



THE PARLIAMENT OF
TRINIDAD AND TOBAGO

BILL ESSENTIALS

Date Introduced: November 15, 2024

House: House of Representatives

Minister: The Minister of Finance

Links: The links to the Bill, and its progress can be found on the Bill's home page through the Parliament's Website: <https://www.ttparliament.org>

BILL ESSENTIALS

BILL ESSENTIALS NO. 3 of 2024-2025

5th SESSION, 12th PARLIAMENT







The Finance Bill, 2024

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BACKGROUND

1. The **Finance Bill, 2024** (hereinafter referred to as the “**Bill**”) was introduced in the House of Representatives by the Honourable Minister of Finance on November 15, 2024, and provides for the amendment of six (6) pieces of legislation:

-  **Registration of Clubs Act, Chap 21:01;**¹
-  **National Insurance Act, Chap 32:01;**²
-  **Income Tax Act, Chap 75:01;**³
-  **Value Added Tax Act, Chap 75:06;**⁴
-  **Stamp Duty Act, Chap 76:01;**⁵ and
-  **Property Tax Act, Chap 76:04.**⁶

2. Upon assent, the provisions of the Bill will become effective on October 01, 2024, and will be applied retroactively. Consequently, outstanding liabilities settled by taxpayers during the period from October 01, 2024, until the date of assent will be eligible for refund.

BILL SUMMARY

- This Bill is a Money Bill and in essence creates a *Tax Amnesty*.
- This type of measure usually seeks to encourage the settlement of overdue liabilities without additional financial penalties.
- It introduces temporary waivers of penalties, interest and liabilities for a broad range of taxes and contributions owed up to **December 31, 2023**, in respect of Value Added Tax (VAT), Stamp Duty, Income Tax and Registration of Clubs Tax.
- It proposes similar waivers in respect of Property Tax and National Insurance contributions owed up to **December 31, 2024**.
- If a tax or return remains unpaid after the prescribed period, any interest and penalties that would have applied to the outstanding amount will be reinstated. This means that they will become due again as if the previously granted waiver of liabilities was never issued.
- The waivers will not impact any tax owed under the respective Acts, nor will it apply to any interest or penalties that were paid before **October 01, 2024**.
- The Minister of Finance has the discretion to extend the waiver period by Order.

¹ <https://agla.gov.tt/downloads/laws/21.01.pdf>

² <https://www.finance.gov.tt/wp-content/uploads/2019/07/The-National-Insurance-Act.pdf>

³ https://rgd.legalaffairs.gov.tt/laws2/Alphabetical_List/lawspdfs/75.01.pdf

⁴ <https://agla.gov.tt/downloads/laws/75.06.pdf>






⁵ <https://www.finance.gov.tt/wp-content/uploads/2019/07/The-Stamp-Duty-Act.pdf>

⁶ https://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/76.04.pdf

KEY FEATURES OF THE BILL




Registration of Clubs Act, Chap 21:01

Waiver of Certain Liabilities

3. **Clause 2** of the Bill introduces **new section 9B(1)** which provides a waiver of liabilities for the years up to and including the year ending December 31, 2023, for the following:
 -  interest on an outstanding tax due, where the tax is paid prior to or during the period October 01, 2024, and ending on December 31, 2024 (“the prescribed period”);
 -  outstanding interest charged on an outstanding tax, where the tax is paid prior to or during the prescribed period;
 -  a penalty owed on a tax or outstanding tax or interest, where the tax is paid prior to or during the prescribed period;
 -  a penalty on any outstanding return, where the return is filed prior to or during the prescribed period; and
 -  a penalty on a return filed prior to October 01, 2024, where such penalty has not been paid.
4. The waiver of liability under the **new section 9B(2)** will not impact any tax owed under the Registration of Clubs Act, nor will it apply to any interest or penalties that were paid before October 01, 2024.
5. **New section 9B(3)** provides that if a tax or return remains unpaid after the prescribed period, any interest and penalties that would have applied to the outstanding amount will be reinstated. This means they will become due again as if the previously granted waiver of liabilities was never issued.
6. The Minister of Finance is empowered, under the provisions of the **new section 9B(5)**, to extend the duration of the waiver of liabilities, by Order, beyond the prescribed period.

National Insurance Act, Chap 32:01






Waiver of Penalty and Interest

7. **Clause 3** of the Bill repeals section 39C of the National Insurance Act and substitutes a **new section 39C**. The effect of this amendment is to provide for the waiver of penalties and interests payable under section 39B for any contribution paid by an employer before October 01, 2024, and any contribution outstanding as of September 30, 2024, that is paid during the period October 01, 2024, to December 31, 2024.
8. **Section 39B** provides that if an employer fails to pay National Insurance contributions by the 15th day after the due date, they will be liable to pay:
 -  a penalty of 25% of the outstanding amount.
 -  a penalty of 100% of the outstanding amount if the contributions have been unpaid for over five (5) years.
 -  interest at 15% per annum on the total amount (including penalties) from the 16th day of the following month until payment is made.

9. The waiver, established under the **new section 39C(3)**, applies to employers who were registered with the National Insurance Board before October 01, 2024. It does not relieve employers of their obligation to pay contributions for employees aged 16 to 65 years.⁷
10. **New section 39C(4)** stipulates that should an employer fail to pay outstanding contributions by December 31, 2024, any penalties and accrued interest that would have been applicable to the outstanding amount will be reinstated as if the waiver of the penalties and interest were never issued.
11. The Minister of Finance is empowered, under the provisions of the **new section 39C(5)**, to extend the duration of the waiver of liabilities beyond December 31, 2024, by Order.

Income Tax Act, Chap 75:01

Waiver of Certain Liabilities

12. **Clause 4** of the Bill inserts **new section 103A**. **New section 103A(1)** provides for a waiver of liabilities for the years up to and including the year ending December 31, 2023 for the following:
 -  interest on any outstanding tax due, where the tax is paid prior to or during the period October 01, 2024 and ending on December 31, 2024 (“the prescribed period”);
 -  outstanding interest charged on an outstanding tax, where the tax is paid prior to or during the prescribed period;
 -  a penalty owed on a tax or outstanding tax or interest, where the tax is paid prior to or during the prescribed period;
 -  a penalty on any outstanding return, where the return is filed prior to or during the prescribed period; and
 -  a penalty on a return filed prior to October 01, 2024, where such penalty has not been paid.
13. The waiver of liabilities under the **new section 103A(2)** will not impact any tax owed under the Income Tax Act, nor will it apply to any interest or penalties that were paid before October 01, 2024.
14. **New section 103A(3)** further clarifies that if a tax or return remains unpaid beyond the prescribed period, any applicable interest and penalties that were previously waived will be reinstated. As such, these amounts will become due again, as though the waiver of liabilities had not been granted.
15. Under the provisions of the **new section 103A(5)**, the Minister of Finance has the authority to extend the duration of the waiver of liabilities, by Order, beyond the prescribed period.






Value Added Tax Act, Chap 75:06

Waiver of Certain Liabilities

16. **Clause 5** of the Bill repeals existing section 54A of the Value Added Tax Act and replaces it with **new section 54A**. **New section 54A(1)** provides a waiver of certain penalties and interest related to taxes

⁷ See section 38 – National Insurance Act, Chap 32:01 - <https://www.finance.gov.tt/wp-content/uploads/2019/07/The-National-Insurance-Act.pdf>

owed under the Act for the years up to and including the year ending December 31, 2023 for the following:

-  interest on any outstanding tax due, where the tax is paid prior to or during the period October 01, 2024 and ending on December 31, 2024 (“the prescribed period”);
-  outstanding interest charged on an outstanding tax, where the tax is paid prior to or during the prescribed period;
-  a penalty owed on a tax or outstanding tax or interest, where the tax is paid prior to or during the prescribed period;
-  a penalty on any outstanding return, where the return is filed prior to or during the prescribed period; and
-  a penalty on a return filed prior to October 01, 2024, where such penalty has not been paid.

17. **New section 54A(2)** stipulates that the waiver above would not apply to outstanding taxes under the Value Added Tax Act. It further states that it would not apply to interest and penalties paid prior to October 01, 2024. Therefore, the waiver cannot be used to recoup monies already paid to settle interest and penalties.






18. **New section 54A(3)** further clarifies that where a taxpayer fails to make use of the waiver period, interest and penalties shall reattach upon the expiration of the prescribed period. It therefore restricts the benefit created by this provision to a set timeframe.

19. Under **new section 54A(5)** the Minister of Finance reserves the ability to extend the waiver period by Order at his discretion. This allows the Minister to consider external circumstances which may warrant extensions and maintains a flexible tax-collection process.

The Stamp Duty Act, Chap 76:01

Waiver of Certain Liabilities

20. **Clause 6** of the Bill repeals existing section 3A of the Stamp Duty Act and replaces it with **new section 3A**. **New section 3A(1)** provides a waiver of interest and penalties related to taxes owed under the Act for the years up to and including the year ending December 31, 2023 for the following:

-  interest on any outstanding tax due, where the tax is paid prior to or during the period October 01, 2024 and ending on December 31, 2024 (“the prescribed period”);
-  outstanding interest charged on an outstanding tax, where the tax is paid prior to or during the prescribed period;
-  a penalty owed on a tax or outstanding tax or interest, where the tax is paid prior to or during the prescribed period;
-  a penalty on any outstanding return, where the return is filed prior to or during the prescribed period; and
-  a penalty on a return filed prior to October 01, 2024, where such penalty has not been paid.

21. **New section 3A(2)** stipulates that the waiver above would not apply to outstanding taxes under the Stamp Duty Act. It further clarifies that it shall not apply to interest and penalties paid prior to

October 01, 2024. Therefore, the waiver cannot be used to recover monies already paid to settle interest and penalties before the prescribed period.

22. **New section 3A(3)** further clarifies that where a taxpayer fails to make use of the waiver period, the liability to settle said interest and penalties shall reapply to said taxpayer upon the expiration of the prescribed period.






23. The Minister of Finance, as empowered by **new section 3A(5)** under this Act, retains the discretion to vary the waiver period and extend it if necessary.

The Property Tax Act, Chap 76:04

Transitional

24. **Clause 7** of the Bill amends section 54 of the Property Tax Act by repealing subsections 2 through 6 and replacing it with **new subsections 54(2), 54(3), 54(4), 54(5), and 54(6)**.

25. **New section 54(2)** provides a waiver of interest and penalties related to taxes owed under the Act for the years up to and including the year ending December 31, 2024, for the following:

-  interest on any outstanding tax due, where the tax is paid prior to or during the period October 01, 2024 and ending on December 31, 2024 (“the prescribed period”);
-  outstanding interest charged on an outstanding tax, where the tax is paid prior to or during the prescribed period;
-  a penalty owed on a tax or outstanding tax or interest, where the tax is paid prior to or during the prescribed period;
-  a penalty on any outstanding return, where the return is filed prior to or during the prescribed period; and
-  a penalty on a return filed prior to October 01, 2024, where such penalty has not been paid.

26. **New section 54(3)** stipulates that the waiver above would not apply to outstanding taxes under the Property Tax Act. It further clarifies that it shall not apply to interest and penalties paid prior to October 01, 2024. Therefore, the waiver cannot be used to recover monies already paid to discharge liabilities for interest and penalties.

27. Where a taxpayer fails to make use of the waiver period, the liability to settle interest and penalties shall become payable upon the expiration of the prescribed period, as stipulated in **new section 54(4)**.

28. **New section 54(6)** empowers the Minister of Finance to extend the prescribed period by Order.

REFERENCES

KEY LEGISLATION

 **The Registration of Clubs Act, Chap 21:01**

[Registration of Clubs Act, Chap 21:01](#)

 **National Insurance Act, Chap 32:01**

[National Insurance Act, Chap 32:01](#)

 **Income Tax Act, Chap 75:01**

[Income Tax Act, Chap 75:01](#)

 **Value Added Tax Act, Chap 75:06**

[Value Added Tax Act, Chap 75:06](#)

 **Stamp Duty Tax Act, Chap 76:01**

[Stamp Duty Tax Act, Chap 76:01](#)

 **Property Tax Act, Chap 76:04**

[Property Tax Act, Chap 76:04](#)



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