

CHAPTER 219**THE INSURANCE LEVY ACT**

Arrangement of Sections

Section

1. Short title.
2. Interpretation.
3. Imposition.
4. Returns.
5. Recovery of levy.
6. Offences.

INSURANCE LEVY

(21st March, 1977.)

6/1977.
17/1977.

1. This Act may be cited as the Insurance Levy Act. **Short title.**
2. In this Act, unless the context otherwise requires— **Interpretation.**

"Commissioner" means the officer for the time being performing the duties of Commissioner of Inland Revenue under the Inland Revenue Administration Act and includes any officer duly authorised to act on his behalf; **Cap. 217.**

"registered insurer" means an insurer registered under Part I of the Insurance Act. **Cap. 218.**

3. (1) Every registered insurer and every insurance broker who places business with an insurer who is not registered under Part I of the Insurance Act shall be liable **Imposition.**

to a tax (to be known as "Insurance Levy") in respect of the premium on all classes of insurance except motor vehicles and whether in respect of new policies or renewal of existing policies.

(2) The Insurance Levy shall be at the rate of three per cent of the premium paid to the insurer, less the agent's commission, and shall be paid to the Commissioner within thirty days after the end of the month during which payment of premium was received.

(3) The Minister may by Order vary the levy.

Returns.

4. (1) Every registered insurer and every insurance broker who places business with an insurer who is not registered under Part I of the Insurance Act shall make a return for every month in such form as may be approved by the Commissioner showing—

(a) the amount of insurance premiums received;

(b) the amount of insurance levy payable,

and such return shall be furnished to the Commissioner within the time specified in section 3 (2) for payment of the levy.

(2) Where any registered insurer carries on business in Antigua and Barbuda only through a registered insurance agent, the obligation to make a monthly return, imposed by subsection (1) shall be complied with by the agent of the insurer.

Recovery of levy.

5. Any insurance levy due under this Act may be recovered by the Commissioner as a debt due to the Crown and without prejudice to any other remedy, may be recovered in a court of competent jurisdiction as a civil debt.

Offences.

6. (1) Any person who—

(a) wilfully fails to make a return or pay the tax due under this Act; or

(b) knowingly furnishes a return required under section 4 which is false in any material particular, shall be guilty of an offence and liable on summary conviction

to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding one year.

(2) Where the offence is committed by a body corporate, any person who at the time of the commission of the offence was a Director, Manager, Secretary or other similar officer of the body corporate, or purported to act in any such capacity, shall be deemed to have committed that offence, unless he proves that the contravention was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.
