



## **Speaking Notes By**

**The Hon. Colm Imbert, Minister Of Finance**

**In The House Of Representatives On**

**Friday March 2<sup>nd</sup>, 2018**

**On**

**The Property Tax (Amendment) Bill, 2018**

**And**

**Valuation Of Land (Amendment) Bill, 2018**

Madam Speaker, I wish to move that the Property Tax (Amendment) Bill, 2018 (PT (Amendment) Bill) {PTA} and the Valuation of Land (Amendment) Bill, 2018 (VL (Amendment) Bill) {VLA} standing in my name be read and debated together. You may recall that the Minister of Planning and Development, the Honourable Camille Robinson-Regis had signaled on February 2, 2018 our intention to debate both Bills as a package. Madam Speaker, there is benefit in such an approach given that the provisions of

both Bills are complementary in facilitating the valuation and tax assessment of properties in Trinidad and Tobago.

## **HISTORY**

Madam Speaker, you may not be aware that as at December 31, 2009 there was a convulsion of legislation governing the taxation of property in Trinidad and Tobago. The legislation at that time was the *Lands and Buildings Taxes Act, Chap. 76:04 (L&BT Act)*, enacted in 1920, *Part V of the Municipal Corporations Act, Chap. 25:04 (Part V, MCA)*, brought into operation in 1996, *Valuation of Land Act, Chap. 58:03 (VLA)*, which commenced in 1970 and *Taxes Exemption Act, Chap. 76:50* brought into force in 1902. The result of all this legislation was a system that was outdated, inefficient and lacking in equity.

Madam Speaker, permit me to give you some examples of the inefficiencies and inequity that existed in the system. The L&BT Act governed Tobago and nine Municipal Corporations (Diego Martin, San Juan/Laventille, Tunapuna/Piarco, Sangre Grande, Couva/Tabaquite/Talparo, Siparia, Debe/Penal, Princes Town, Rio Claro/Mayaro) but excluded Cities and Boroughs (Port of Spain, San Fernando, Point Fortin, Arima and Chaguanas). In light of this, **Assessment**

**Rolls** with information on valuation and taxation of property and required under the L&BT Act were created for Tobago and the relevant Municipal Corporations.

Madam Speaker, the Part V, MCA, on the other hand, governed all the Municipal Corporations including Cities and Boroughs but excluded Tobago given that Tobago is not covered by the MCA but has its own governing legislation in the *Tobago House of Assembly Act, Chap. 25:03*. The information for valuation and taxation of property under Part V, MCA was located in **House Rate Books** which were only created for the Cities and Boroughs. The VLA however, governed all the Municipal Corporations (including Cities and Boroughs) and Tobago. Madam Speaker, as I stand on my feet before you today there has never been a Valuation Roll created under the VLA.

Madam Speaker, you may also not be aware that with the eventual creation of House Rate Books for all Municipal Corporations including Cities and Boroughs (since that was the aim of the MCA), the L&BT Act and by extension the Assessment Rolls would no longer have applied to such

Corporations. The result would have been the MCA governing Trinidad but the L&BT Act governing Tobago.

Madam Speaker, the various pieces of legislation in place at that time allowed for inequity in the regime existing for the taxation of property. If I may be permitted to explain. Firstly, there were significant disparities in the valuation dates and by extension valuation rates. It is likely Madam Speaker that the last global valuation of property in the nine regional corporations and Tobago was conducted in 1948. There were some valuations conducted in 1990. In the Boroughs which were governed by the MCA more recent valuations were done between 1975, in the case of Port of Spain; 2004, in the case of San Fernando and 2008, in the case of Point Fortin. The valuation for properties for the whole of Trinidad and Tobago is outdated and the list of assessed properties is incomplete.

Madam Speaker, the truth of the matter is that the valuations that were to be done under the various pieces of legislation were not conducted as was required. The Councils under the Cities and Boroughs conducted valuations at various times. On the hand valuations for property under the L&BT Act lagged considerably behind those done by the Councils. The result is a

plethora of valuations for property in the country that did not reflect the true value of property. Madam Speaker, I made mention in my 2018 Budget Statement that *“over the years, as property values increased, as reflected in various transactions such as the sale, lease, development, disposal and acquisitions generally, property taxes did not keep pace with these updated property values. The time has come when property owners must begin to contribute a share of these benefits to assist in financing the country’s development.”*

Madam Speaker, in addition to the valuation dates and rates there were differences in the tax rates. Under the L&BT Act, a flat tax rate was applied on land. The rate was \$10 per acre on land zero to 10 acres, \$15 per acre on the next 11 acres to 100 acres of land and \$20 per acre or part thereof for land over 100 acres. Madam Speaker, on every building, a flat annual tax of 96 cents was applied where the annual taxable value did not exceed \$24. Alternatively, an annual tax rate of 7 1/2 per cent was applied where the annual taxable value exceeded \$24.

Madam Speaker, the rate of tax was significantly different for property under the Part V, MCA. The tax rates included:

<b>Area</b>	<b>Residential</b>	<b>Commercial</b>	<b>Industrial</b>	<b>Agricultural</b>
Port of Spain	10	10	10	N/A
San Fernando	8	8	8	N/A
Arima	10	10	6	N/A
Point Fortin	2	2.5	6	2
Chaguanas	10	10	10	10

Madam Speaker, another crucial element in respect of the legislation as at December 31, 2009, was the basis on which land was valued which differed among the legislation. Under the L&BT Act, as I mentioned previously, land carried a flat tax rate which required no valuation of the land. The valuation was done on buildings separately from land on the annual rental basis. Under the L&BT Act any building or machinery and plant housed in the building was valued at 6 per cent of the present capital value.

Madam Speaker, under the MCA, which departed from the L&BT Act, land, building and machinery and plant carried the term rateable

hereditament and were valued as one unit on the annual rental value basis. The VLA however, allowed for the valuation of land, building and machinery and plant to be valued as a unit but only on the site or improved value basis.

Madam Speaker, the effect of the preceding was that a house, for example, in one of the nine Municipal Corporations would have been valued and taxed differently from one located in one of the Cities or Boroughs though similarly constructed. The taxes were paid to two different entities. Under the L&BT Act taxes were paid to the Board of Inland Revenue (BIR) and under the MCA taxes were paid to the Corporations.

Madam Speaker, it is against this back drop that a decision was made to revamp the old system and bring into force a new regime for taxation of property on January 1, 2010. On that day the *Property Tax Act, Chap. 76:04 (PTA)* and the amendments to the VLA came into force. The new regime put in place a central valuation system under the VLA, a central taxation system and central collection of tax system under the PTA. In this regard, the Commissioner of Valuations (COV) is charged under the VLA with the responsibility of valuing all lands on an annual rental basis and can also

value land on a capital, site and improved value basis for the purpose of property tax. The BIR on the other hand has the responsibility to assess to tax and collect the tax on property. The rates of tax are uniform based on property type, that is, for residential 3 per cent, commercial 5 per cent, industrial – plant and machinery housed in a building 6 per cent, plant and machinery not house in a building 3 per cent and agricultural 1 per cent.

### **WHY AMEND THE PTA AND VLA**

Madam Speaker, it is no secret that it is the position of this Government to implement an equitable, fair and transparent property tax regime as provided under the PTA and VLA. For one thing, in a time when this country is strapped for cash the property tax provides a source of approximately \$1.0 billion in revenue which is needed for the purpose of development and recurrent expenditure. In a move to implement the regime, we have observed that there are certain provisions under the two pieces of legislation that would require amending to accommodate ease of efficient administration. Madam Speaker, you may recall that in my 2017 Budget Statement I signaled that there would be need to make amendments to the

legislation. The Bills before you this afternoon make good the intent expressed in my 2017 Statement.

## **AMENDMENTS TO VLA**

Madam Speaker, I will now turn my attention to the amendments proposed under the VLA. This VLA (Amendment) Bill, as I said previously, will make a number of amendments to the VLA in order to rectify deficiencies needed to implement the Act. The Bill contains nineteen (19) clauses.

Madam Speaker, it is not my intention to speak in detail to all the clauses in light of the fact that some are merely what I would call clean-up clauses. I therefore will address the more salient amendments. In addition, Madam Speaker, it is also not my intention to treat with the clauses sequentially.

**Clause 1** of the Bill provides for the short title of the Act cited as the *Valuation of Lands (Amendment) Act, 2018 (VL (Amendment) Act)*.

**Clause 2** of the Bill will allow for the interpretation of certain words used in the VLA (Amendment) Act.

## **Creation of the Valuation Roll**

### **A New Return**

Madam Speaker, the first step in the implementation of the property tax regime is the building of an accurate valuation roll. The VLA under **section 6** provides that an owner of land is to provide a return of land to the COV. Madam Speaker, simply put the information requested in the present return at **Schedule II** in the Act is insufficient to allow the COV to do an initial due diligence on the property to be valued. Madam Speaker, by way of example, the present return does not treat, if at all, with information on commercial and industrial building rental nor does it deal with land only rental. It was necessary to revisit the contents of the return with a view to providing as much up-front information as possible to the COV. This of course would not prejudice the COV from requesting further information given that the COV has the power to obtain information under **sections 27 and 29** under the VLA. Madam Speaker, **Clause 19** deletes the existing Schedule and substitutes a new one.

Madam Speaker, **Clause 5** provides for amendments made to **section 6 VLA** as it pertains to the return. The clause provides that the Minister can

amend the Schedule by Order. In addition, the fine when a person willfully commits an offence as it relates to return has been increased from \$500 to \$5,000.

### Definition of Owner

Madam Speaker, in creating the valuation roll determining the owner of the property to be valued is critical. This is information that forms part of the roll. In addition, Madam Speaker, the term “owner” is littered throughout the VLA and is also linked to the PTA. When reviewing both the VLA and the PTA it was recognized that the two pieces of legislation carried two different definitions for “owner”. Madam Speaker, in light of this, it was necessary to amend **section 2** of the VLA by deleting the definition of “owner” and substituting a new definition so that the definition of owner would be in conformity with the PTA. The definition under the PTA it was felt would reduce the potential for interpretation issues that may be faced by the Commissioner of Valuation (COV) in the implementation process. This amendment, Madam Speaker, is found at **Clause 3(a)(iv)** of the Bill.

## **Basis of Valuation**

Madam Speaker, I will now treat with certain clauses that provide for the basis of a valuation.

Madam Speaker, firstly, the VLA provides definitions for land and various types of land like industrial, commercial and residential land. The VLA was silent on the treatment of condominiums, town houses and multiple owner commercial units which do not fall into the definitions of the other types of land. **Clause 3(c)** therefore amends **section 2 VLA** by inserting a new **subsection (5)** to explain how a valuation would be conducted for town houses and condominiums and multiple owner commercial units. The subsection deems buildings such as these as land for the purpose of liability to tax.

Madam Speaker, **Clause 6** of the Bill would seek to insert a new section 7 which provides for the COV to record an annual rental value of land as the annual rental value of land where he determines on the basis of a return submitted under section 6 that the annual rental value of land is less than eighteen thousand dollars (\$18,000). Madam Speaker, this will in some

respects reduce the burden on the COV to dedicate resources to visiting lands for the purpose of conducting a valuation.

Madam Speaker, **Clause 8** of the Bill would seek to amend **section 13** of the VLA to empower the COV to not only revalue land where it is believed to be overvalued but also where it is under-valued.

### **Valuations and Notice of Valuations in Effect**

Madam Speaker, **Clause 6** inserts a new clause 7A that would require the COV where that person is of the view that more than fifty per cent of all lands in Trinidad and Tobago has been valued to notify the Minister who would by Order then declare that the valuations are in effect. Madam Speaker, **Clause 10** allows for a consequential amendment to section 17 VLA which requires that a person in possession of land be notified of a valuation of land. The notice may not be given before the Minister, instead of the President, by Order declares the valuation in effect.

Madam Speaker, section 9 of the VLA provides for fresh valuations five years from the date of the last valuation recorded on the Valuation Roll. **Clause 7** of the Bill seeks to amend section 9 VLA to allow the Minister

instead of the President to set the date when fresh valuations would be conducted.

Madam Speaker, the owner of land is required, where there is a revaluation of land under section 13, to be notified of such a valuation. The VLA now provides only for notification by registered post. **Clause 8** allows for a different type of service of notice including personal delivery or by normal post to the owner of land rather than simply registered post. Section 13(3) sets up the machinery for notice to have been deemed served on persons residing in and out of Trinidad and Tobago.

### **Objection to Valuation**

Madam Speaker, **Clause 11** of the VL (Amendment) Bill will amend **section 19** VLA to list six other areas of objections to a valuation that could be heard by the COV. Madam Speaker, the list that is now being included was provided for under the PTA. On review of the legislation it was felt that matters like an objection on the basis that the annual rental value of any land appearing in the Valuation Roll is incorrect or unfair having regard to other

annual rental values in the Roll were best placed in the VLA. In this regard, the list of objections under the PTA will now be found under the VLA.

### **Appeal Process**

Madam Speaker, the VL (Amendment) Bill introduces a new appeal process against decisions of the COV from an objection. The Bill also provides for a recourse even if the COV fails to determine an objection. The law as it stands allows for appeals to the Tax Appeal Board and then the Court of Appeal. The first step in the new process is that there is an extra-judicial appeal to a Valuation Tribunal (Tribunal). Further appeals would be to the High Court.

**Clause 15** of the Bill inserts a new **Part IIIA** immediately before **Part IV** to introduce the Tribunal and all the elements that go with a Tribunal. Madam Speaker, I wish to draw your attention to the fact that the functions of the Tribunal are not only to hear appeals in respect of the decisions of the COV but also include adjourning proceedings before it to allow the parties to negotiate between themselves with a view to arriving at amicable settlements of objections (**section 25G(1)(a) and (b) of the VLA**).

Madam Speaker, the thinking on introducing a Tribunal is simply to see if we can have the parties avoid litigation which can be costly, time consuming and acrimonious. This, Madam Speaker, as you are aware is in keeping with the general tone of our Court system espoused in the civil proceedings rules, 1998. Many matters before our courts today are being guided toward mediation and negotiating of settlements. It is only after having done all that is necessary in this regard, and the parties fail to come to mutual agreement, then there will be no choice but to litigate the matter. At that time they can proceed to the High Court and so on.

Madam Speaker, there is a particular point that has been introduced into the public domain and it has to do with the role of the Minister of Finance vis-à-vis any perceived influence that such a person can have over the work of the Tribunal. There is only one thing I want to say on this matter, and that is, even though under the new section 25A(3) members of the Tribunal will be appointed by the Minister, you may wish to note that under the new section 25G(2) of the VLA, the Minister will not be able to give directions to the Tribunal in respect of any particular application or proceeding that may come before the Tribunal.

In light of the new **Part IIIA**, there is cause to provide for consequential amendments to the VLA. In **Clause 3** the definition for the word “appeal” has been deleted and a new definition substituted allowing for appeals to the Tribunal and to the High Court. In addition, the definition of “Tax Appeal Board” has been deleted and replaced by a definition for “Valuation Tribunal”.

**Clause 12** of the Bill inserts a new **section 20(3)** of the VLA to allow a person to appeal to the Tribunal in the case where the COV fails to determine the objection 12 months after service of notice of objection on the COV. **Clauses 13 and 14** amend **sections 21 and 22** of the VLA to replace the term “Tax Appeal Board” with “Valuation Tribunal” where ever appearing. In addition, the words “Court of Appeal” are replaced by “High Court”.

### **Miscellaneous**

Madam Speaker, **Clause 16** of the Bill seeks to amend section 26 of the VLA to empower the Minister to prescribe fees by Order for extracts of particulars from the valuation roll that may be requested by any person.

Madam Speaker, section 27 of the VLA empowers the COV to obtain information for the purposes of the VLA. **Clause 17** of the Bill will amend

section 27 to allow the COV to obtain information also for the purpose of the PTA.

In obtaining the information, the COV was empowered to require any person to attend and give evidence before him. Section 27(3) allowed any person appearing before the COV to have his reasonable expenses paid out of public funds. Madam Speaker, this provision will be repealed under **Clause 17**.

Madam Speaker, a new subsection (3) is being introduced to provide that the Notice for attendance of witnesses before the COV should be sent to the person directly or his agent or attorney or by being sent by registered post.

Madam Speaker, Section 32 provides that any person who refuses to attend or give evidence before the COV is liable on summary conviction to a fine of \$5,000. **Clause 18** of the Bill would amend section 32(2) to provide that a person shall not be convicted unless service of notice to attend before the COV is served not only personally but can also be served on his agent, attorney or by registered post.

## **Clean-up Provisions**

Madam Speaker, at this time I would just like to draw your attention to certain clean-up provisions to the VLA done in the Bill.

**Clause 3** amends section 2 of the VLA by:

1. deleting the definitions “district” and “institutional land” which no longer occur in the VLA.
2. removing reference to “the base date” in the definitions of “improvements”, and “value of improvements”. The base date was the date set by the COV at which all land in a district was required to be valued. This was removed in the 2009 amendment to the VLA and is now no longer required.

Madam Speaker, **Clause 4** of the Bill would seek to amend section 5 of the VLA in subsection (1) to realign the types of valuations that may be done and to make it clear that the capital value is only used where necessary.

**Clause 9** of the Bill would seek to amend section 16 of the VLA to delete the requirement to obtain the name of the person and postal address of the person in possession of the land not being the owner as this person is captured in the definition of “owner”. In addition, the site value of land has been removed as a requirement to be listed on the Valuation Roll.

## **AMENDMENTS TO THE PTA**

Madam Speaker, I will now address the amendments to the PTA. The Property Tax (Amendment) Bill, 2018, like the VL (Amendment) Bill, will make a number of amendments to the PTA in order to rectify deficiencies needed to implement the PTA. The Bill contains twenty-five (25) clauses. Madam Speaker, my position is the same as with the VL (Amendment) Bill. I will not speak in detail to all the clauses in light of the fact that some are merely clean-up clauses. I therefore will only address the more salient amendments. In addition, Madam Speaker, it is also not my intention to treat with the clauses sequentially.

**Clause 1** of the Bill provides for the short title of the Act cited as the *Property Tax (Amendment) Act, 2018 (PT (Amendment) Act)*.

**Clause 2** of the Bill will allow for the interpretation of certain words used in the PT (Amendment) Act.

## **Exemption to Tax**

Madam Speaker, section 16 of the PTA provides for the exemption of certain lands from taxation. **Clause 6** of the Bill will amend section 16 in the following manner:

1. by deleting the provision that exempts lands used for the purpose of education, philanthropy or religion since these are already provided for in paragraphs (a) and (b).
2. by deleting in paragraph (d), the words “an incorporated charitable institution” and replacing these words with the words “a charity exempted from Corporation Tax under section 6(1)(g) of the Corporation Tax Act for approved charitable purposes”. This will make the provision more in line with the current requirements for charities.
3. by deleting paragraph (f) and substituting a new paragraph (f) to include a reference to a new Schedule IV which contains a list of Statutory Authorities and State enterprises that would be exempt from the Property Tax. Madam Speaker, this list, it is expected, would make clear the State entities that would benefit from the relief.

4. by including the words “and occupied by” in paragraphs *(h)*, *(k)*, *(l)* and *(m)* to ensure that the exemption only applies where the tertiary institutions referred to in those paragraphs are also in occupation.
5. by deleting paragraph *(n)* since this institution will no longer benefit from the exemption.
6. by deleting section 16(2) in light of the inclusion of Schedule IV which provides for the list of State entities.

Madam Speaker, **Clause 25** which also linked to section 16 inserts the new Schedule IV referenced in paragraph *(f)*. The Schedule IV lists the State entities controlled by the State for public purposes to be exempted from the tax liability.

### **Assessments**

Madam Speaker, **Clause 3** will insert a new section 3(2) PTA, which would seek to explain how the assessments would be conducted for town houses, condominiums and multi-owner commercial accommodations. Madam Speaker, you may recall I made reference earlier to a similar provision being included in the VLA.

## **Objections to Assessments**

**Clause 10** of the Bill would amend section 21 of the Act which deals with objections to assessments. The amendments would provide in subsection (1) that an objection to an assessment is required to be filed within twenty-one days after receipt of the notice of assessment rather than after the annual tax becomes due and payable.

Madam Speaker, section 16(2) would now be repealed as the references to objections to the COV are no longer necessary. The list of objections in section 22 were moved to the VLA where it is believed they are best suited to provide for an objection on a valuation.

Madam Speaker, the amendment to subsection (3) removes the words “in respect of an incorrect assessment” and therefore does not limit an objection only to the ground of an incorrect assessment. In subsection (5) the BIR will be able to serve notice of the final and conclusive assessment where the objector of the assessment refuses or neglects to furnish particulars requested in a particular time. The amendment in subsection (6) simplifies it and allows for the BIR to consider the objection and may confirm, reduce or increase the tax.

The **clause 10** amendment allows the owner who fails to file an objection within the time frame and has a reasonable excuse for not filing the objection to apply to the BIR for an extension of time. Subsection (12) is also being amended to allow for the off-setting of an overpayment of property tax by the owner against other taxes owed to the State. The owner would also be entitled to a refund in the circumstance where there has been an overpayment.

Finally, subsection (13) is being amended to provide that the rate of interest on a refund being outstanding for more than 6 months would be at an interest rate of six per cent per annum rather than one point two per cent per month or part of a month from the day after the expiration of that period until the amount outstanding is satisfied.

### **Grounds for Objections**

Madam Speaker, **Clause 11** of the Bill would repeal section 22 of the PTA which originally contained the grounds of objection. The ability for the owner to object is found in section 21(1). The list of grounds of objection

were moved to the VLA since they were more applicable to a valuation rather than an assessment to tax.

### **Liability to Tax and Right to Property**

Madam Speaker, **Clause 5** of the Bill will insert a new section 15(2), to ensure that the fact that a building or other chattel creates a tax liability does not by such liability, give the person liable to the tax any legal entitlement to the land.

### **Collection of Taxes**

Madam Speaker, the following amendments relate to the collection of the property tax.

1. **Clause 4** of the Bill amends section 10 of the PTA and makes clear that the property tax is to be raised, levied and collected every year beginning January 1.
2. **Section 33 PTA** is amended by **Clause 17** of the Bill to provide that the annual tax as previously due and payable under the PTA on 31st December would now be due and payable on 30th September in every year.

3. **Section 34 PTA** presently provides for the BIR to send a notice of non-payment of tax to the owner should any amount of tax be unpaid on or before 15<sup>th</sup> September. **Clause 18** of the Bill will amend the PTA to change the date from the 15<sup>th</sup> September to the 15<sup>th</sup> March. Section 34(3) now allows for the increased tax of 10% and interest at a rate of 15% per annum to be applied to the amount of tax not paid from 16<sup>th</sup> March. The however, the BIR can now waive the imposition of the penalty or interest where it is just and equitable to do so in the newly inserted subsection (4).
4. Under section 36 of the PTA if 6 months has elapsed since a notice of non-payment has been sent to the owner and arrears of tax are still outstanding the BIR shall cause a notice of demand to be sent to the said owner. **Clause 20** of the Bill will amend section 36 of the PTA to change the time from six months to three months from the time the notice of non-payment would have been sent.
5. **Clause 22** of the Bill will amend section 38 of the Act to make it clear that the tax together with the ten per cent increase in tax and the interest of fifteen per cent must be paid after the four day statutory time limit for keeping the distress has passed or the same may be sold. Should the distress be sold and the proceeds have been distributed

based on the priority claims under the PTA then the residue is to be paid to the owner without cause for a demand for payment by such owner.

6. **Clause 23** of the Bill will amend section 52A to move the moratorium date on the payment of the property tax from 31st December, 2015 to 30th September, 2018.

### **Refunds**

Madam Speaker, **Clause 9** of the Bill will amend section 20 of the PTA to replace subsection (1) to provide for the amendment of the assessment roll by the BIR where there is a change or variation in the information in the possession of the BIR in respect of land. The BIR is also required to issue a new notice of assessment to the owner.

Where the roll has been amended and there results an overpayment of the tax due, the BIR shall refund the owner within 60 days of the overpayment. In the event of an underpayment the additional tax shall become due within 30 days of the new notice. The refund shall bear interest at 6 per cent per annum if it remains outstanding more than a period of 6 months after the date it is due.

## **Deferral of Property Tax**

Madam Speaker, **Clause 12** of the Bill would seek to amend section 23 of the PTA which deals with the deferral of tax. The amendment will delete subsection (3), and replace it with a requirement that the relief granted would be valid for a period of two years and may be renewed if the conditions of the applicant remain unchanged.

**Clause 13** inserts a new section 26(3) to allow the BIR to issue a notice in writing of any decision to grant, vary or revoke an authorization to defer the property tax.

Madam Speaker, **Clause 14** of the Bill would seek to amend section 27(2) of the Act to recognise that the Board could make a recommendation to the President to authorize a total or partial exemption of the tax payable by the successor in title based on an application made by that successor in title of the estate of the owner.

## **Appeals**

Madam Speaker, **Clause 15** of the Bill would seek to amend section 29 of the Act to include a new subsection (2) which would entitle a person,

who has objected to his assessment and is dissatisfied with the decision, to appeal to the Tax Appeal Board.

### **Miscellaneous**

Madam Speaker, **Clause 24** of the Bill will insert a new section 53A which would empower the Minister to amend Schedules I and IV by Order.

### **Clean-Up Provisions**

Madam Speaker, the following are clean-up provisions:

1. **Clause 3** of the Bill amends section 3 of the Act to amend the definition of “appeal” to permit appeals to be to the Tax Appeal Board from a decision of the BIR. The “Minister” now means the Minister with responsibility for finance.
2. **Clause 7** of the Bill will amend section 18(3)(a)(i) of the Act to remove the word “surname”.
3. Section 19(4) treats with the apportionment of the tax on a new building included on the Valuation Roll by the COV. **Clause 8** of the Bill would amend of the Act to repeal the subsection (4) as its contents are more properly reflected in subsection (5).

4. **Clause 16** of the Bill would seek to amend section 31 of the Act to correct an editorial mistake and to include a new subsection (5) which would make it clear that for the purposes of this section which deals with the payment of tax, the term “owner” does not include a tenant.
5. **Clause 19** of the Bill would amend section 35 of the Act to include the words “together with any additional taxes and interest thereon”. The effect of this is that the BIR having received monies shall apply such monies to liquidate the arrears of annual tax together with the additional tax and interest associated with the said annual tax in the order that they become due for every previous year.
6. **Clause 21** of the Bill would amend section 37 of the Act to change the reference to the “Comptroller of Accounts, District Revenue Officer or other person to whom the same ought to be paid” to a reference to the “Board of Inland Revenue.” This amendment gives only the BIR the power to authorize the levying of a distress.

## **Conclusion**

Madam Speaker, I beg to move.