

No. 2] *Income Tax (Amendment) Act* [2009.

I ASSENT

[L.S.]

PEARLETTE LOUISY,
Governor-General.

January 5, 2009.

SAINT LUCIA

No. 2 of 2009

AN ACT to amend the Income Tax Act, Cap. 15.02.

[19th January, 2009]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Assembly and the Senate of Saint Lucia, and by the authority of the same, as follows :

No. 2] *Income Tax (Amendment) Act* [2009.

Short title

1. This Act may be cited as the Income Tax (Amendment) Act 2008.

Interpretation

2. In this Act “principal Act” means the Income Tax Act, Cap. 15.02.

Amendment of section 2

3. Section 2 of the principal Act is amended by —

(a) inserting in the definition of the word “assessment” under paragraph (a), the following sub-paragraph (iv);

“(iv) of the tax due and payable in accordance with sections 76,77,78 or any other section where a determination of the tax due and payable is to be made; and;”

(b) deleting the word “and” appearing in paragraph (a)(iii).

Amendment of section 25

4. Subsection (1) of section 25 of the principal Act is amended by deleting paragraph (c) and substituting the following:

“(c) the official emoluments payable by —

(i) any international organization of which Saint Lucia and one or more other countries are member; or

(ii) any other Government,

in connection with the provision of any technical co-operation services, to the extent and subject to such conditions as may be prescribed by any enactment or in any agreement or memorandum of understanding entered into by the Government;”.

Amendment of section 54

5. Subsection (4) of section 54 of the principal Act is amended by inserting the words “situated in Saint Lucia that is” after the word “house” appearing between the words “dwelling” and “occupied”.

Amendment of section 63

6. Section 63 of the principal Act is amended by adding immediately after subsection (18) the following subsection (19) —

“(19) Where in any year of income a resident individual makes payments to an approved pension fund he or she is entitled to a deduction which shall not exceed \$8,000.00.”.

Amendment of section 68

7. Section 68 of the principal Act is amended by deleting the words “section 68” and substituting the words “section 67”.

Amendment of section 72

8. Subsection (2) of section 72 of the principal Act is amended by deleting the words “Schedule 2” wherever it appears and substituting the words “Schedule 4”.

Amendment of section 97

9. Section 97 of the principal Act is amended by deleting subsection (3) and substituting the following:

“(3) Where —

- (a) a person fails to furnish a return of income;
- (b) a person fails to furnish a return in accordance with —
 - (i) Schedule 3;
 - (ii) Schedule 4;
 - (iii) section 72 or any other section for which a return is required to be furnished;
- (c) the Comptroller is not satisfied that the return furnished by any person is true and correct;

the Comptroller may make an assessment to the best of his or her judgement.”.

Amendment of section 131

10. Section 131 of the principal Act is amended by inserting immediately after subsection (3) the following subsection (4) —

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“(4) The penalties in this Division of this part may be imposed by the Comptroller.”.

Amendment of section 136

11. Section 136 of the principal Act is amended by —

- (a) renumbering the section as subsection (1);
- (b) inserting the following subsection (2) immediately after subsection (1) –

“(2) Where an employer fails to furnish the return in accordance with Schedule 4, he or she is liable to pay a penalty of five hundred dollars for every month that the return remains unfurnished.”.

Amendment of Schedule 4

12. Paragraph 12 of Schedule 4 of the principal Act is amended by deleting the word “Monthly” where it appears in the heading and substituting the word “Annual”.

Passed in the House of Assembly this 16th day of December, 2008.

ROSEMARIE HUSBANDS-MATHURIN,
Speaker of the House.

Passed in the Senate this 23rd day of December, 2008.

GAIL V. PHILIP,
President of the Senate.