

LAND TAX (AMENDMENT) ACT, 2018-1

Arrangement of Sections

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SCHEDULE

BARBADOS

I assent
S. MASON
Governor-General
26th January, 2018.

2018-1

An Act to amend the *Land Tax Act*.

[Commencement: 1st May, 2011]

ENACTED by the Parliament of Barbados as follows:

Short title

1. This Act may be cited as the *Land Tax (Amendment) Act, 2018*.

Amendment of section 6C of Cap. 78A

2. *The Land Tax Act, Cap. 78A, in this Act referred to as the principal Act, is amended by deleting section 6C and substituting the following:*

“Tax payable by a hotel

6C. A hotel shall pay tax at the rate specified under section 6(1), and the actual amount payable shall be calculated on 50 per cent of the improved value of the land; but no such reduction shall be permitted unless it is a hotel within the meaning of section 2 of the *Barbados Tourism Product Authority Act* (Act 2014-2).”.

Amendment of section 6D of Cap. 78A

3. *Section 6D of the principal Act is amended in subsection (2)(b) by deleting paragraph (iii) of the definition of “villa” and substituting the following:*

“(iii) is registered with the Barbados Tourism Product Authority; and”.

Amendment of section 8 of Cap. 78A

4. *Section 8 of the principal Act, is amended by*

(a) *deleting paragraph (c) and substituting the following:*

“(c) land used by a church, being a charity within the meaning of section 2 of the *Charities Act*, Cap. 243, which is primarily used for the purpose of public religious worship by churches which are exempt charities within the meaning of the *Charities Act*, Cap. 243; ”;

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- (b) *deleting the full stop at the end of paragraph (h) and substituting a semi-colon; and*
- (c) *inserting immediately after paragraph (h) the following:*
- “(i) land owned and occupied by a sporting organization specified in the *First Schedule*, which is primarily used for the sporting activities of the sporting organization; and
 - (j) land owned by the Crown which is leased to and occupied by a sporting organization specified in the *First Schedule*, which is primarily used for the sporting activities of the sporting organization.”.

Amendment of section 18 of Cap. 78A

5. *Section 18 of the principal Act is amended by deleting subsection (2) and substituting the following:*

“(2) The provisions of the *Second Schedule* shall have effect in relation to the constitution of the Board and otherwise in relation thereto. ”.

Insertion of section 28B.1 into Cap. 78A

6. *The principal Act is amended by inserting immediately after section 28B, the following:*

“Waiver of penalties and interest from December, 2014 to March, 2015

28B.1.(1) Subject to subsection (2), where at 31st December, 2014, an amount payable to the Revenue Commissioner as a penalty or interest

in respect of arrears of tax is outstanding, the amount payable as a penalty or interest is waived.

(2) The waiver referred to in subsection (1) applies only where the arrears of tax are paid in full not later than 15th March, 2015.”.

Insertion of section 28D into Cap. 78A

7.*The principal Act is amended by inserting immediately after section 28C, the following:*

“Waiver of penalties and interest from June, 2017 to November, 2017

28D.(1) Subject to subsection (2), where at 1st June, 2017, an amount payable to the Revenue Commissioner as a penalty or interest in respect of arrears of tax is outstanding, the amount payable as a penalty or interest is waived.

(2) The waiver referred to in subsection (1) applies only where the arrears of tax are paid in full not later than 30th November, 2017.”.

Amendment of section 30 of Cap. 78A

8.*Section 30 of the principal Act is amended by deleting subsection (1) and substituting the following:*

“(1) If any tax due and payable is not paid within 60 days of the tax demand notice, the Commissioner may issue a warrant of distress in the Form A set out in the *Third Schedule* or a form to the like effect to a person named therein to levy by distress upon any goods, including chattel houses, found on the land in respect of which the tax is due and payable for any tax in arrears and unpaid.”.

Amendment of section 34 of Cap. 78A**9. Section 34 of the principal Act is amended by deleting****(a) subsection (4) and substituting the following:**

“(4) A warrant for sale under subsection (3) may be in the Form B set out in the *Third Schedule*, and, if the Commissioner thinks fit, may contain the names of the owners of the respective lands as entered in the land tax roll.”; and

(b) subsection (9) and substituting the following:

“(9) The warrant for sale under subsection (8) may be in the Form C set out in the *Third Schedule*.”.

Amendment of section 35 of Cap. 78A**10. Section 35 of the principal Act is amended by deleting subsection (4) and substituting the following:**

“(4) For the purpose of having the proceeds of sale deposited in the High Court under subsection (3), a formal request in the Form D set out in the *Third Schedule* shall be addressed by the Commissioner to the Registrar of the Supreme Court.”.

Amendment of section 44 of Cap. 78A**11. The principal Act is amended by deleting section 44 and substituting the following:**

“Remission and refund of tax and rates

44. Notwithstanding section 8, the Minister may by Order, where he is satisfied on the ground of undue hardship or for any other reason that it would be just and equitable to do so, remit or refund the whole or any part of the tax due and payable under this Act including any penalties thereon, payable or paid by any person.”.

Amendment of Schedules to Cap. 78A

12. *The principal Act is amended by*

- (a) renumbering the “First Schedule” as the “Second Schedule”;*
- (b) renumbering the “Second Schedule” as the “Third Schedule”; and*
- (c) inserting as the First Schedule to the principal Act the ‘First Schedule’ set out in the Schedule to this Act.*

Commencement

13. The amendment directed to be made to section 8 of the principal Act by section 4(c) of this Act shall be deemed to have taken effect from the 1st day of May, 2011.

SCHEDULE

(Section 12(c))

“FIRST SCHEDULE

(Section 8(i) and (j))

Exempt Sporting Organizations

1. Barbados Hockey Federation Inc.
2. Barbados Amateur Swimming Association Inc.
3. The Barbados Lawn Tennis Association
4. The Barbados Olympic Association Inc.
5. St. Catherine’s Social Club
6. Empire Cricket Club
7. Carlton Club
8. Barbados Football Association
9. Windward Cricket Club
10. Wanderers Cricket Club ”.