

**M O N T S E R R A T**

**NO. 8 OF 2008**

**TAX AMNESTY BILL 2008**

**ARRANGEMENT OF SECTIONS**

SECTION

1. Short title and commencement
2. Definitions
3. Application for amnesty
4. Scope of amnesty
5. Non-qualifying taxes
6. Withdrawal of amnesty

Schedule

I ASSENT

Peter Waterworth  
Governor

DATE: 25.11.08

**MONTserrat****NO. 8 OF 2008****AN ACT TO PROVIDE FOR AN AMNESTY IN RESPECT OF INCOME TAXES AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH.**

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council of Montserrat and by the Authority of the same as follows—

**Short title and Commencement**

1. This Act may be cited as the Tax Amnesty Act, 2008 and shall come into force on such date as the Governor in Council may, by Order appoint.

**Definitions**

2. For the purposes of this Act any word or expression to which a meaning has been assigned in the Income and Corporation Tax Act, bears (having regard to the context within which such word or expression is used) the meaning so assigned, and—

- (i) "amnesty" means the relief contemplated in section 4;
- (ii) "amnesty period" means the period from the date of commencement of this Act until 31<sup>st</sup> December 2009;
- (iii) "Comptroller" means the Comptroller of Inland Revenue;
- (iv) "qualifying person" means any person who on 1 January, 2007 was liable to pay tax and who owes Income Tax for the year 2005 and before and is liable to pay tax under the provisions of the Income and Corporation Tax Act.

**Application for amnesty**

3. (1) Any qualifying person may within the amnesty period apply for amnesty in terms of this Act.

(2) An application for amnesty shall be made in writing to the Comptroller and shall be accompanied by an undertaking by the qualifying person concerned that such person will comply with such provisions of the law as relate to such person's liability for Income tax in respect of the year of assessment commencing on 1 January, 2007.

(3) The undertaking referred to in subsection (2) shall be in the Form set out in the Schedule to this Act.

**Scope of amnesty**

4. Subject to the provisions of section 5, any qualifying person who has made an application under section 3 shall—

- (a) not be liable for the payment of twenty five (25%) percent of the basic tax due in respect of any year of assessment ending before 1 January 2007;
- (b) not be liable for the payment of any interest due in respect of the late payment of any qualifying tax referred to in section 3, in so far as such interest is due in respect of a period ending not later than the last day of the amnesty period;
- (c) not be liable for any penalties in respect of the non-payment or late payment of any tax referred to in paragraph (a) or (b); and
- (d) not be subject to criminal prosecution for offences committed in relation to any tax referred to in paragraph (a) or (b).

**Non-qualifying taxes**

5. The amnesty shall not apply to any tax, interest or penalty—

- (a) which was paid by the qualifying person; or
- (b) which is payable or becomes payable in consequence of any return or information furnished by the qualifying person or any representative of such person to the Comptroller after 1 January 2006, or in consequence of an investigation into the affairs of the qualifying person commenced by the Comptroller before that date and of which the qualifying person or any representative of such person was aware.

**Withdrawal of amnesty**

6. An amnesty granted to any qualifying person shall be withdrawn—

- (a) if such person wilfully makes any default in complying with the undertaking referred to in section 3(2); or
- (b) if, without reasonable grounds, such person fails to pay any tax contemplated in section 3 which is due by such person—
  - (i) within a period of 3 months after the end of the amnesty period; or
  - (ii) where such person has agreed to pay such tax within a shorter period, within such shorter period.



Signed by Comptroller of )  
Inland Revenue this )  
this day of ) .....  
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Witness (Signature & Name)

Joseph Meade  
Speaker

Passed the Legislative Council this 21st day of October, 2008.

Judith Jeffers  
Clerk of Councils

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