

THE FINANCE BILL, 2009

EXPLANATORY NOTE

(These notes form no part of the Bill but are intended only to indicate its general purport)

This Bill seeks to amend several pieces of legislation of a financial nature, namely the Judges Salaries and Pensions Act, Chap. 6:02; the Prison Service Act, Chap. 13:02; the Retiring Allowances (Diplomatic Services) Act, 17:04; the Pensions Act, Chap. 23:52; the Widows and Orphans' Pensions Act, Chap. 23:54; The Municipal Corporations (Pensions) Act, Chap. 25:05; the Senior Citizens' Grant Act, Chap. 32:02; the Public Assistance Act, Chap 32:03; The Fire Service Act, Chap. 35:50; The Teachers' Pensions Act, Chap. 39:02; The Assisted Secondary Schools Teachers' Pensions Act, Chap. 39:03; The Motor Vehicles and Road Traffic Act, Chap. 48:50; the Income Tax Act, Chap 75:01; and the Stamp Duty Act, Chap 76.01.

Clause 1 would provide for the short title.

Clauses 2 to 7 of the Bill would amend the Judges Salaries and Pensions Act, Chap. 6:02; the Prison Service Act, Chap. 13:02; the Retiring Allowances (Diplomatic Services) Act, 17:04; the Pensions Act, Chap. 23:52; the Widows and Orphans' Pensions Act, Chap. 23:54; The Municipal Corporations (Pensions) Act, Chap. 25:05 to increase the pensions granted under these pieces of legislation from one thousand, six hundred and fifty dollars to one thousand, nine hundred and fifty dollars.

Clause 8 of the Bill would amend the Senior Citizens' Grant Act, Chap. 32:02 by adjusting the income ceilings under the Act and increasing the pension granted from one thousand, six hundred and fifty dollars to one thousand, nine hundred and fifty dollars.

Clause 9 would amend the Public Assistance Act, Chap.32:03 to increase the disability assistance allowance from one thousand one hundred dollars to one thousand three hundred dollars per month.

Clauses 10, 11 and 12 would amend the Fire Service Act, Chap. 35:50; the Teachers' Pensions Act, Chap. 39:02 and the Assisted Secondary Schools Teachers' Pensions Act, Chap. 39:03 to increase the pension granted under this Act from one thousand, six hundred and fifty dollars to one thousand, nine hundred and fifty dollars.

Clause 13 would amend the Motor Vehicles and Road Traffic Act, Chap. 48:50 to increase the Motor Vehicle Tax on vehicles relative to engine size.

Clause 14 would amend the Income Tax Act, Chap.75:01 in section 28(15) to increase the ceiling for tax exemptions on annuities.

Clause 15 would amend the Stamp Duty Act, Chap. 76:01 –

- (a) by inserting a new Part IV and section 88 to deal with attracting penalties for the change of the use of land from residential to commercial; and
- (b) in the First Schedule to provide for the conveyance of property which is valued at eight hundred and fifty thousand dollars (\$850,000.00) or less and which is, or includes, a dwelling house to be used for residential purposes to be exempt from stamp duty.

This clause would also have the effect of amending the rates of duty applicable to the conveyance of residential property which bears a value in excess of eight hundred and fifty thousand dollars (\$850,000.00) and would consequently amend the stamp duty on mortgage rates.

Clause 16 would provide for the commencement dates and validation.

THE FINANCE BILL, 2009

ARRANGEMENT OF CLAUSES

Clauses

1. Short title
2. Chapter 6:02 amended
3. Chapter 13:02 amended
4. Chapter 17:04 amended
5. Chapter 23:52 amended
6. Chapter 23:54 amended
7. Chapter 25:05 amended
8. Chapter 32:02 amended
9. Chapter 32:03 amended
10. Chapter 35:50 amended
11. Chapter 39:02 amended
12. Chapter 39:03 amended
13. Chapter 48:50 amended
14. Chapter 75:01 amended
15. Chapter 76:01 amended
16. Commencement and validation

A BILL

AN ACT to provide for the imposition or variation of certain duties and taxes and to introduce provisions of a fiscal nature and for related matters

- Enactment ENACTED by the Parliament of Trinidad and Tobago as follows:-
- Short title 1. This Act may be cited as the Finance Act, 2009.
- Chap. 6:02
amended 2. The Judges Salaries and Pensions Act is amended -
- (a) in section 12, in subsections (1) and (2)(b), by deleting the words “one thousand, six hundred and fifty dollars” wherever they occur and substituting the words “one thousand, nine hundred and fifty dollars”; and
 - (b) in section 13, in subsections (1) and (2)(b), by deleting the words “one thousand, six hundred and fifty dollars” wherever they occur and substituting the words “one thousand, nine hundred and fifty dollars”.
- Chap. 13:02
amended 3. The Prison Service Act is amended in the Fifth Schedule -
- (a) in rule 5(1), by deleting the words “one thousand, six hundred and fifty dollars” and substituting the words “one thousand, nine hundred and fifty dollars”; and
 - (b) in rule 6, by deleting the words “one thousand, six hundred and fifty dollars” and substituting the words “one thousand, nine hundred and fifty dollars”.

Chap. 17:04
amended

4. The Retiring Allowances (Diplomatic Service) Act is amended -
- (a) in section 8(1), by deleting the words “one thousand, six hundred and fifty dollars” and substituting the words “one thousand, nine hundred and fifty dollars”;
 - (b) in section 10(1), by deleting the words “one thousand, six hundred and fifty dollars” and substituting the words “one thousand, nine hundred and fifty dollars”;
 - (c) in section 11 -
 - (i) in subsection (3)(a) and (b), by deleting the words “one thousand, six hundred and fifty dollars” wherever they occur and substituting the words “one thousand, nine hundred and fifty dollars”; and
 - (ii) in subsection (4)(a) and (b), by deleting the words “one thousand, six hundred and fifty dollars” wherever they occur and substituting the words “one thousand, nine hundred and fifty dollars”; and
 - (d) in section 16(1), by deleting the words “one thousand, six hundred and fifty dollars” and substituting the words “one thousand, nine hundred and fifty dollars”.

Chap. 23:52
amended

5. The Pensions Act is amended -
- (a) in section 18(1), by deleting the words “one thousand, six hundred and fifty dollars” and substituting the words “one thousand, nine hundred and fifty dollars”; and
 - (b) in section 19(1), by deleting the words “one thousand, six hundred and fifty dollars” and substituting the words “one thousand, nine hundred and fifty dollars”.

Chap. 23:54
amended

6. The Widows’ and Orphans’ Pensions Act is amended in section 5, by deleting the words “one thousand, six hundred and fifty dollars” wherever they occur and substituting the words “one thousand, nine hundred and fifty dollars”.

Chap. 25:05
amended

7. The Municipal Corporations (Pensions) Act is amended -
- (a) in section 10, by deleting the words “one thousand, six hundred and fifty dollars” and substituting the words “one thousand, nine hundred and fifty dollars”; and
 - (b) in section 17(1), by deleting the words “one thousand, six hundred and fifty dollars” and substituting the words “one thousand, nine hundred and fifty dollars”.

Chap. 32:02
amended

8. The Senior Citizens’ Grant Act is amended in section 3-
- (a) in subsection (2) (a), by deleting the words “one thousand, six hundred and fifty dollars” and substituting the words “one thousand, nine hundred and fifty dollars”;
 - (b) in subsection (2)(b), by deleting the words “one thousand, five hundred and fifty dollars” and substituting the words “one thousand, eight hundred and fifty dollars”;
 - (c) in subsection (3), by deleting the words “thirty thousand dollars” wherever they occur and substituting the words “thirty-three thousand, six hundred dollars”;
 - (d) in subsection (4), by deleting the words “ exceeding twenty-eight thousand, two hundred dollars but not exceeding thirty thousand dollars” and substituting the words “ exceeding thirty-one thousand, eight hundred dollars but not exceeding thirty-three thousand, six hundred dollars”; and
 - (e) by deleting subsection (7).

Chap. 32:03
amended

9. The Public Assistance Act is amended in section 11A (3), by deleting the words “one thousand, one hundred dollars” and substituting the words “one thousand, three hundred dollars”.

Chap. 35:50
amended

10. The Fire Service Act is amended in the Fifth Schedule in paragraphs 3(1), (3), (4), (8) and (9), by deleting the words “one thousand, six hundred and fifty dollars” and substituting the words “one thousand, nine hundred and fifty dollars”.

Chap. 39:02
amended

11. The Teachers' Pensions Act is amended in section 12(1), by deleting the words "one thousand, six hundred and fifty dollars" wherever they occur and substituting the words "one thousand, nine hundred and fifty dollars".

Chap. 39:03
amended

12. The Assisted Secondary School Teachers' Pensions Act is amended in section 11(1), by deleting the words "one thousand, six hundred and fifty dollars" and substituting the words "one thousand, nine hundred and fifty dollars".

Chap. 48:50
amended

13. The Motor Vehicles and Road Traffic Act is amended in the Fourth Schedule by deleting item (1) of Part I of Appendix A and substituting the following:

“(1) Private motor cars or rented cars, station wagons or estate wagons:

- | | |
|---|----------------|
| (a) Engine size not exceeding 1599 cc | 5.00 per cc |
| (b) Engine size exceeding 1599 cc but not exceeding 1799 cc | 8.00 per cc |
| (c) Engine size exceeding 1799 cc but not exceeding 1999 cc | 15.00 per cc |
| (d) Engine size exceeding 1999 cc but not exceeding 2499 cc | 25.00 per cc |
| (e) Engine size exceeding 2499 cc but not exceeding 2999 cc | 30.00 per cc |
| (f) Engine size exceeding 2999 cc but not exceeding 3499 cc | 35.00 per cc |
| (g) Engine size exceeding 3499 cc | 50.00 per cc”. |

Chap. 75:01
amended

14. The Income Tax Act is amended in section 28 (15), by deleting the words "twenty-five thousand dollars" and substituting the words "thirty thousand dollars".

Chap. 76:01
First Schedule
amended

15. The Stamp Duty Act is amended -
(a) by inserting after section 87, the following section:

**“PART IV
MISCELLANEOUS**

Duty and
penalty
for
change of
use

88.(1) Where –

- (a) stamp duty is paid on the conveyance or sale of property referred to at paragraph (3) under the heading “Conveyance or transfer on sale of any property” in the First Schedule; and
- (b) subsequent to such conveyance or sale, the property is to be used other than for residential purposes,

the person in whom the property is vested shall notify the Board of the change of use and shall pay additional stamp duty equivalent to the difference between the stamp duty actually paid and the stamp duty payable under paragraph (1) under the heading “Conveyance or transfer on sale of any property”.

(2) Where a person contravenes subsection (1), he is liable to pay –

- (a) the additional duty payable under subsection (1) in respect of such property; and
- (b) an amount an amount equivalent to three times the amount of duty that would have been payable in respect of such property under paragraph (1) under the heading “Conveyance or transfer on sale of any property”; and

(b) in the First Schedule –

- (i) under the heading “Conveyance or transfer on sale of any property”-

(A) in paragraph (1), by deleting the words “paragraph 2” and substituting the words “paragraphs (2) and (3)”, and by inserting after the words “ 7%” the words “Provided that only half the above rates of duty shall be payable where the amount or value of the consideration for the sale does not exceed one thousand five hundred dollars and the instrument contains a statement to be made by the

conveyancer certifying that the transaction thereby effected does not form part of a larger transaction or of a series of transactions in respect of which the amount or value, or the aggregate amount or value, of the consideration exceeds one thousand five hundred dollars.”;

- (B) in paragraph (2), by deleting from the words “for every dollar of the first one hundred thousand dollars” to the words “exceeds one thousand five hundred dollars.” and substituting the following:

“for every dollar of the first four hundred thousand dollars in excess of eight hundred and fifty thousand dollars 3%
for every dollar of the next five hundred thousand dollars..... 5%
for every dollar thereafter..... 7½%”; and

- (C) by inserting after paragraph (2), the following paragraph:

“(3) Where the property does not include a dwelling-house and the property is for use wholly for residential purposes, and an application has been made to the Board in the form approved by the Board and evidence has been provided to the Board sufficient to satisfy it as to those matters, instead of the rates of duty provided for in paragraph (1), the duty is as follows:

for every dollar of the first two hundred thousand dollars in excess of four hundred and fifty thousand dollars 2%
for every dollar of the next two hundred thousand dollars in excess of six hundred and fifty thousand dollars 5%
for every dollar thereafter in excess of eight hundred and fifty thousand dollars.. 7%”; and

- (ii) under the heading “Mortgage, Bond, Debenture, Covenant, Bill of Sale or Warrant of Attorney to confess and enter up judgement” in relation to the exemption on mortgage deeds, by deleting the words “\$450,000” and substituting the words “\$850,000”.

Commencement
and validation

- 16. (1) Notwithstanding any law to the contrary-
 - (a) sections 2,3,4,5,6,7,8,9,10,11,12, and 15 are deemed to have come into effect on 1st October , 2008;
 - (b) section 13 is deemed to have come into effect on 23rd September, 2008; and
 - (c) section 14 is deemed to have come into effect on 1st January, 2009.

- (2) Every act or thing done, prior to the coming into operation of this Act-
 - (a) in relation to the payment of any pension or grant; and
 - (b) by the Board of Inland Revenue, in relation to the collection of any Stamp Duty,
 is validated and declared to have been lawfully done.

Passed in the House of Representatives this day of , 2009.

Clerk of the House

I confirm the above and certify that this is a Money Bill.

Speaker

Passed in the Senate this day of , 2009.

Clerk of the Senate

I confirm the above.

President of the Senate