the date of his compulsory retirement; or
- (b) the date on which he proceeds on annual leave prior to the date of compulsory retirement,

has acted in a higher office for a period of twelve continuous months but less than three continuous years, that officer shall be eligible to have his pension, gratuity or other allowance calculated as if he were confirmed in that higher office during that period and for the purpose of computing such pension, gratuity or other allowance, he shall be deemed to be an officer to whom section 14(1)(c) of the Act applies.

Computation of pension on promotion following acting, prior to compulsory retirement

14B. Where an officer who is promoted to a higher office having acted in that higher office, retires compulsorily, and the period of acting together with his service in the office to which he has been promoted amounts to a period of not less than—

- (a) three continuous years, he shall be eligible to have his pension, gratuity or other allowance calculated as if he had held that higher office during the entire period and for the purpose of computing such pension, gratuity or other allowance, he shall be deemed to be an officer to whom section 14(1)(a) of the Act applies; and

(b) twelve continuous months but less than three continuous years, he shall be eligible to have his pension, gratuity or other allowance calculated as if he had held that higher office during that period and for the purpose of computing such pension, gratuity or other allowance, he shall be deemed to be an officer to whom section 14(1)(c) of the Act applies.

Commence-
ment 14C. Sections 14A and 14B have effect from 1st January, 2004.”.

PART VIII

NATIONAL INSURANCE

8. The National Insurance Act is amended—

Chap. 32:01
amended

(a) by inserting after section 39B the following section:

“Waiver of
penalties

39C.(1) Notwithstanding any written law to the contrary, there shall be a waiver of all penalties and interest due and payable under section 39B in respect of contributions outstanding as at September 16, 2011 by employers under this Act, where the contributions are paid during the period October 10, 2011 to June 30, 2012.

(2) The waiver under subsection (1) applies to—

(a) employers who were registered with the Board prior to October 10, 2011; and

(b) contributions due for periods on or before September 5, 2011 in respect of employees who were determined to be employed by the respective employer prior to October 10, 2011.

(3) The waiver under subsection (1) shall not affect the obligation of an employer to pay contributions in accordance with sections 38, 39, 39A and 39B.

(4) Where an employer fails to pay the outstanding contributions by June 30, 2012, the penalties and interest that would have been payable in respect of failure to pay the contributions shall be revived and become payable as if the waiver in subsection (1) had not been granted.”; and

(b) in section 54B—

(i) in subsection (5), by inserting after the words “7th January, 2008” the words “to 31st January, 2012”;

(ii) by inserting after subsection (5) the following subsection:

“ (5A) Notwithstanding the benefit rates in respect of retirement pension shown in Parts I and II of Table B4 of the Third Schedule of the Act, the Board shall pay with effect from 1st February, 2012 the sum of three thousand dollars monthly, as a pension to each person qualifying for or in receipt of a retirement pension of less than three thousand dollars under the Act.”; and

(iii) in subsection (6), by deleting the words “Subsection (5) applies” and substituting the words “Subsections (5) and (5A) apply”.

PART IX

SENIOR CITIZENS' PENSION

9. The Senior Citizens' Pension Act is amended by Chap. 32:02 amended inserting after section 3 the following section:

"Payment of pension in certain circumstances 3A. Notwithstanding any written law to the contrary, any person who immediately before 1st February, 2012 was in receipt of—

- (a) a retirement pension of two thousand dollars monthly under the National Insurance Act;
- (b) a pension under this Act; and
- (c) any other income,

shall be paid so much of his pension under this Act as would ensure that his total income will be not less than the total income he was in receipt of prior to 1st February, 2012.”.

PART X

PUBLIC ASSISTANCE

10. The Public Assistance Act is amended in section 11A— Chap. 32:03 amended

(a) in subsection (1)(c), by deleting the words “and not yet attained the age of sixty-five years”;

(b) by inserting after subsection (1), the following subsections:

“ (1A) Notwithstanding subsection (1)(b)(ii), the Board may consider and approve an application for disability assistance where the applicant had been absent from Trinidad and Tobago for a period exceeding six months in the aggregate for medical purposes.

(1B) An applicant for disability assistance under subsection (1A) shall provide the Board with satisfactory evidence in support of the application.”; and

(c) in subsection (4)—

(i) by deleting the semicolon at the end of paragraph (b) and substituting a full-stop; and

(ii) by deleting paragraph (c).

PART XI

FIRE SERVICE

Chap. 35:50
amended

11. The Fire Service Act is amended by inserting after section 19 the following section:

“Duty
allowance

19A. Notwithstanding any other provision in this Act and any other written law, the President, by Order, may grant a duty allowance to officers in the First Division and Second Division in the Fire Service.”.

PART XII

COUNCIL OF LEGAL EDUCATION

Chap. 39:50
amended

12. The Council of Legal Education Act is amended by inserting after section 9 the following section:

“Exemption
from motor
vehicles tax
Chap. 48:50

10. (1) Notwithstanding section 14 of the Motor Vehicles and Road Traffic Act and subject to subsection (2), all motor vehicles purchased by the Council for its own use shall be exempt from motor vehicles tax.

(2) Where the Council transfers ownership of a motor vehicle that is exempt from motor vehicles tax under subsection (1) within five years from the date of registration of the motor vehicle, the motor vehicles tax shall immediately become payable.”.

PART XIII

PETROLEUM PRODUCTION LEVY AND SUBSIDY

13. The Petroleum Production Levy and Subsidy Act is Chap. 62:02
amended
amended—

(a) in section 10(1)—

(i) by deleting the words “ten thousand dollars” and substituting the words “one hundred thousand dollars”;
and

(ii) by deleting the words “two hundred dollars” and substituting the words “two thousand dollars”;

(b) in section 17(1), by deleting the words “liable to a fine of ten thousand dollars” and substituting the following words:

“commits an offence and is liable on summary conviction to imprisonment for five years and one of the following fines:

(i) for volumes no \$500,000.00
greater than 40,000
litres

(ii) for volumes greater \$2,000,000.00; or
than 40,000 and no
more than 160,000
litres

(iii) for volumes greater \$6,000,000.00”; and
than 160,000 litres

(c) in section 18(1), by deleting the words “one thousand dollars and to imprisonment for six months” and substituting the words “ten thousand dollars and to imprisonment for two years”.

PART XIV

INCOME TAX

Chap. 75:01
amended

14.(1) The Income Tax Act is amended—*(a)* in section 8(1)—

(i) in paragraph *(y)*, by deleting the full stop and substituting a semicolon; and

(ii) by inserting after paragraph *(y)*, the following paragraph:

“(z) with effect from 1st October, 2011, the duty allowance paid to—

(i) an officer in the Prison Service;

(ii) an officer in the Fire Service; and

(iii) an officer, and other rank, a midshipman and a cadet in the Defence Force.”; and

(b) in section 28—

(i) in subsection (14A), by deleting the word “may” and substituting the word “shall”; and

(ii) in subsection (14B)—

(A) by deleting the words “and subject to subsection (14C)”; and

(B) in paragraph *(c)*, by deleting the word “employee” and substituting the word “employer”.

(2) Paragraph *(b)* of subsection (1) has effect from January 01, 2007.

PART XV
CORPORATION TAX

15. The Corporation Tax Act is amended by renumbering section 3 as section 3(1) and inserting after subsection (1) as renumbered the following subsections: Chap. 75:02
amended

“SME listed
company” (2) In the case of a SME listed company, the rate of tax shall be ten per cent for the first five years from listing on the Trinidad and Tobago Stock Exchange and thereafter at the rate of tax specified in paragraph 1 of the First Schedule where—

- (a) a minimum of twenty-five shareholders own a total of at least thirty per cent of the issued share capital of the company; and
- (b) capital is raised with the issuance of an initial public offering to be followed by a listing on the Trinidad and Tobago Stock Exchange no more than sixty days after allotment of the issue.

(3) In subsection (2), “SME listed company” means a Small and Medium Enterprise company listed on the Trinidad and Tobago Stock Exchange, namely a company whose—

- (a) minimum capital base comprising its issued share capital, retained earnings and amounts transferred from such issued share capital or retained earnings to a reserve account, is five million dollars;
- (b) maximum capital base comprising its issued share capital, retained earnings and amounts transferred from such issued share capital or retained earnings to a reserve account, is fifty million dollars; and
- (c) minimum number of shareholders is twenty-five members.”.

PART XVI

VALUE ADDED TAX

Chap. 75:06
amended

16. The Value Added Tax Act is amended—

- (a) in section 21(1), by deleting the words “two hundred thousand dollars” wherever they occur and substituting in each place the words “three hundred and sixty thousand dollars”;
- (b) in section 22(1) and (2), by deleting the words “two hundred thousand dollars” and substituting the words “three hundred and sixty thousand dollars”;
- (c) in section 23(2)—
 - (i) by deleting the words “thirty thousand dollars” and substituting the words “fifty thousand dollars”; and
 - (ii) by deleting the words “two years” and substituting the words “three years”;
- (d) in section 27(4), by deleting the words “three thousand dollars” and substituting the words “six thousand dollars”;
- (e) in section 28(4), by deleting the words “three thousand dollars” and substituting the words “six thousand dollars”;
- (f) in section 31(5), by deleting the words “five hundred dollars” and substituting the words “one thousand dollars”;
- (g) in section 36(4), by deleting the words “three thousand dollars” and substituting the words “six thousand dollars”;

(h) in section 38(5)—

(i) by deleting the words “fifteen thousand dollars” and substituting the words “thirty thousand dollars”; and

(ii) by deleting the words “one year” and substituting the words “two years”;

(i) in section 56—

(i) by deleting the words “fifteen thousand dollars” and substituting the words “fifty thousand dollars”; and

(ii) by deleting the words “one year” and substituting the words “three years”; and

(j) by repealing section 58 and substituting the following:

“Proceedings
for
prosecution
of offences 58. (1) Any proceedings under a law establishing summary jurisdiction which may be taken against any person in respect of any offence punishable under this Act, may, notwithstanding anything to the contrary in that law, be taken at any time—

(a) within three years from the date of the commission of the offence or within twelve months from

the date on which evidence sufficient in the opinion of the Board to justify the proceedings come to the knowledge of the Board, whichever period last expires; or

(b) where the person in question was outside Trinidad and Tobago at the end of the twelve month period referred to in paragraph (a), within twelve months from the date on which the person first arrives in Trinidad and Tobago thereafter.”

(2) For the purposes of this section, a certificate of the Board as to the date on which such evidence comes to the knowledge of the Board shall be conclusive evidence thereof.”.

PART XVII

STAMP DUTY

17. The Stamp Duty Act is amended—

(a) in section 2—

(i) by inserting in the appropriate alphabetical sequence, the following definitions:

““die” includes any plate, type, tool, implement, apparatus, appliance, device, process or

any part or combination thereof and any other means whatsoever, used by or under the direction of the Board for denoting—

- (a) any duty, or rate of duty;
- (b) the fact that any duty or rate of duty or penalty has been paid;
- (c) that an instrument is duly stamped or is not chargeable with any duty;
- (d) any fee; and

“impressed” includes any method of applying, producing or indicating a stamp on instruments or material by means of a die;” and

(ii) by deleting the definition of “stamp” and substituting the following definition:

“ “stamp” means—

- (a) any stamp, image, type, mark, seal, impression, imprint or perforation, whatsoever, impressed by means of a die;
- (b) any receipt in whatever form issued by or under the direction of the Board; or

(c) an adhesive stamp issued by or under the direction of the Board,

for denoting any duty or fee;” and

(b) by inserting after section 14, the following section:

“Validation
of certain
instruments

14A. Notwithstanding any law to the contrary, any instrument purporting to have been stamped as required by this Act on or after 1st January, 1991 shall be deemed, for the purposes of this Act, to have been lawfully stamped.”.

PART XVIII

MISCELLANEOUS TAXES

Chap. 77:01
amended

18. The Miscellaneous Taxes Act is amended—

(a) in section 64, by inserting after the word “reforestation”, the words “, environmental education and public awareness of environmental issues”; and

(b) in section 65B(2), by inserting after the word “reforestation”, the words “, environmental education and public awareness of environmental issues”.

PART XIX

CENTRAL BANK

Chap. 79:02
amended

19. The Central Bank Act is amended in section 44E—

(a) in subsection (5)(a), by inserting after the words “publication of a notification under” the words “paragraph (b) or”;

(b) in subsection (7)—

(i) by inserting after the words “High Court”, the words “and to Parliament,”; and

(ii) by deleting the words “subsection (5)(a)” and substituting the words “subsection (5)(b)”;

(c) by inserting after subsection (8), the following subsection:

Chap. 7:09

“ (9) No time shall run in relation to any period of limitation prescribed by the Limitation of Certain Actions Act or any other written law relating to the limitation of actions, proceedings or the enforcement of any judgment or order, from the date of the publication of a notification under section 44E(1) to the date of the publication of a notification under section 44G(1) or section 44E(5)(b), whichever is the earlier.”.

PART XX

COMPANIES

20. The Companies Act is amended—

(a) in section 516, by deleting the words “one hundred dollars for every month” and substituting the words “five hundred dollars for every year”; and

Chap. 81:01
amended

(b) by inserting after section 516 the following section:

“Waiver of penalties

516A.(1) Notwithstanding any written law to the contrary, there shall be a waiver of all penalties due and payable under sections 156(5) and 516 on the failure to deliver or to file with the Registrar any document required to be delivered or filed under this Act, where the documents are delivered to or filed with the Registrar during the period October 10, 2011 to December 31, 2012.

(2) The waiver granted under subsection (1) shall not affect the obligation of a person or company, including an external company, to file or deliver any document to the Registrar or to pay fees in respect of any document that is filed or delivered in accordance with sections 156 and 516.

(3) Where a person or company, including an external company fails to file or deliver to the Registrar by December 31, 2012 any document or fails to pay fees in respect of any document that is required to be filed or delivered under this Act, the penalties that would have

been payable in respect of such failure shall be revived and become payable as if the waiver in subsection (1) had not been granted.”.

PART XXI

FISCAL INCENTIVES

21. The Fiscal Incentives Act is amended in section 2^{Chap. 85:01 amended} in the definitions of—

(a) “approved product” by inserting after the words “a product” the words “or service”; and

(b) “industry”—

(i) in paragraph (a), by deleting the word “and”;

(ii) in paragraph (b)(iii), by inserting after the words “or shrimping;” the word “and”; and

(iii) by inserting after paragraph (b)(iii), the following paragraph:

“(c) information services and processing.”.

Passed in the House of Representatives this 8th day of February, 2012.

J. SAMPSON-MEIGUEL
Clerk of the House

Passed in the Senate this 14th day of February, 2012.

N. ATIBA-DILCHAN

Clerk of the Senate

Senate amendments were agreed to by the House of Representatives on the 17th day of February, 2012.

J. SAMPSON-MEIGUEL

Clerk of the House