

CERTIFICATE

In accordance with section 56(2) of the Jamaica (Constitution) Order in Council 1962, I hereby certify that this Bill shortly entitled “the Income Tax (Amendment) Act, 2018” is a Money Bill.

PEARNEL P. CHARLES, CD, MP, JP
Speaker.

JAMAICA

No. 19 – 2018

I assent,

[L.S.]

Sgd. P. L. Allen

Governor-General.

28th day of December 2018

AN ACT to Amend the Income Tax Act so as to give more permanent effect to the revenue measures set out in the Provisional Collection of Tax (Income Tax) Order, 2017, and to provide for connected matters.

[28th December 2018]

BE IT ENACTED by The Queen’s Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same as follows:—

1. This Act may be cited as the Income Tax (Amendment) Act, 2018, and shall be read and construed as one with the Income Tax Act (hereinafter referred to as the “principal Act”) and all amendments thereto.

Short title
and
construction.

Amendment
of section 5
of principal
Act.

2. Section 5 of the principal Act is amended in subsection (1) by deleting paragraph (d) and substituting therefor the following—

“(d) the income characterized as insurance premiums paid to a person who is not resident in Jamaica by—

- (i) a person who is resident in Jamaica; or
- (ii) a business organization with a permanent establishment in Jamaica.”.

Amendment
of section 40
of principal
Act.

3. Section 40 of the principal Act is amended by deleting the words “Subject to the provisions of this section, where a person resident in Jamaica” and substituting therefor the words “Subject to the provisions of this section, where a person resident in Jamaica, or a business organization with a permanent establishment in Jamaica,”.

Validation
and
indemnity.

4.—(1) Notwithstanding section 4(2) of the Provisional Collection of Tax Act and anything to the contrary in any enactment, the collection of withholding tax on insurance premiums, paid to a person who is not resident in Jamaica by—

- (a) a person who is resident in Jamaica; or
- (b) a business organization with a permanent establishment in Jamaica,

by the Government and persons acting on behalf of the Government, in good faith and inadvertent as to the collection being invalid, improper or unlawful during the period commencing on the 30th December, 2017, and ending on the date of commencement of this Act is hereby declared to have been validly, properly and lawfully done to all intents and purposes and with effect as duly authorised by law and no penalty and interest payable thereon shall accrue during the period commencing on the 30th December, 2017, and ending on the date of commencement of this Act.

(2) Every person liable to be legally proceeded against on the ground that any of the acts referred to in subsection (1), though done in good faith, was invalid, improper or unlawful, is hereby freed, acquitted,

discharged and indemnified as well against the Queen's Most Excellent Majesty, Her Heirs and Successors, as against all other persons, from such liability.

Passed in the House of Representatives this 11th day of December, 2018.

PEARNEL CHARLES, CD, MP, JP

Speaker.

Passed in the Senate this 14th day of December, 2018.

THOMAS TAVARES-FINSON, CD, QC, JP

President.

This printed impression has been carefully compared by me with the authenticated impression of the foregoing Act, and has been found by me to be a true and correct printed copy of the said Act.

Sybil Heather E. Cooke
Clerk to the Houses of Parliament.

