

BELIZE:

TAX ADMINISTRATION AND PROCEDURE
(AMENDMENT) ACT, 2019

ARRANGEMENT OF SECTIONS

1. Short title.
2. Repeal of section 102.
3. Amendment of section 106.
4. Amendment to Schedule V.



No. 24 of 2019

I assent,

(SIR COLVILLE N. YOUNG)
Governor-General

23rd December, 2019

AN ACT to amend the Tax Administration and Procedure Act, Act No. 8 of 2019; to provide for the liability of persons who have obtained a tax benefit by engaging in certain activities; and to provide for matters connected therewith and incidental thereto.

(Gazetted 28th December, 2019).

BE IT ENACTED, by and with the advice and consent of the House of Representatives and the Senate of Belize and by the authority of the same, as follows:—

1. This Act may be cited as the

Short title.

TAX ADMINISTRATION AND PROCEDURE
(AMENDMENT) ACT, 2019,

Act No. 8 of
2019.

and shall be read and construed as one with the Tax Administration and Procedure Act, which is hereinafter referred to as the principal Act.

Repeal of
section 102.

2. Section 102 of the principal Act is repealed.

Amendment of
section 106.

3. Section 106 of the principal Act is amended by inserting after subsection (8) the following new subsections—

“(9) If the Director General is satisfied that a scheme has been entered into or carried out and—

(a) a person has obtained a tax benefit in connection with the scheme in a manner that constitutes a misuse or abuse of the provisions of a tax law; and

(b) having regard to the substance of the scheme, it would be concluded that the person, or one of the persons, who entered into or carried out the scheme, did so for the sole or dominant purpose of enabling the person to obtain the tax benefit,

the Director General may, in making an assessment, determine the liability of the person who has obtained the tax benefit as if the scheme had not been entered into or carried out, or in such manner as the Director General considers appropriate for the prevention or reduction of the tax benefit.

(10) For the purposes of determining a person’s liability under sub-section (9), and for the purposes of ensuring the prevention or reduction of the tax benefit, the Director General may do any of the following—

(a) treat a particular event that actually happened as not having happened;

- (b) treat a particular event that did not actually happen as having happened and, if appropriate, treat the event as—

 - (i) having happened at a particular time; and
 - (ii) having involved particular action by a particular person;
- (c) treat a particular event that actually happened as—

 - (i) having happened at a time different from the time it actually happened; or
 - (ii) having involved particular action by a particular person (whether or not the event actually involved any action by that person).

(11) For the purposes of sub-sections (9) and (10)–

“scheme” includes a course of action and an agreement, arrangement, promise, plan, proposal, or undertaking, whether expressed or implied and whether or not legally enforceable; and

“tax benefit” includes a reduction or deferral in the liability of a person to pay tax, or an increase in the entitlement of a person to a refund.”.

4. Schedule V of the principal Act is amended–

Amendment to
Schedule V.

- (a) in paragraph 2(a) by deleting the number “31”; and
- (b) in paragraph 2 by inserting after sub-paragraph (b) the following sub-paragraph–

“(bb) Section 31 is amended by repealing subsections (2A), (5), (6) and (7);”.