

TAXES MANAGEMENT AMENDMENT ACT 2006



BERMUDA

2006 : 33

TAXES MANAGEMENT AMENDMENT ACT 2006

Date of Assent: 7 December 2006
Operative Date: 7 December 2006

WHEREAS it is expedient to amend the Taxes Management Act 1976;

Be it enacted by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

Short title

1 This Act may be cited as the Taxes Management Amendment Act 2006.

Amends section 31

2 Section 31 of the Taxes Management Act 1976 is amended by inserting next after subsection (2) the following —

“(3) Without prejudice to any other remedy for recovery of sums owing as tax, the directors and officers of a company or other body corporate that owes tax are liable jointly and severally for tax that became due while they were directors or officers, and proceedings may be taken under this section against all or any of them for recovery of that tax.

(4) For greater certainty, proceedings may be taken under this section against persons who were directors or officers after they cease to be directors or officers, including persons who ceased to be directors or officers before the coming into force of this section.

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(5) A director or officer who has paid tax pursuant to proceedings under this section has a right of contribution against any other directors and officers of the company or other body corporate who are liable under this section for the tax paid by that director or officer, and a right to be indemnified by the company or body corporate in respect of that tax.

(6) For the purposes of subsections (3) to (5), “officer” means —

- (a) in the case of a company as defined in section 2 of the Companies Act 1981, an individual appointed as an officer of the company pursuant to section 91(4) of that Act; and
- (b) in the case of other companies and bodies corporate, an individual who performs functions for a company or other body corporate similar to those normally performed by an individual appointed as an officer of a company pursuant to section 91(4) of the Companies Act 1981.”