

Certified Draft 2022-12-30

OBJECTS AND REASONS

This Bill would improve the process for the granting of exemptions to individuals, businesses and agencies from the payment of duties, taxes and other imposts.

Arrangement of Sections

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BARBADOS

A Bill entitled

An Act to improve the process for the granting of exemptions to individuals, businesses and agencies from the payment of duties, taxes and other imposts.

ENACTED by the Parliament of Barbados as follows:

Short title

1. This Act may be cited as the *Duties, Taxes and other Payments (Exemption) Act, 2023*.

Interpretation

2. In this Act

“duty” or “tax” means import duty, consumption tax, income tax, national insurance contribution or any other tax, duty or impost;

“person” means an individual, a business, an agency or an entity of any kind.

Exemption from taxes by the Minister

3. Notwithstanding anything contained in any enactment, and subject to the provisions of the *Public Finance Management Act, 2019* (Act 2019-1) the Minister of Finance may by order

(a) grant an exemption to; or

(b) remit or refund any payment made by

any person in respect of the payment of any duty or tax where the sum does not exceed \$100, 000.

Exemption from taxes with the approval of the Cabinet

4. Notwithstanding anything contained in any enactment, and subject to the provisions of the *Public Finance Management Act, 2019* (Act 2019-1), the Minister of Finance may, with the approval of the Cabinet, by order

(a) grant an exemption to; or

(b) remit or refund any payment made by

any person in respect of the payment of any duty or tax where the sum exceeds \$100, 000.

Conditions respecting order

5. An order made under this Act
- (a) is subject to any condition specified in the order;
 - (b) is subject to negative resolution; and
 - (c) may be made retrospective to any date specified in the order.

Limitations on the exercise of the power to exempt

6. The Minister or the Cabinet, as the case may be, may only exercise the power conferred under section 3 or 4 where it is in the public interest to do so or where it is necessary to alleviate hardship or avoid injustice.

Repayments

7. Where an exemption granted under this Act is subject to
- (a) any condition specified in an order made under this Act; or
 - (b) any condition specified in any other enactment,

the sums which were exempt are repayable by the person to whom the exemption was granted where the conditions so specified are not complied with by that person.

Refund re overpayment of taxes

8. Any duty or tax which is overpaid by a person under any enactment may be refunded without the enactment of an order under this Act.

Repeal of Cap. 67B

9. The *Duties, Taxes and other Payments (Exemption) Act*, Cap. 67B is repealed.

Read three times and passed the House of Assembly this
day of _____, 2023.

Speaker

Read three times and passed the Senate this _____ day of
_____, 2023.

President