



BERMUDA

USA-BERMUDA TAX CONVENTION AMENDMENT ACT 2017

2017 : 2

WHEREAS it is expedient to amend the USA-Bermuda Tax Convention Act 1986;

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:

Citation

1 This Act, which amends the USA-Bermuda Tax Convention Act 1986 (the "principal Act"), may be cited as the USA-Bermuda Tax Convention Amendment Act 2017.

Inserts section 3A

2 The principal Act is amended by inserting after section 3 the following—

"Duties of the Minister

3A (1) The Minister as the competent authority for Bermuda under the Agreement may provide assistance in accordance with the terms of this Act.

(2) For the purposes of this section, no person who—

(a) receives a request; or

(b) obtains information directly or indirectly for the purposes of paragraph (a),

shall disclose the request or the information to another person except in accordance with this Act.

(3) Pursuant to section 26A of the Public Access to Information Act 2010, and notwithstanding any other provision of that Act, this section shall have effect."

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Amends section 5

3 Section 5 of the principal Act is amended by inserting after subsection (4) the following—

“(4A) With respect to an application for a production order, the Minister shall be under no duty to make inquiry in relation to any statements made or any information given in respect of a request for which a production order is sought, or to information obtained by him under a previous request.”.

Amends section 9B

4 Section 9B of the principal Act is amended—

- (a) by numbering the existing provision as subsection (1); and
- (b) by inserting after the existing provision the following—

“(2) Notwithstanding the generality of subsection (1), the Minister shall not bear the costs arising in the case of an application which is made under section 5(7) where the court—

- (a) decides not to hear the application for review; or
- (b) decides to hear the application for review, but the production order is not set aside.”.

[Assent Date: 23 February 2017]

[Operative Date: 23 February 2017]