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**APPROPRIATION (REVENUE ACCOUNT
EXPENSES)(2022/2023) ACT, 2022**

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No. 16 of 2022

APPROPRIATION (REVENUE ACCOUNT EXPENSES)(2022/2023) ACT, 2022

**AN ACT FOR THE APPROPRIATION OF DIVERS SUMS OF MONEY
FOR AND TOWARDS DEFRAYING THE EXPENSES OF THE
GOVERNMENT OF THE COMMONWEALTH OF THE BAHAMAS
ON REVENUE ACCOUNT FOR THE FINANCIAL YEAR
COMMENCING 1ST JULY, 2022 AND ENDING 30TH JUNE, 2023**

Enacted by the Parliament of The Bahamas

1. Short title.

This Act may be cited as the Appropriation (Revenue Account Expenses) (2022/2023) Act, 2022.

2. Authority for payment.

There may be paid out of the Treasury upon the authority of a warrant under the hand of the Minister of Finance during the financial year beginning on the 1st day of July, 2022 and ending on the 30th day of June, 2023 the several sums of money for defraying the recurrent expenses on revenue account for the public services of The Bahamas set forth in the *Schedule*.

SCHEDULE

(section 2)

	Head of Expenditure	Sum Granted \$
1.	Governor-General and Staff	989,248
2.	The Senate	277,362
3.	House of Assembly	4,078,151
4.	Department of the Auditor-General	2,460,943
5.	Ministry of the Public Service	332,045,236
6.	Cabinet Office	7,744,260
7.	Office of the Attorney-General and Ministry of Legal Affairs	19,364,510
8.	Office of the Judiciary	13,150,696
9.	Court of Appeal	1,416,019
10.	Registrar General's Department	4,406,434
11.	Bahamas Department of Correctional Services	31,646,404
12.	Parliamentary Registration Department	1,176,420
13.	Ministry of Foreign Affairs and the Public Service	36,760,062
14.	Office of the Prime Minister	25,430,512
16.	Bahamas Information Services	2,770,434
17.	Government Printing Department	1,303,661
18.	Department of Local Government	26,200,058
19.	Department of Physical Planning	953,666
20.	Department of Lands & Surveys	2,765,375
21.	Ministry of Finance	337,716,597
22.	Treasury Department	63,362,853
23.	Customs Department	37,867,181
28.	Department of Inland Revenue	8,119,304
29.	Ministry of National Security	15,489,011

30.	Department of Immigration	33,938,286
31.	The Royal Bahamas Police Force	125,299,313
32.	The Royal Bahamas Defence Force	62,076,141
33.	Ministry of Works and Utilities	67,570,453
34.	Department of Public Works	18,128,278
35.	Department of Education	202,202,806
37.	Department of Archives	724,860
38.	Ministry of Education and Technical and Vocational Training	114,575,076
40.	Ministry of Transport and Housing	10,345,162
43.	Ministry of Social Services and Urban Development	13,855,288
44.	Department of Social Services	48,753,738
45.	Department of Housing	2,631,365
47.	Ministry of Youth, Sports & Culture	22,979,122
48.	Department of Labour	3,340,977
49.	Ministry of Economic Affairs	13,711,482
51.	Post Office Department	8,399,054
53.	Port Department	9,363,845
54.	Department of Road Traffic	6,598,479
55.	Department of Meteorology	3,137,164
56.	Ministry of Agriculture, Marine Resources and Family Island Affairs	27,498,086
57.	Department of Agriculture	5,522,159
58.	Department of Marine Resources	2,802,091
60.	Ministry of Health and Wellness	316,322,383
65.	Department of Environmental Health Services	57,557,899
66.	Department of Public Health	52,935,740
67.	Ministry of Tourism, Investments and Aviation	122,846,253
70.	Ministry of Labour and Immigration	4,285,282
72.	Ministry of the Environment & Natural	14,823,164

Resources

73.	Department of Transformation & Digitization	31,470,151
74.	Ministry for Grand Bahama	13,362,993
75.	Department of Emergency Preparedness and Response	6,578,416
76.	Department of Public Prosecutions	3,279,627
	TOTAL	2,404,409,530

**APPROPRIATION (CAPITAL DEVELOPMENT)
(2022/2023) ACT, 2022**

Arrangement of Sections

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No. 17 of 2022

APPROPRIATION (CAPITAL DEVELOPMENT) (2022/2023) ACT, 2022

**AN ACT FOR THE APPROPRIATION OF THE SUM OF THREE
HUNDRED SEVENTY ONE MILLION, ONE HUNDRED FORTY SIX
THOUSAND, ONE HUNDRED FORTY TWO DOLLARS FOR AND
TOWARDS DEFRAYING THE EXPENSES OF THE GOVERNMENT
OF THE COMMONWEALTH OF THE BAHAMAS FOR CAPITAL
DEVELOPMENT FOR THE FINANCIAL YEAR ENDING 30TH JUNE
2023**

Enacted by the Parliament of The Bahamas

1. Short title.

This Act may be cited as the Appropriation (Capital Development)(2022/2023) Act, 2022.

2. Interpretation.

In this Act, “**development expenditure**” means expenditure for capital development in The Bahamas.

3. Authority for payment.

- (1) There may be paid out of the Treasury upon the authority of a warrant under the hand of the Minister of Finance during the financial year beginning on the 1st day of July, 2022 and ending on the 30th day of June, 2023 the several sums of money in respect of development expenditure set forth in the *Schedule*.
- (2) In the financial year referred to in subsection (1), not more than three hundred seventy one million, one hundred forty six thousand, one hundred forty two dollars may be paid in total under the provisions of this section.

SCHEDULE

(section 3)

Head of Expenditure	Sum Granted \$
13. Ministry of Foreign Affairs and the Public Service	2,400,000
21. Ministry of Finance	99,580,000
29. Ministry of National Security	14,126,860
32. The Royal Bahamas Defence Force	14,650,000
33. Ministry of Works and Utilities	121,401,281
38. Ministry of Education and Technical and Vocational Training	41,122,940
40. Ministry of Transport and Housing	2,702,000
56. Ministry of Agriculture, Marine Resource and Family Island Affairs	4,766,446
60. Ministry of Health and Wellness	58,132,215
72. Ministry of the Environment and Natural Resources	2,214,400
73. Department of Transformation and Digitization	8,250,000
74. Ministry for Grand Bahama	1,800,000

TOTAL

371,146,142

Note: This Schedule excludes statutory expenditure.

**SUPPLEMENTARY APPROPRIATION (REVENUE
ACCOUNT EXPENSES)(2021/2022) ACT, 2022**

Arrangement of Sections

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No. 18 of 2022

SUPPLEMENTARY APPROPRIATION (REVENUE ACCOUNT EXPENSES)(2021/2022) ACT, 2022

**AN ACT FOR THE APPROPRIATION OF FURTHER DIVERS SUMS
OF MONEY FOR AND TOWARDS DEFRAYING THE EXPENSES OF
THE GOVERNMENT OF THE COMMONWEALTH OF THE
BAHAMAS DURING THE FISCAL YEAR COMMENCING 1ST JULY
2021 AND ENDING 30TH JUNE 2022**

Enacted by the Parliament of The Bahamas

1. Short title.

This Act may be cited as the Supplementary Appropriation (Revenue Account Expenses)(2021/2022) Act, 2022.

2. Further expenditure charged on the Consolidated Fund of The Bahamas

The further sum of two hundred sixteen million nine hundred twenty-eight thousand seventeen dollars (\$216,928,017) shall be charged on the Consolidated Funds and other public funds of The Bahamas for the expenses set out in the *Schedule* for the period ending 30th June, 2022.

3. Purpose of appropriation

The further sum charged by section 2 of this Act is hereby appropriated to the services and other expenses expressed in the said *Schedule* and shall be deemed to have been appropriated for the fiscal period commencing 1st July, 2021.

SCHEDULE
(section 2)
Recurrent Expenditure

Head of Expenditure No.	Head of Expenditure	Sum Granted \$
5	Ministry of The Public Service	63,961,709
21	Ministry of Finance	29,748,498
33	Ministry of Works and Utilities	45,099,332
60	Ministry of Health and Wellness	78,118,478
	Grand Total	216,928,017

**SUPPLEMENTARY APPROPRIATION (CAPITAL
DEVELOPMENT)(2021/2022) ACT, 2022**

Arrangement of Sections

Section	
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No. 19 of 2022

SUPPLEMENTARY APPROPRIATION (CAPITAL DEVELOPMENT)(2021/2022) ACT, 2022

AN ACT FOR THE APPROPRIATION OF FURTHER DIVERS SUMS OF MONEY FOR AND TOWARDS DEFRAYING THE EXPENSES OF THE GOVERNMENT OF THE COMMONWEALTH OF THE BAHAMAS DURING THE FISCAL YEAR COMMENCING 1ST JULY 2021 AND ENDING 30TH JUNE, 2022

Enacted by the Parliament of The Bahamas

1. Short title.

This Act may be cited as the Supplementary Appropriation (Capital Development)(2021/2022) Act, 2022.

2. Further expenditure charged on the Consolidated Fund.

The further sum of thirty-four million four hundred ninety-one thousand one hundred twenty-three dollars (\$34,491,123) shall be charged on the Consolidated Fund and other public funds of The Bahamas for the expenses set out in the *Schedule* for the period ending 30th June, 2022.

3. Purpose of appropriation.

The further sum charged by section 2 of this Act is hereby appropriated to the services and other expenses expressed in the said *Schedule* and shall be deemed to have been appropriated for the fiscal period commencing 1st July, 2021.

SCHEDULE

(section 2)

Capital Expenditure

Head of Expenditure No.	Head of Expenditure	Sum Granted \$
33	Ministry of Works & Utilities	30,000,000
40	Ministry of Transport and Housing	542,326
60	Ministry of Health & Wellness	3,948,797
	Grand Total	34,491,123

**CITY OF NASSAU REVITALIZATION
(AMENDMENT) ACT, 2022**

Arrangement of Sections

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1. Short title and commencement.....2

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No. 20 of 2022

CITY OF NASSAU REVITALIZATION (AMENDMENT) ACT, 2022

AN ACT TO AMEND THE CITY OF NASSAU REVITALIZATION ACT

Enacted by the Parliament of The Bahamas

1. Short title and commencement.

- (1) This Act may be cited as the City of Nassau Revitalization (Amendment) Act, 2022.
- (2) This Act shall come into force on the 1st day of July, 2022.

2. Insertion of new section 4A into Ch. 328B.

The City of Nassau Revitalization Act is amended by the insertion immediately after section 4 of the following new section —

“4A. Agreement to be enforced by Chief Valuation Officer.

- (1) A copy of every agreement entered into pursuant to section 4, shall be forwarded to the Chief Valuation Officer to ensure that the covenants on the part of the owner are complied with.
- (2) Where in the opinion of the Chief Valuation Officer an owner is in breach of any covenant with respect to the enjoyment from the exemption of real property tax, he may in writing notify the Minister and such concession in relation thereto may no longer remain in full force and effect and may be subject to the provisions of the Real Property Tax Act (*Ch. 375*).”.

BUSINESS LICENCE (AMENDMENT) ACT, 2022

Arrangement of Sections

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No. 21 of 2022

BUSINESS LICENCE (AMENDMENT) ACT, 2022

AN ACT TO AMEND THE BUSINESS LICENCE ACT

Enacted by the Parliament of The Bahamas

1. Short title and commencement.

- (1) This Act, which amends the Business Licence Act, 2010 (*No.25 of 2010*), may be cited as the Business Licence (Amendment) Act, 2022.
- (2) This Act shall come into force on the 1st day of July, 2022.

2. Amendment of section 2 of the principal Act.

Subsection (1) of section 2 of the principal Act is amended —

- (a) by the deletion of the definitions, “Apex body” and “export turnover” and the particulars relating thereto;
- (b) in the definition of “financial services entity” —
 - (i) in paragraph (a)(i), by the deletion of the words “(*Ch. 316*)” and the substitution of the words “, 2020 (*No. 22 of 2020*)”;
 - (ii) in paragraph (a)(iii), by the deletion of the words “(*Ch. 369*)” and the substitution of the words “, 2020 (*No. 27 of 2020*)”;
 - (iii) by the deletion of paragraph (b) and the substitution of the following —

“(b) an insurer regulated under the —

 - (i) Insurance Act (*Ch. 347*);
 - (ii) External Insurance Act (*Ch. 348*);
- (c) a co-operative credit union under the Bahamas Co-operative Credit Unions Act, 2015 (*No. 9 of 2015*);
- (d) a digital assets exchange or other digital assets business registered under the Digital Assets and Registered Exchanges Act, 2020 (*No. 28 of 2020*)”;

- (c) by the deletion of definition of “firm” and the substitution as follows —
 - “ **“firm”** means—
 - (a) an unincorporated body of —
 - (i) two or more individuals; or
 - (ii) one or more individuals and one or more corporations; or
 - (iii) two or more corporations, who have entered into partnership with one another with a view to carrying on business for profit; or
 - (b) an unincorporated association;”
- (c) in the definition of “**foreign person**” by the deletion of paragraph (i) and the substitution of the following —
 - “(i) a person who is not —
 - (a) a citizen of The Bahamas; or
 - (b) a permanent resident with a right to work in The Bahamas;”;
- (d) by the deletion of the words “**supply of services**” and the definition relating thereto;
- (e) in the definition of “**tax**” by the deletion of the words “in respect of a business licence granted under this Act” and the substitution of the words “to carry on a business in or from within The Bahamas”;
- (f) in the definition of “**turnover**” —
 - (i) by the deletion of the words “prior financial year” and the substitution of the words “year of assessment”; and
 - (ii) by the deletion of paragraph (e);
- (g) by the insertion in the appropriate alphabetical order of the following new definition —
 - “ **“taxable person**” means a person who carries on a business in or from within The Bahamas and is licensed or required to apply for a licence under section 3, 5 or 6 and includes any person whose liability to pay tax under this Act is in question whether or not, an amount is found to be payable;
 - “year of assessment”** or **“year”** means the period of twelve months commencing on the 1st day of January in each year.”.

3. Amendment of section 3 of the principal Act.

Section 3 of the principal Act is amended —

- (a) by the deletion of subsection (1) and the substitution of the following—

- "(1) No person, other than a person who—
- (a) contracts exclusively with the Government; and
 - (b) has the prior approval of the Minister,
- shall carry on a business in or from within The Bahamas without the grant of a licence duly issued to him in accordance with the requirements of this Act.”;
- (b) by the deletion of subsection (3) and the substitution of the following —
- “(3) Every licensee who carries on a business in any year shall —
- (a) on or before the 31st day of January of the succeeding year file and submit to the Secretary as prescribed —
 - (i) an application for renewal of the licence;
 - (ii) financial results in a manner prescribed by the Secretary showing the turnover of the business for the prior year and the difference between the actual tax and the estimated tax for the prior year; and
 - (b) pay —
 - (i) by the 31st day of March any unpaid tax for the prior year; and
 - (ii) by the 31st day of March or in four equal installments commencing on or before the 31st day of March, the estimated tax for the succeeding year.”;
- (c) in subsection (3A), by the deletion of the words “Subsection (3)” and the substitution of the words “Paragraphs (a)(i) and (b)(ii) of subsection (3)”;
- (d) by the insertion immediately after subsection (8) of the following new subsections —
- “(9) Where the actual tax for the year is less than the estimated tax paid by a licensee, the amount overpaid shall be carried forward and treated as a credit towards tax payable for the succeeding year.
- (10) A licensee who wishes to pay the estimated tax for any year in installments must notify the Secretary in writing at the time of application for the renewal of his licence.
- (11) A licensee who in any year does not notify the Secretary by the time of application for the renewal of his licence shall be deemed to have selected to pay the estimated tax in full by the 31st March.

- (12) A licensee who is approved by the Secretary to pay in installments shall pay the second installment by the 30th day of June, the third installment by the 30th day of September and the fourth installment by the 31st day of December.
- (13) For the purpose of this section,—
- “**estimated tax**” for any year means tax computed by applying the applicable rate under section 8 to the estimated turnover for that year;
- “**estimated turnover**” for any year means turnover for the prior year;
- “**Government**” means the Government of The Bahamas and does not include an agency, statutory body, local government council or Government Business Enterprise;
- “**unpaid tax**” means the amount by which the actual tax exceeds the estimated tax.”.

4. Amendment of section 4 of the principal Act.

Section 4 of the principal Act is amended —

- (a) by the deletion of subsections (6A) to (6J);
- (b) in subsection (7), by the deletion of the words “or on any one of the days specified in column II of the Fifth Schedule”.

5. Insertion of new section 7A into the principal Act.

The principal Act is amended by the insertion immediately after section 7 of the following new section —

“**7A. Advance tax rulings.**

- (1) The Secretary may, on application by a person in the prescribed form, issue an advance tax ruling setting out the Secretary's position regarding the application of the Act to that person with respect to a transaction, venture or other activity proposed or entered into by that person.
- (2) An advance tax ruling shall not be provided —
 - (a) where the applicant has not provided all the information determined by the Secretary to be necessary;
 - (b) where the Secretary is of the opinion that there are no genuine points of uncertainty as to the person's tax liability;
 - (c) where the applicant is asking the Secretary to give tax planning advice;

- (d) where the request relates to transactions which, in the Secretary's view, are for the purposes of avoiding tax;
 - (e) in any other circumstances outlined by the Secretary in rules.
- (3) Subject to subsection (4), an advance tax ruling by the Secretary—
- (a) is binding on the Secretary for the time period determined by the Secretary and stated in the ruling;
 - (b) may state a time period during which the ruling is binding on the applicant, to include transactions commenced or completed prior to the application being made for the ruling.
- (4) Where the Secretary finds that an advance ruling issued by him is based on false, misleading or incorrect information provided by the applicant, the Secretary shall declare that ruling void and of no effect.”.

6. Amendment of section 8 of the principal Act.

Subsection (2A)(c) of section 8 of the principal Act is amended by the insertion immediately after the word “where” of the words “a member of”.

7. Amendment of section 9B of the principal Act.

Section 9B of the principal Act is amended —

- (a) in subsection (2) —
 - (i) in paragraph (a), by the deletion of the words “within fifteen calendar days of the date of service of the notice” and the substitution of the words “within the time stated in the notice”;
 - (ii) in paragraph (b), by the deletion of the word “fifteen” and the substitution of the word “two”;
- (b) by the deletion of subsection (3) and the substitution of the following —

“(3) The time stated in the notice under subsection (2) shall not exceed fifteen calendar days from the date of service of the notice, so, however, that the Secretary may, in his discretion, permit an agent to pay the money specified in the notice in instalments.”.

8. Insertion of new sections 9D - 9J into the principal Act.

The principal Act is amended by the insertion immediately after section 9C of the following new sections —

“9D. Receivers and duties of receivers under this Act.

- (1) In this section, a receiver is a person who in relation to an asset within The Bahamas is —
 - (a) a liquidator of a company;
 - (b) a judicial receiver or a receiver appointed out of court;
 - (c) a trustee for a person adjudged bankrupt;
 - (d) a mortgagee in possession;
 - (e) a guardian, conservator or any other person conducting business on behalf of a person legally incapacitated; or
 - (f) a personal representative, an executor or administrator of the estate of a deceased person.
- (2) A receiver must notify the Secretary in writing within fourteen calendar days after the person is appointed receiver, or takes possession of an asset of a taxable person, whichever event occurs first.
- (3) The Secretary may in writing notify a receiver of the amount which appears to the Secretary to be sufficient to provide for any tax which is or will become payable by the person whose assets are in the possession of the receiver.
- (4) A receiver —
 - (a) must set aside out of the assets or proceeds of sale of an asset —
 - (i) the amount notified by the Secretary under subsection (3);
 - (ii) such lesser amount as the Secretary may subsequently agree with the receiver;
 - (b) is liable, to the extent of the amount set aside, for the tax of the person who owned the asset; and
 - (c) notwithstanding any provision of this section, may pay any debt that has priority over the tax referred to in this section.
- (5) A receiver is personally liable to the extent of any amount required to be set aside under subsection (4) for the tax referred to in subsection (3) where, and to the extent that, the receiver fails to comply with the requirements of this section.

9E. Secretary has power to declare representative of a taxable person.

- (1) Where the Secretary considers it necessary or desirable to do so for the administration and enforcement of this Act, the Secretary may declare a person referred to in subsection (5),

to be a representative of a taxable person in the form and manner prescribed in regulations.

- (2) A person who is declared by the Secretary under subsection (1), to be the representative of a taxable person is deemed to be such representative and must perform the duties imposed by this Act on the taxable person, including the duty to apply for and renew a licence and pay taxes under this Act.
- (3) A representative is personally liable, in his representative capacity, for the payment of tax payable where the representative during the time the amount remains unpaid —
 - (a) alienates, charges, or disposes of any money received or accrued in respect of which the tax is payable;
 - (b) disposes of or parts with any fund or money belonging to the business whose representative he is, and from or out of which such tax could legally have been paid, which —
 - (i) is in the possession of the representative; or
 - (ii) comes to the representative after the tax becomes payable.
- (4) Notwithstanding any provision of this section, a taxable person must perform any duty imposed under this Act on a taxable person which a representative declared under this section has failed to perform.
- (5) In this section, a representative in relation to a business is —
 - (a) the financial controller or the designated officer of a company, other than a company in liquidation;
 - (b) a member of the committee of management of a firm;
 - (c) a person who is responsible to account for the receipt and payment of money or funds on behalf of a company or a firm, where paragraphs (a) and (b) do not apply;
 - (d) a person responsible for accounting for —
 - (i) the receipt and payment of money under the provisions of any law;
 - (ii) the receipt and payment of public funds;
 - (iii) the receipt and payment of funds voted by Parliament to a statutory body;
 - (e) a partner in a partnership;
 - (f) a trustee of a trust;

- (g) a liquidator of a company;
- (h) a person controlling the affairs of a resident or non-resident of The Bahamas, including a manager of a business carried on by the resident or non-resident of The Bahamas.

9F. Temporary closure of business premises.

- (1) Without prejudice to any other penalty which may be imposed for contravention of, or non-compliance with, any provision of this Act, the Secretary may apply to the Supreme Court for an order to close one or more business premises of a person who has repeatedly—
 - (a) failed to apply for, or renew, a licence;
 - (b) failed to pay tax when due under any provision of this Act; or
 - (c) contravened section 26.
- (2) The Secretary may, where the court grants an order for temporary closure pursuant to subsection (1), use such reasonable methods or secure such police assistance as may be necessary to execute the order in respect of the business premises specified in the order including the use of locks, fencing, boarding, or other appropriate methods.
- (3) For the purposes of subsection (1), a repeated contravention or non-compliance is one that is committed by a person within one year of a previous contravention or non-compliance.
- (4) Before the Secretary makes application to the court under subsection (1), he shall issue to the person a warning letter stating that —
 - (a) a specified contravention or non-compliance referred to in paragraphs (a) through (c) of subsection (1) of this section has been committed more than once within the preceding year; and
 - (b) a repetition of the specified contravention or non-compliance may result in closure of one or more of such person's business premises under this section.

9G. Death or insolvency of taxable person.

- (1) Where after the death of a taxable person, or the sequestration of the estate of that person, a business previously carried on by the deceased is carried on after his death, by or on behalf of his personal representative, executor

or administrator, that person shall be treated under this Act, as the taxable person in respect of the business.

- (2) Where a taxable person becomes insolvent or on the sequestration of his estate, a business previously carried on by him is continued after his insolvency by or on behalf of a liquidator, receiver, trustee, guardian or conservator, that person shall be treated under this Act, as the taxable person in respect of the business.

9H. Directors of unincorporated bodies.

For the purposes of this Act —

- (a) a liability or obligation imposed by or under this Act or the regulations on a firm carrying on a business as such, shall be imposed jointly and severally on each of the persons who are directors of the firm at the time a liability or obligation is imposed;
- (c) the existence of a firm, and a business carried on by such firm, is not affected by any change in the members or directors of the firm;
- (d) a document served on a firm is treated as served on the firm and the directors of the firm;
- (e) a contravention or non-compliance or an offence committed by a firm is treated as having been committed by the directors of the firm;
- (f) a director of a firm means —
 - (i) a partner of a partnership;
 - (ii) a participant in a joint venture;
 - (iii) a trustee of a trust; and
 - (iv) in any other case —
 - (aa) a person who holds office in the firm as a chairman, president, treasurer, secretary, or any other similar office;
 - (bb) where there is no director of the firm, a member of a committee responsible for management of the affairs of the firm; or
 - (cc) where (aa) or (bb) does not apply, a member of the firm.

9I. Mortgagee in possession, trustee.

- (1) A mortgagee in possession of land or other property—

- (a) previously mortgaged by a mortgagor who is a taxable person; and
- (b) receiving rents and profits from the land or other property; or
- (c) who carries on any other business in relation to the land or other property,

is the taxable person carrying on the business —

- (i) from the date the mortgagee took possession of the land or other property;
 - (ii) until such time as the mortgagee ceases to be in possession of the land or other property.
- (2) A person who is a trustee in more than one capacity, is, under this Act, a separate person in relation to each capacity.

9J. Liability of a director or similar officer of a company to pay tax.

- (1) Subject to subsection (2), a person is jointly and severally liable together with a company to pay tax payable by the company under this Act, together with interest and penalties in relation to such tax, where —
- (a) the company fails to pay an amount of tax payable by the company within the time prescribed; and
 - (b) such person was at the time the company was liable to pay the amount of tax a director or other similar officer of the company or acted, or purported to act, in such a capacity.
- (2) A person referred to in subsection (1)(b) is not liable, and may not be assessed for tax where the Secretary is satisfied that such person exercised the degree of care, diligence, and skill that a reasonably prudent person would have exercised in order to prevent the failure by the company to pay the amount of tax payable within the prescribed time.
- (3) The Secretary must serve on a person liable under subsection (1) a notice of assessment specifying the —
- (a) amount of the tax, together with any interest, fine or other penalty, assessed;
 - (b) time, place, and manner of objecting to the assessment.
- (4) A person served with a notice of assessment pursuant to subsection (3) may object to the decision under section 11.
- (5) The Secretary may not assess a person for an amount of tax payable by such person under this section where —

- (a) more than seven years have passed since the filing of the return relating to the amount concerned; or
 - (b) in the case where an assessment was made by the Secretary under section 10, more than seven years have passed since the date of the assessment relating to the amount.
- (6) A person who pays an amount of tax payable by a company under this section, in whole or in part, is entitled to contribution in respect of the amount so paid from the other persons who are liable to pay the amount under subsection (1).”.

9. Amendment of section 10 of the principal Act.

Section 10 of the principle Act is amended —

- (a) by the insertion immediately after subsection (4) of the following new subsection —

“(4A) The Secretary may at any time make, or cause to be made, an assessment of a person’s liability to pay tax where —

 - (a) a person fails to comply with a notice under section 9B, or makes any disposition of money, property or arrangement that contradicts the purpose of such notice;
 - (b) a receiver fails to comply with section 9D;
 - (c) a representative commits an act under subsection (3) of section 9E;
 - (d) subject to the provisions of section 9J, a company fails to pay the amount of tax payable by the company within the time prescribed and such person was, at the time the company was liable to pay the amount of tax, a director or other similar officer of the company or acted, or purported to act, in such a capacity;
 - (e) where an amount is paid to, or applied to a liability of, a person as a credit or refund under this Act and the person is not entitled to the credit or refund, or the amount paid or applied exceeds the credit or refund to which the person is entitled.”;
- (b) by the insertion immediately after subsection (6) of the following new subsections —

“(7) The Secretary may, within three years after service of a notice of assessment —

 - (a) amend an assessment, as the Secretary considers necessary; and

- (b) serve a written notice as prescribed of the amended assessment on the person assessed.
- (8) For the purposes of this Act —
 - (a) an assessment includes an amended assessment;
 - (b) tax charged under this Act includes an amount of tax assessed as due and payable by the Secretary in an assessment under this section.
- (9) The original notice or a copy certified by the Secretary, of a notice of assessment is receivable in any proceedings as conclusive evidence that —
 - (a) the assessment is a true assessment duly made; and
 - (b) except in appeal proceedings before the Tax Appeal Commission, the amount and all particulars in the notice are correct.
- (10) A notice of assessment or other document purported to be made, issued, or executed under this Act shall not be quashed, or deemed to be void or voidable, for want of form or by reason of mistake, defect or omission where —
 - (a) the assessment or other document is in substance and effect in conformity with this Act; and
 - (b) the person assessed or intended to be assessed, or affected by the document, is identified in the assessment or document.”.

10. Amendment of section 11 of the principal Act.

Section 11 of the principal Act is amended —

- (a) in subsection (1), by the deletion of the word “licensee” and the substitution of the word “person”;
- (b) by the insertion immediately after subsection (1) of the following new subsection —

“(1A) The Secretary may accept an objection after the time specified in subsection (1) where the Secretary is satisfied that there has been no unreasonable delay on the part of a person in lodging the objection due to —

 - (a) absence from The Bahamas;
 - (b) sickness; or
 - (c) other reasonable cause.”;
- (c) by the insertion immediately after subsection (2) of the following new subsection —

“(2A) An objection to an assessment that is based solely on an error of calculation in a business licence application filed with the Secretary does not suspend the objector’s obligation to pay the amount assessed.”;

- (d) in subsection (3), by the deletion of the word “licensee” wherever it appears and the substitution of the word “objector”;
- (e) in subsection (5), by the deletion of the words “a licensee” and the substitution of the words “the objector”;
- (f) by the insertion immediately after subsection (5) of the following new subsection —
 - “(6) Notwithstanding the provisions of this section or section 5 of the Tax Appeal Commission Act, 2020 (*No. 3 of 2020*), a person shall not, in respect of an issue for which the right of objection or appeal has been waived in writing by the person —
 - (a) object to the Secretary; or
 - (b) appeal to the Tax Appeal Commission.”.

11. Amendment of section 12 of the principal Act.

Section 12 of the principal Act is amended by the insertion immediately after paragraph (d) of the following new paragraphs —

- “(e) on an application for an advance tax ruling under section 7A;
- (f) to declare a person as a representative of a taxable person under section 9E.”.

12. Amendment of section 19 of the principal Act.

Section 19 of the principal Act is amended by the deletion of subsection (3).

13. Amendment of section 36 of the principal Act.

Section 36 of the principal Act is amended —

- (a) by the deletion of paragraphs (g) and (h); and
- (b) in paragraph (j), by the deletion of the word “financial”.

14. Insertion of new sections 33C and 33D into the principal Act.

The principal Act is amended by the insertion immediately after section 33B of the following new sections —

“33C. Electronic communications.

- (1) The Secretary may establish an information processing system (in this section referred to as “the system”), including provision for any or all of the following operations —

- (a) filing of electronic communications with the Secretary;
 - (b) service or issue of electronic communications with the Secretary;
 - (c) payment or collection of tax by electronic means.
- (2) The filing, service or issuance of documents by the Secretary via an information processing system established by the Secretary shall be valid and effective for all purposes under this Act and an electronic communication that is made by means of the system is deemed immediately upon sending to have been received by the person to whom it has been sent unless the contrary is shown.
- (3) The filing, service or issuance of documents by electronic means other than via an information processing system established by the Secretary, shall be valid and effective for all purposes under this Act where provided in accordance with the Electronic Communications and Transactions Act (*Ch. 337A*).
- (4) In this section, “electronic”, “electronic communication”, “electronic means” and “information processing system” have the meanings assigned to them respectively under section 2 of the Electronic Communications and Transactions Act (*Ch. 337A*).

33D. Service of documents.

- (1) Where this Act requires a document to be served on or lodged with the Secretary, such document may be —
 - (a) served by electronic means in accordance with section 33C;
 - (b) personally served on the Secretary or on any person duly authorised by the Secretary to accept service;
 - (c) left at the Secretary’s office; or
 - (d) forwarded to the Secretary’s office by post.
- (2) Where this Act requires a document to be served on any person other than the Secretary, such document may be served —
 - (a) by electronic means in accordance with section 33C;
 - (b) by delivering it to the person on whom it is to be served;
 - (c) by leaving it at the usual or last known place of abode of that person;
 - (d) by sending it by post addressed to the person on whom it is to be served —

- (i) to the usual or last known place of abode, office or place or business of such person;
- (ii) to any post office box rented in the name of such person or employer of such person or known to the Secretary to be used as an address for correspondence by such person; or
- (iii) in care of the Post Office (for general delivery) —
 - (aa) in the case where such person is known to the Secretary to have a place of abode in New Providence; or
 - (bb) in the case where such person is known to the Secretary to have a place of abode in an Family Island at a district post office or subpost office in that Out Island;
- (e) in the case of a body corporate —
 - (i) by delivering it to an officer, employee, agent or other representative of the body corporate at its registered office or other place of business;
 - (ii) by sending it by post addressed to the secretary of that body corporate at any post office box rented in the name of that body corporate or known to the Secretary to be used as an address for correspondence by that body corporate, or at any post office box rented in the name of that body corporate' registered office.”.

15. Amendment of First Schedule to the principal Act.

The First Schedule of the principal Act is amended —

- (a) in Part I —
 - (i) in paragraph (3), by the deletion of the words “subject to paragraph (1A), a business licence tax for the businesses specified below” and the substitution of “a business licence tax for all businesses for which no special provision has been made under the First Schedule”;
 - (ii) in paragraph (4), by the deletion of the words “subject to paragraph (5A)”;
 - (iii) in paragraph (5), by the deletion of the words “subparagraphs (4) and (5A)” and the substitution of the words “paragraph (4)”;
 - (iv) by the deletion of paragraph (5A);

- (b) by the insertion immediately after Part I of the following new Part

“PART II – FINANCIAL SERVICES ENTITIES TAXES

Where the business is a financial service entity, a tax of \$2,500 and for the financial services entities outlined below an additional tax as follows —

Type of Financial Service Entities	Annual Tax
Authorised Dealers	2.25% of total revenues net of interest expenses
Authorised Agents under the Bank and Trust Companies Regulations Act, 2020	\$10,000.00
Other Public Banks and Trust Companies	\$5,000.00
Non-bank Money Transmission Businesses (MTBs)	2.25% of turnover
Insurer with respect to their operations in the domestic market	2.25% of turnover
Fund administrators, investment managers, investment advisors and digital asset businesses with respect to their operations in the domestic market	2.25% of turnover
Moneylenders	2.25% of turnover”;

- (c) in Part IV, by the deletion of the words “under section 21 of the Broadcasting Act (*Ch. 305*), a tax of 3% of turnover” and the substitution of the words “under the Communications Act (*Ch. 304*), a tax of 1.25% of turnover”.

16. Repeal of Fifth Schedule to the principal Act.

The Fifth Schedule to the principal Act is repealed.

17. Transitional.

- (1) A licensee who before the commencement of this Act had a financial year other than the calendar year shall —
- (a) on the expiry of its licence in force on the commencement date, file and submit its financial results, in a manner prescribed by the

Secretary, showing the turnover of the business for the period specified in column III of the Table in subsection (2); and

- (b) on or before the relevant date specified in column II of the Table in subsection (2) pay the pro-rated tax, calculated based on turnover, for the corresponding period specified in column III of the Table in subsection (2); and
- (c) at the end of the period specified in column IV of the Table in subsection (2), transition to the calendar year and comply with section 3(3) of the principal Act.

(2) For the purpose of this section, the Table below shall apply —

TABLE FOR TRANSITION PERIOD

Financial Year	Date Payable	Period for Pro-rated tax	Transition Year
1st April	30th June, 2023	1st April, 2022 – 31st December, 2022	1st April, 2023 – 31st December, 2023
1st July	31st September, 2022	1st July, 2021 – 31st December, 2021	1st July, 2022 – 31st December, 2022
1st September	31st December, 2022	1st September, 2021 – 31st December, 2021	1st September, 2022 – 31st December, 2022

REAL PROPERTY TAX (AMENDMENT) ACT, 2022

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No. 22 of 2022

REAL PROPERTY TAX (AMENDMENT) ACT, 2022

AN ACT TO AMEND THE REAL PROPERTY TAX ACT

Enacted by the Parliament of The Bahamas

1. Short title and commencement.

- (1) This Act, which amends the Real Property Tax Act (*Ch. 375*), may be cited as the Real Property Tax (Amendment) Act, 2022.
- (2) This Act shall come into force on the 1st day of July, 2022.

2. Amendment of section 2 of the principal Act.

Section 2 of the principal Act is amended —

- (a) by the deletion of the definition of “commercial property” and the substitution of the following —

“**commercial property**” means any property used for business purposes and shall be deemed to include any property that falls within the proviso of the definition of residential property;”;
- (b) by the deletion of the definition of “residential property” and the substitution of the following —

“**residential property**” means any property —

 - (a) that is not owner-occupied;
 - (b) comprising not more than four units, exclusive of outbuildings;
 - (c) beneficially owned by —
 - (i) Bahamian citizen; or
 - (ii) a person who is registered under the Value Added Tax Act, 2014 (*No. 32 of 2014*) for the operation of the property as a commercial rental establishment; and

- (d) that is used solely as a dwelling place,
 Provided that where a person owns more than four dwellings that are not owner-occupied, each property shall be classified as commercial property;”;
- (c) by the deletion of the definition of “unimproved property” and the substitution of the following —
 “**“unimproved property”** —
 - (a) means property on which no improvements have been effected;
 - (b) includes property under construction unless the occupancy certificate has been issued or the property is occupied;
 - (c) does not include any property that is used to carry on any business activity;”;
- (d) by the deletion of the definition of “value” and the substitution of the following —
 “**“value”** means —
 - (a) in relation to unimproved property, the average amount over a period that the Chief Valuation Officer is of the view allows for a fair determination of the value of the property, which the fee simple of the property, if sold in the open market by a willing seller in its then condition free from encumbrances or any other burden, charge or restriction, might be expected to realise from a buyer who is reasonably well informed;
 - (b) in relation to improvements, the replacement cost of the improvements at the time of assessment by the Chief Valuation Officer;
 - (c) in relation to improved property, the combined value of the unimproved value and the replacement cost of the improvements at the time of assessment by the Chief Valuation Officer;”.

3. Amendment of section 3 of the principal Act.

- (1) Section 3 of the principal Act is amended —
 - (a) in subsection (2) —
 - (i) in the chapeau, by the deletion of the words, “In respect of the year commencing on the 1st day of January, 2016, and in respect of every succeeding year, the” and the substitution of the words, “The”;
 - (ii) in paragraph (a) —

- (aa) by the deletion in subparagraph (i) of the words “two hundred and fifty” and the substitution of the words “three hundred”;
 - (bb) in the proviso appearing immediately after subparagraph (ii), by the deletion of the word “sixty” and the substitution of the words “one hundred and twenty”;
- (iii) by the deletion of subparagraph (ii) of paragraph (c) and the substitution of the following —
 - “(ii) upon that part of the value of the property which exceeds five hundred thousand dollars but does not exceed two million dollars, a tax at the rate of one per centum per annum of the value of the property;
 - (iii) upon that part of the value of the property which exceeds two million dollars, a tax at the rate of one and a half per centum per annum of the value of the property.”;
- (iv) by the deletion of paragraph (e) and the substitution of the following —
 - “(e) in respect of any other property —
 - (i) where the property is owned by a Bahamian, a tax of one per centum of the value of the improvements;
 - (ii) where the property is owned by a non-Bahamian a tax of one per centum of the value of the improvements plus the amount payable under paragraph (b) on the unimproved value of the property.”;
- (b) by the deletion of subsection (8) and the substitution of the following —
 - “(8) Where a property is owned by a company, the property may only be classified as owner-occupied property where the beneficial owner of more than fifty per centum of the shares of such company —
 - (a) occupies the property exclusively as a dwelling on a permanent or seasonal basis;
 - (b) submits to the Chief Valuation Officer a declaration in the prescribed form stating that such property is occupied by the beneficial owner exclusively as a dwelling house on a permanent or seasonal basis.”;
- (c) by the insertion immediately after subsection (8) of the following new subsection —

“(8A) Where a —

- (a) person owns more than one property that is used as a residence for the owner;
 - (b) married person or his spouse own separate properties that are used as the matrimonial home or as a residence for either spouse,
- only one of those properties shall be classified as owner-occupied property.”; and

- (2) Subsections (1)(a)(ii)(aa) and (1)(a)(iii) shall be deemed to take effect from the 1st day of January, 2022.

4. Insertion of new section 7A into the principal Act.

The principal Act is amended by the insertion, immediately after section 7 of the following new section —

“7A. Rules relating to assessments.

- (1) The Chief Valuation Officer may combine properties of one owner under one assessment number where the properties are contiguous and used for the same purpose.
- (2) An assessment includes an amended assessment or a substitute assessment.
- (3) The original, or a copy certified by the Chief Valuation Officer, of a notice of assessment is receivable in any proceedings as conclusive evidence that —
 - (a) the assessment is a true assessment duly made; and
 - (b) except in appeal proceedings before the Tax Appeal Commission, the amount and all particulars in the notice are correct.
- (4) A notice of assessment or other document purported to be made, issued, or executed under this Act shall not be quashed, or deemed to be void or voidable, for want of form or by reason of mistake, defect or omission where —
 - (a) the assessment or other document is in substance and effect in conformity with this Act; and
 - (b) the person assessed or intended to be assessed, or affected by the document, is identified in the assessment or document.”.

5. Repeal and replacement of section 9 of the principal Act.

Section 9 of the principal Act is repealed and replaced as follows —

“9. Assessment on subdivision of property.

- (1) Where an owner obtains approval for subdivision of property or to construct a condominium on property, the owner must notify the Chief Valuation Officer within thirty days of the approval for separate assessment numbers to be assigned for each lot or apartment.
- (2) The notification to the Chief Valuation Officer under subsection (1) shall —
 - (a) be in the prescribed form; and
 - (b) include the approval from the Town Planning Committee under the Planning and Subdivision Act, 2010 (*No. 4 of 2010*).’.

6. Amendment of section 11 of the principal Act.

Section 11 of the principal Act is amended —

- (a) by the deletion of the words “deemed to have been” wherever it occurs;
- (b) by the insertion immediately after subsection (2) of the following new subsection —

“(3) A reference in this section to the date on which the notice of assessment is served shall —

 - (a) in the case of a notice of assessment issued under section 7, be the date on which the notice of assessment is deemed to have been served;
 - (b) in the case of a notice of assessment issued under section 17, be the date on which the notice of assessment is actually served.”.

7. Repeal and replacement of section 18 of the principal Act.

Section 18 of the principal Act is repealed and replaced as follows —

“18. Tax due date.

- (1) Subject to subsection (3) of section 12, tax in respect of any property shall be due and payable by the owner of the property by the 31st March in each year in respect of the tax year commencing on the 1st January of that year.
- (2) Notwithstanding subsection (1) —
 - (a) where payment is made by the 31st December of the tax year to which the payment relates, no surcharge shall accrue on such amount paid;
 - (b) the Chief Valuation Officer may for reasons which appear to him sufficient in any particular case by notice in writing,

postpone the date on or before which any tax shall be payable.”.

8. Amendment of section 19 of the principal Act.

Section 19 of the principal Act is amended by the insertion immediately after paragraph (6) of the following new paragraph —

- “(7) Notwithstanding repayment of the loan by the mortgagor property shall be —
 - (a) deemed to be under a deed of mortgage; and
 - (b) subject to the provisions of this section and section 19A, where the satisfaction of the mortgage has not been stamped in accordance with the Value Added Tax Act, 2014 (*No. 32 of 2014*).”.

9. Amendment of section 25A of the principal Act.

Section 25A of the principal Act is amended —

- (a) by the deletion of the words “property not beneficially owned by a Bahamian wherever they appear and the substitution of the words “any property other than owner-occupied property beneficially owned by a Bahamian”;
- (b) by the deletion of paragraph (15).

10. Amendment of section 42 of the principal Act.

Section 42 of the principal Act is amended —

- (a) in subsection (1) —
 - (i) by the deletion of paragraph (aa) and the substitution of the following —

“(aa) property owned by religious institutions, non-profit organizations, trade unions, civic organizations and burial societies;”;
 - (ii) in paragraph (c) by the deletion of the words “the Government” and the substitution of “Her Government of The Bahamas or”;
 - (iii) in paragraph (f), by the deletion of the words “two hundred and fifty” and the substitution of the words “three hundred”;
- (b) by the deletion of subsection (2) and the substitution of the following —

“(2) The question whether any exemption granted from tax on property referred to in subsection (1) does or does not apply in relation to such property in respect of any year shall be

determined by reference to the state of facts obtaining at the property on the fifteenth day of October of the year next preceding that year.

- (2A) Where the state of facts giving rise to an exemption under subsection (1) ceases to exist after the date referred to in subsection (2), the tax payable for the year shall be prorated.”.

11. Amendment of section 42A of the principal Act.

Section 42A of the principal Act is amended in subsection (6) by the deletion of the words “\$250,000.00” and the substitution of the words “\$300,000.00”.

12. Amendment of principal Act.

The principal Act is amended by the deletion of the words “Accountant-General” wherever they appear and the substitution therefor of the words “Chief Valuation Officer”.

ROAD TRAFFIC (AMENDMENT) ACT, 2022

Arrangement of Sections

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No. 23 of 2022

ROAD TRAFFIC (AMENDMENT) ACT, 2022

AN ACT TO AMEND THE ROAD TRAFFIC ACT

Enacted by the Parliament of The Bahamas

1. Short title and commencement.

- (1) This Act, which amends the Road Traffic Act (*Ch. 220*), may be cited as the Road Traffic (Amendment) Act, 2022.
- (2) This Act shall come into force on the 1st day of January, 2023.

2. Amendment of section 2 of the principal Act.

Subsection (1) of section 2 of the principal Act is amended by the insertion in the proper alphabetical order, of the following new definition —

““commercial driver's licence” means a licence issued under section 35A;”.

3. Amendment of section 5 of the principal Act.

Section 5 of the principal Act is amended —

- (a) in subsection (4), by deleting the word “Upon” and substituting therefor the words “Subject to subsection (6), and upon”; and
- (b) by inserting immediately following subsection (5), the following new subsection —

“(6) Notwithstanding subsection (2), there shall be payable in respect of a record referred to in subsection (2)(d), the appropriate fee specified in the *Schedule* to this Act.”.

4. Amendment of section 31 of the principal Act.

Subsection (2) of section 31 of the principal Act is amended by the insertion immediately following paragraph (a) of the following new paragraph —

“(aa) in the case of a commercial vehicle, the appropriate commercial driver's licence.”.

5. Amendment of section 34 of the principal Act.

Section 34 of the principal Act is amended —

- (a) in paragraph (a) of subsection (7), by the deletion of the words “or three years” and the substitution of the words “, three years, or five years”;
- (b) by the deletion and substitution of subsection (11) as follows —
 - “(11) The Controller may, upon payment of the appropriate fee specified in the *Schedule*, issue a duplicate licence to drive a motor vehicle—
 - (a) if satisfied that the licence has been lost, destroyed or stolen; or
 - (b) upon application by the holder of the licence to change the photograph on the licence.”.

6. Insertion of new section 35A into the principal Act.

The principal Act is amended by the insertion immediately after section 35 of the following new section —

“35A. Commercial driver’s licence.

- (1) A person shall not drive a vehicle described in subsection (2) unless he is the holder of a commercial driver’s licence.
- (2) For the purposes of subsection (1), a commercial driver’s licence is —
 - (a) a Class A commercial driver’s licence, to drive —
 - (i) any combination of vehicles with a combination gross vehicle weight rating of 26,001 pounds or more; or
 - (ii) a single vehicle used to tow another vehicle, where the vehicles have a combination gross vehicle weight rating of 26,001 pounds or more and the vehicle being towed has a gross vehicle weight rating of more than 10,000 pounds;
 - (b) a Class B commercial driver’s licence, to drive —
 - (i) a single vehicle with a gross vehicle weight rating of 26,001 pounds or more; or
 - (ii) a single vehicle with a gross vehicle weight rating of 26,001 pounds or more used to tow another vehicle and the vehicle being towed has a gross vehicle weight rating of 10,000 pounds or less;
 - (c) a Class C commercial driver’s licence, to drive —

- (i) a single vehicle with a gross vehicle weight rating of more than 10,000 pounds but less than 26,001 pounds;
 - (ii) a single vehicle of any gross vehicle weight rating used to pull multiple trailers;
 - (iii) a single vehicle used to pull a single trailer, where the vehicles have a combination gross vehicle weight rating of more than 10,000 pounds but less than 26,001 pounds; or
 - (iv) a single vehicle with a gross vehicle weight rating of 10,000 pounds or less that requires an endorsement issued by the Controller pursuant to subsection (3).
- (3) The Controller may issue an endorsement in respect of any vehicle with a gross vehicle weight rating of 10,000 pounds or less for —
 - (a) a passenger vehicle that carries more than ten passengers including the driver;
 - (b) a vehicle used to haul hazardous material that requires the vehicle to be placarded in accordance with international standards for the transporting of hazardous materials.
- (4) Notwithstanding subsection (2), the holder of —
 - (a) a Class A commercial driver's licence, may drive a vehicle for which a Class B or Class C commercial driver's licence is ordinarily required;
 - (b) a Class B commercial driver's licence, may drive a vehicle for which a Class C commercial driver's licence is ordinarily required.
- (5) A person shall not be granted a commercial driver's licence if —
 - (a) he does not hold a driver's licence; or
 - (b) he is not entitled to drive a motor vehicle.
- (6) A commercial driver's licence shall be granted for such period, not exceeding three years from its commencement, as the applicant's driving licence shall remain valid.
- (7) A commercial driver's licence shall only be granted on payment of the appropriate fee specified in the *Schedule* to this Act.
- (8) Upon his being satisfied that a commercial driver's licence has been lost, damaged or stolen the Controller may issue a duplicate licence upon payment of the appropriate fee specified in the *Schedule* to this Act.
- (9) Any person who contravenes subsection (1), commits an offence and is liable on summary conviction to a fine of two hundred and fifty dollars in respect of a first offence, or to a fine of five hundred

dollars or to imprisonment for a term of six months in respect of a second or subsequent offence.

- (10) The Minister may, by regulations require every applicant for a commercial driver's licence to satisfy an examiner as to his physical fitness and competence to drive a commercial vehicle of the appropriate Class before being granted a commercial driver's licence; and until such regulations are made the issue of all commercial driver's licences shall be subject to such requirements as the Controller may impose.”.

7. Repeal and replacement of section 102 of the principal Act.

Section 102 of the principal Act is repealed and replaced as follows—

“ 102. Fees.

- (1) The Minister may by regulations prescribe such fees as may be necessary for the efficient administration of this Act.
- (2) All fees received by the Controller under this Act, or under any regulations made thereunder, shall be paid into the Consolidated Fund to the credit of general revenue.”.

8. Amendment of Schedule to principal Act.

The Schedule to the principal Act is amended —

- (a) under the heading “A. In the whole of The Bahamas” —
- (i) by the insertion immediately following paragraph (1) of the following new paragraph —
- “(1A) Where multiple licences are issued in the name of the same individual, the fees set out in paragraph (1) shall only apply in respect of the first four motor vehicle licences issued to that individual and for each additional licence issued to that individual there shall be an additional fee of \$30.”;
- (ii) in paragraph 6, by the insertion immediately after subparagraph (b), of the following new subparagraph —
- “(c) for five years\$125.00”;
- (iii) by the deletion and substitution of paragraph 8 as follows—
- “For the issue of a duplicate driver's licence —
- to replace one lost, destroyed or stolen..... \$25.00
- to change the photograph on the licence..... \$25.00”;

- (iv) in paragraph 9, by the deletion of the words “\$50.00” and the substitution of the words “\$100.00”;
- (v) by the insertion immediately after paragraph 9, of the following new paragraphs —
 - “10. For the issue of a driver's licence history record..... \$15.00
 - 11. To reprint a receipt issued for any payment made under this Act..... \$10.00”;
- (b) under the heading “B. In the whole of The Bahamas” —
 - (i) in paragraph 2, by the deletion of the words “\$15.00” and the substitution of the words “\$25.00”;
 - (ii) in paragraph 4, by the deletion of the words “\$15.00” and the substitution of the words “\$25.00”;
 - (iii) by the deletion and substitution of paragraph 5 as follows —
 - 5. For the issue of a trade licence plates, per set —
 - for the first year \$200.00
 - for every subsequent year \$175.00”;
 - (iv) in paragraph 7, by the deletion of the words “\$20.00” and the substitution of the words “\$25.00”;
 - (v) in paragraph 15, by the deletion of the words “\$30.00” and the substitution of the words “\$50.00”;
 - (vi) in paragraph 18, by the insertion immediately after subparagraph (b), of the following new subparagraph (c) —
 - “(c) a commercial vehicle\$75.00”;
 - (vii) by the insertion immediately after paragraph 17, of the following new paragraphs —
 - “17A. For the issue of a commercial driver’s licence —
 - Class A \$75.00
 - Class B \$75.00
 - Class C \$50.00
 - 17B. To replace a commercial driver’s licence damaged \$25.00;
or lost.....”;
 - (viii) by the insertion immediately after paragraph 18, of the following new paragraphs —
 - “18A. To retake a theory test as to competence to drive —
 - a private vehicle..... \$25.00

a public service vehicle..... \$25.00

18B. To retake a practical test as to competence to drive —

a private vehicle..... \$25.00

a public service vehicle..... \$25.00”;
and

- (ix) in paragraph 20, by the deletion of the words “\$50.00” and the substitution of the words “\$100.00”.

**SPIRITS AND BEER MANUFACTURE
(AMENDMENT) ACT, 2022**

Arrangement of Sections

Section

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2.	Amendment of section 15 of Ch. 373.....	2



No. 24 of 2022

SPIRITS AND BEER MANUFACTURE (AMENDMENT) ACT, 2022

AN ACT TO AMEND THE SPIRITS AND BEER MANUFACTURE ACT

Enacted by the Parliament of The Bahamas

1. Short title and commencement.

- (1) This Act may be cited as the Spirits and Beer Manufacture (Amendment) Act, 2022.
- (2) This Act shall come into force on the 1st day of July, 2022.

2. Amendment of section 15 of Ch. 373.

Subsection (1) of section 15 of the principal Act is amended —

- (a) in paragraph (c), by the deletion of the words “five dollars” and the substitution of the words “two dollars and fifty cents”;
- (b) in paragraph (e), by the deletion of the words “\$2.00” and the substitution of the words “two dollars and fifty cents”.

STAMP (AMENDMENT) ACT, 2022

Arrangement of Sections

Section

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4.	Amendment of section 3A of the principal Act.	3
5.	Amendment of section 14 of the principal Act.....	4
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No. 25 of 2022

STAMP (AMENDMENT) ACT, 2022

AN ACT TO AMEND THE STAMP ACT

Enacted by the Parliament of The Bahamas

1. Short title and commencement.

- (1) This Act, which amends the Stamp Act (*Ch. 370*), may be cited as the Stamp (Amendment) Act, 2022.
- (2) This Act shall come into force on the 1st day of July, 2022.

2. Amendment of section 2 of the principal Act.

Section 2 of the principal Act is amended —

- (a) in subsection (1) —
 - (i) by the deletion of the term and accompanying definition of “business” and the substitution of the following —

“**business**” means a business that is licensed or required to apply for a licence under the Business Licence Act, 2010 (*No. 25 of 2010*) and includes any part of a business but does not include —

 - (a) any business whose annual turnover as defined by the Business Licence Act, 2010 (*No. 25 of 2010*) is less than five hundred thousand dollars;
 - (b) any business falling within a category of business declared by order of the Minister published in the *Gazette* to be exempt from the payment of stamp duty on the sale of that business;”;
 - (ii) by the deletion of the term “transfer of land” and its accompanying definition;
 - (iii) by the deletion of the term and accompanying definition of “sale of a business” and the substitution of the following —

“**“sale of a business”** includes the sale, exchange or other transfer or disposition, in whole or in part, of the goodwill or other property comprised in a business either directly or indirectly to another person and includes the transfer of shares in a company that owns the goodwill or other property of that business;”;

- (iv) by the insertion in the appropriate alphabetical order of the following new definition —

“**“Comptroller”** has the meaning ascribed to it in the Value Added Tax Act, 2014 (*No. 32 of 2014*);”;

- (b) by the deletion and substitution of subsection (8) as follows —

“(8) Notwithstanding any of the provisions of the Exempted Limited Partnership Act (*Ch. 312*), an exempted limited partnership, notwithstanding when it was established, shall be treated for all purposes of this Act as if it were a company incorporated under the International Business Companies Act (*Ch. 309*).;”

- (c) in subsection (9) —

- (i) by the deletion of the word “property” wherever it occurs and the replacement of the word “personalty”;
- (ii) by the deletion of the words “real estate or” after “ordinary conveyance of”.

3. Amendment of section 3 of the principal Act.

Section 3 of the principal Act is amended by the insertion immediately after subsection (2) of the following new subsections —

- “(3) A person assessed must pay in full the stamp duty assessed.
- (4) An instrument or transaction that is exempt from stamp duty under the *Second Schedule* shall not be required to be presented to the Comptroller for stamping unless such instrument or transaction relates to the assignment, sale, transfer or other disposition of any property or business.”.

4. Amendment of section 3A of the principal Act.

Section 3A of the principal Act is amended —

- (a) in paragraph (a) of subsection (4), by the deletion of the words “51, 51A, 52, 53 and 53A” and the substitution of the words “14 - 17”;
- (b) in subsection (7), by the deletion of the words “Financial Transactions Reporting Act (*Ch. 368*) and the substitution of the words “Financial Transactions Reporting Act, 2018 (*No. 5 of 2018*)”.

5. Amendment of section 14 of the principal Act.

Section 14 of the principal Act is amended —

- (a) by the deletion of subsection (4) and the substitution of the following —
 - “(4) For the avoidance of doubt the stamp duty payable at the time of execution of an instrument relating to the sale of a business, or an interest in a business, shall be based on the market value of the business or interest affected by the instrument.”;
- (b) in subsection (6) by the deletion of the words “land or” wherever they appear.

6. Amendment of section 21 of the principal Act.

Section 21 of the principal Act is amended —

- (a) in subsection (3) —
 - (i) by the deletion of the words “or the International Persons Landholding Act”; and
 - (ii) by the deletion of the words “of any land”;
- (b) in subsection (4), by the deletion of the words “land or a”.

7. Amendment of section 26A of the principal Act.

Section 26A of the principal Act is amended by the deletion of the words “real estate” wherever they appear.

8. Amendment of section 27 of the principal Act.

Section 27 of the principal Act is repealed and replaced as follows —

“27. Powers of Comptroller relating to assessments.

- (1) The Comptroller may make, or cause to be made, an assessment of the stamp duty chargeable on any executed instrument or transaction.
- (2) The Comptroller may require the production of —
 - (a) the instrument referred to in subsection (1); or
 - (b) a memorandum of transaction as described in section 14(2); and
 - (c) such other documents as he may deem necessary, in order to satisfy himself whether all the facts and circumstances affecting the liability of the instrument or transaction to stamp duty, or the amount of the stamp duty chargeable thereon, are fully and truly disclosed.

- (3) An assessment by the Comptroller under this section shall be based on the information available to the Comptroller and is the Comptroller's reasonable estimate of the stamp duty properly due and payable by the person assessed.
- (4) The Comptroller shall, where he makes an assessment under this section, serve a notice of assessment as shown in the *Third Schedule* on the person assessed specifying the —
 - (a) amount of tax payable by the person assessed;
 - (b) time, place, and manner of appealing the assessment.
- (5) The following provisions shall have effect with respect to the foregoing provisions of this section —
 - (a) an instrument for which the stamp duty has been assessed by the Comptroller shall not, if it is unstamped or insufficiently stamped, be stamped otherwise than in accordance with the assessment; and
 - (b) nothing in this section shall authorise the stamping after execution of any instrument which by law cannot be stamped after execution.
- (6) The Comptroller may, within three years after service of a notice of assessment —
 - (a) amend the assessment as the Comptroller considers necessary; and
 - (b) serve a written notice as prescribed of the amended assessment on the person assessed.
- (7) For the purposes of this Act, an assessment includes an amended assessment.
- (8) The original, or a copy certified by the Comptroller, of a notice of assessment is admissible in any proceedings as evidence, except in appeal proceedings before the Tax Appeal Commission, that —
 - (a) the assessment is a true assessment duly made; and
 - (b) the amount and all particulars in the notice are correct.”.

9. Insertion of new sections 27B and 27C into the principal Act.

The principal Act is amended by the insertion immediately after section 27A of the following new section —

“27B.Validity of documents issued under Act.

A document purported to be made, issued, or executed under this Act shall not be quashed, or deemed to be void or voidable, for want of form or by reason of mistake, defect or omission where —

- (a) the assessment or other document is in substance and effect in conformity with this Act; and
- (b) the person assessed or intended to be assessed, or affected by the document, is identified in the assessment or document.

27C. Advance stamp duty rulings.

- (1) The Comptroller may, on application by a person in the prescribed form, issue an advance stamp duty ruling in respect of a matter involving the liability of a person to pay stamp duty on an instrument or transaction.
- (2) An advance stamp duty ruling shall not be provided —
 - (a) where the applicant has not provided all the information determined by the Comptroller to be necessary;
 - (b) where the Comptroller is of the opinion that there are no genuine points of uncertainty;
 - (c) where the applicant is asking the Comptroller to give tax planning advice;
 - (d) where the request relates to transactions which, in the Comptroller's view, are for the purposes of avoiding tax; or
 - (e) in any other circumstances outlined by the Comptroller in rules.
- (3) Subject to subsection (4), an advance stamp duty ruling by the Comptroller takes effect in respect of the specific instrument or transaction to which the ruling relates and is valid for the period specified in the ruling.
- (4) An advance stamp duty ruling issued by the Comptroller on the basis of false, misleading or incorrect information provided in the application for the ruling is void.”.

10. Repeal and replacement of section 28 of the principal Act.

Section 28 of the principal Act is repealed and replaced as follows —

“28. Appeals to Tax Appeal Commission against assessment.

- (1) Any person who is aggrieved —
 - (a) by an assessment made by the Comptroller under section 27;
 - (b) by an advance stamp duty ruling under section 27B,

may within thirty calendar days after the date of service of the decision on such person, appeal to the Tax Appeal Commission.

- (2) An appeal under subsection (1) must —
 - (a) be made in the manner and form specified in the *Fourth Schedule* to the Tax Appeal Commission Act, 2020 (*No. 3 of 2020*);
 - (b) be accompanied by payment of the total amount of stamp duty assessed, or security for such amount in a form acceptable to the Comptroller, at the time the appeal is lodged.”.

11. Amendment of section 28A of the principal Act.

Section 28A of the principal Act is amended by the deletion of subsection (1) and the substitution therefor of the following —

- “(1) Every transaction comprising the sale of any business, insofar as such sale may involve the transfer of any land or any share in a landowning company, shall be subject to tax under the Value Added Tax Act, 2014 (*No. 32 of 2014*).”.

12. Amendment of section 28B of the principal Act.

Section 28B of the principal Act is amended by the deletion of subsection (4).

13. Repeal of section 28C of the principal Act.

Section 28C of the principal Act is repealed.

14. Repeal and replacement of section 28D of the principal Act.

Section 28D of the principal Act is repealed and replaced as follows —

“28D. Corporate and trust transactions.

The following transactions shall be chargeable for stamp duty in like manner as a direct transfer or sale of a business if entered into for the purpose of effecting a direct or indirect change in the beneficial ownership of any business —

- (a) the allotment or issuance to any person or his nominee of any shares of any class in any company such that the person to whom such shares are issued or his nominee thereby becomes entitled to voting rights, dividends, or the surplus assets of the company in place of any person who previously enjoyed those rights;
- (b) the variation of the rights of shareholders of a company such that the person in whose favour such rights are varied

becomes entitled to dividends or the surplus assets of the company in substitution for or to the exclusion of the other shareholders;

- (c) the admission to membership of any person in a company limited by guarantee whether having a share capital or not such that he becomes entitled to dividends or the surplus assets of the company in substitution for or to the exclusion of the other members;
- (d) any declaration of trust under which the present owner of a business declares himself a trustee of that business for another person;
- (e) any purchase by a company of its own shares, any redemption or cancellation of shares, any retention of shares as treasury shares, any conversion or exchange of shares into, or for, shares or other property of any class or description, or any other action of whatsoever nature that effects or facilitates any direct or indirect increase in the overall proportions of any person's shareholdings or effective equity in a company;
- (f) the addition of any person to the beneficial class of a trust and the contemporaneous or subsequent removal or exclusion of the other beneficiaries of the trust such that the only person who remains beneficially interested under the trust is the person so added;
- (g) any other transaction under or in relation to any trust or company resulting in any person indirectly acquiring or succeeding to the beneficial ownership of any business or any part thereof unless such transactions are exempted from stamp duty under any other provision of this Act.”.

15. Repeal of section 28E of the principal Act.

Section 28E of the principal Act is repealed.

16. Repeal of section 28G of the principal Act.

Section 28G of the principal Act is repealed.

17. Insertion of new section 32A into the principal Act.

The principal Act is amended by the insertion immediately after section 32 of the following new section —

“32A. Where several instruments, only one charged with ad valorem duty.

- (1) Where a loan is secured by a mortgage and several instruments form part of the collateral executed as security —
 - (a) only one instrument shall be chargeable with the *ad valorem* duty;
 - (b) each additional instrument forming part of the collateral as aforesaid, being supplemental to the mortgage, shall not be subject to stamp duty.
- (2) Subsection (1) only applies where —
 - (a) the entire amount of the loan is secured by the instrument to be stamped with *ad valorem* duty; and
 - (b) all the instruments that form a part of the collateral to secure the loan are submitted simultaneously for stamping.”.

18. Amendment of section 34 of the principal Act.

Section 34 of the principal Act is amended —

- (a) by renumbering the section as subsection (1);
- (b) by the insertion immediately after subsection (1) of the following new subsection —
 - “(2) Where rules have not otherwise been provided by the Minister, the Comptroller may make rules prescribing forms or otherwise for carrying out the purposes of the Act.”.

19. Repeal of sections 40 and 41 of the principal Act.

Sections 40 and 41 of the principal Act are repealed.

20. Repeal of section 43 of the principal Act.

Section 43 of the principal Act is repealed.

21. Amendment of section 45 of the principal Act.

Subsection (1) of section 45 of the principal Act is amended by the deletion of the words “both land in The Bahamas and”.

22. Repeal and replacement of First Schedule to the principal Act.

The First Schedule to the principal Act is repealed and replaced as follows —

“

FIRST SCHEDULE

(section 3)

INSTRUMENTS AND TRANSACTIONS CHARGEABLE WITH AD VALOREM DUTY

Item	Instrument	Duty
1	An assignment, transfer, exchange of personalty – (a) \$100,000 and under; (b) in excess of \$100,000.	2 ½ % of the value 10% of the value
2	A transaction comprising the sale of a business insofar as that transaction involves the sale of property other than land (save for cash and deposit accounts).	6% of the consideration attributable to property other than land
3	A lease of realty with a term of less than 5 years.	2 ½% of annual rent reserved
4	A lease of personalty.	2 ½ of annual rent reserved
5	A bond for the payment of any sum of money.	1% of amount of the bond
6	A foreign currency denominated debt instrument	\$1,000.00
7	A mortgage or transfer of mortgage of personalty	1.00% of mortgage amount
8	A re-conveyance of personalty to a borrower or mortgagor only.	0.1% of mortgage amount
9	An endorsement on a mortgage of personalty under section 32 of the Conveyancing and Law of Property Act (<i>Ch. 138</i>) or other satisfaction or discharge of mortgage of personalty (including a satisfaction or discharge of a debenture).	0.1% of mortgage amount
10	A copy of the Act, charter or other document of incorporation of a company lodged for record under the provisions of the Companies Act (<i>Ch. 308</i>) or the International Business Companies Act (<i>Ch. 309</i>).	\$600.00
11	A memorandum of association of a company –	

	(a) limited by guarantee having no authorized capital;	\$100.00
	(b) where the capital is \$1,000,000 or under;	\$100.00
	(c) where the capital is over \$1,000,000 for every additional \$1,000,000 or fraction thereof.	\$100.00
12	A resolution increasing the capital of a company incorporated within The Bahamas, for every \$1,000,000 or fraction thereof.	\$100.00
13	A promissory note.	1% of the loan amount
14	A transaction, instrument or receipt whereby funds are converted into foreign currency whether or not such converted into funds are remitted or transferred out of The Bahamas foreign currency.	1 ½% of amount
15	A bill of exchange, draft, money order, mail transfer of money, cable transfer of money, traveler's cheque or letter of credit –	
	(a) whereby funds in The Bahamas are remitted or transferred out of The Bahamas (other than remitted or transferred remittances made by a bank or outside out of The Bahamas to cover exchange sold within The Bahamas by such bank);	1 ½ % of amount remitted or transferred out of The Bahamas
	(b) whereby funds of or over five hundred thousand dollars per annum are converted into foreign currency and are remitted or transferred out of The Bahamas to a related party where such payment represents dividends or profits or payments for services to be rendered by the related party.	5% of amount remitted or transferred outside of The Bahamas
16	A bill of exchange drawn on any person outside of The Bahamas in order to effect payment for any goods.	1 ½% of amount drawn outside of The Bahamas
17	A bill of exchange, electronic wallet transaction, bank receipt for withdrawal from funds on deposit, cheque or order drawn, issued, originating, paid or negotiated in The Bahamas, other than the direct debit of one payment from one account to another.	40c

- 18 An assignment, transfer, lease, sublease or licence of a marina slip —
- | | | | |
|-----|------------------------|--------------------|----|
| (a) | \$100,000 and under | 2 ½ % of the value | |
| (b) | in excess of \$100,000 | 10% of the value | ”. |

23. Repeal and replacement of Second Schedule to the principal Act.

The Second Schedule to the principal Act is repealed and replaced as follows —

“SECOND SCHEDULE

(section 3)

EXEMPTIONS

Item	Exemption
1	Bank, Board of Trade or Government notes, bills of exchange, drafts, cheques or orders for payment of money issued by the Accountant General or by any other public officer in his official capacity or by any public Board.
2	Grants, leases, writs or other instruments issued by and on behalf of the Crown and The Bahamas.
3	<p>Instruments relating to a gift or voluntary disposition of property, where the transfer or other disposition of such property would otherwise be exigible to stamp duty, by an individual to —</p> <p>(a) a company all of whose shares of every class are beneficially owned by the transferor and in relation to which no other person owns or has agreed to acquire any right, power, title, option or other interest in, over or concerning —</p> <p>(i) the shares;</p> <p>(ii) any of the property of the company; or</p> <p>(iii) any of the property of the transferor;</p> <p>(b) trustees upon trust where the express and unalterable terms of the trust instrument permanently excludes from taking or receiving any title to the trust property or income, or any power, right or benefit pertaining to the trust, every person except for —</p> <p>(i) the transferor;</p>

- (ii) the transferor's spouse;
- (iii) the transferor's children or remoter issue.

- 4 Receipts given on behalf of the Crown or The Bahamas by the Accountant General or any other public officer.
- 5 Receipts given by any public officer or employee of the Government for money received by him as salary or wages.
- 6 Bonds, debentures and all other obligations whatsoever whether under seal or under hand only given by the Government to secure the repayment of money.
- 7 Bail bonds in criminal cases.
- 8 Instruments relating to the acquisition of any property by any State with which the Government has concluded a consular convention for the purposes of a consular office or residence for a consular officer or employee or for any other purpose approved by the Governor-General arising out of the operation of a consular establishment, and receipts given by consular officers for money received for consular services.
- 9 Instruments relating to the remittance or transfer from The Bahamas to any place outside The Bahamas of any funds arising out of the operation of a consular establishment by a consular officer or employee.
- 10 Insurance policies.
- 11 Import entries in respect of all goods imported by charitable organizations approved by the Minister (not including non-profit companies registered under the Non-profit Organizations Act).
- 12 Instruments relating to a transfer operating as a voluntary disposition of property to a body of persons incorporated by a special Act, if that body is by its Act precluded from dividing any profit among its members and the property conveyed is to be held for the public benefit.
- 13 Instruments relating to a transfer of property between two or more companies that are constituent members of the same group of companies and under the ultimate ownership of the same person if no part of the consideration for such transfer is payable to any person that is not a constituent member of the same group of

companies; the ultimate ownership aforesaid remains unchanged; and no person (other than the transferee and a pre-existing member of the same group of companies) acquires any interest in the property.

Provided that where the transferor and transferee companies are at least 95% ultimately owned by the same person, the exemption may be granted, but only to the extent of the common ultimate ownership.

- 14 Instruments relating to a transfer of property that does not result in a change of beneficial ownership.
- 15 Instruments relating to the vesting of property in a beneficiary under a trust.
- 16 Instruments relating to the transmission of property upon the death or bankruptcy of the owner of such property to his personal representatives or trustee-in-bankruptcy, as the case may be.
- 17 Instruments relating to the vesting of any property in any person by virtue of any statutory or common law entitlement save for a merger.
- 18 Instruments relating to the acquisition by a company of its own shares or any redemption of shares under the Companies Act or the International Business Companies Act except where such acquisition or redemption is intended or calculated to effect or facilitate a change in beneficial ownership or any direct or indirect increase in the overall proportions of any person's shareholding or effective equity in a company.
- 19 Instruments relating to any property transfer made pursuant to an adjustment order under the Matrimonial Causes Act.
- 20 Import entries in respect of tariff heading numbers in the First Schedule to the Tariff Act, namely, 8471.3010; 8471.4110; 8471.4910; 8471.6000; 8524.3100; 8524.4000; 8524.9100; 3808.9020; 0710.8020; 0803.0010; 0803.0030; 0805.4010; 0805.1010; 0805.2010; 0805.5030; 0805.5010; 1104.2300; 1104.2900; 1104.3000; 1904.1090; 1904.2090; 1103.1100; 1103.1900; 1103.2000; 1104.1200; 1104.1900; 1104.2200; 1902.1100; 1902.1900; 0807.1100; 0804.5030; 0804.5050; 0804.5010; 0809.3010; 1905.9010; 0710.1000; 0710.2100; 0710.2200; 0710.2910; 0710.2920; 0710.2990; 0710.3000; 0710.4000; 0710.8010; 0710.8030; 0710.8040; 0710.8050;

0710.8060; 0710.8090; 0710.9000.

- 21 A deed of conveyance, re-conveyance, assignment, exchange, or transfer of realty.
- 22 A mortgage or transfer of mortgage of realty.
- 23 A lease of realty with a term of 5 years or more.
- 24 A transfer of a Crown lease.
- 25 A satisfaction or discharge of a mortgage of realty.
- 26 Instruments relating to —
- (a) the transfer, pledge or assignment of shares in a company;
 - (b) the redemption of shares by a shareholder or a company; or
 - (c) any other acquisition by a company of its own shares under the Companies Act or the International Business Companies Act, irrespective of whether such instrument is intended or calculated to effect or facilitate a change in the beneficial ownership or any direct or indirect increase in the overall proportions or any person's shareholding or effective equity in a company:
- Provided that such company does not directly or indirectly own, control or have an interest in any property or business in The Bahamas.
- 27 An agreement not referred to in the *First Schedule*.
- 28 Articles of co-partnership.
- 29 Articles of clerkship.
- 30 Affidavits, other than affidavits of loss relating to a conveyance on which stamp duty or VAT was never paid.
- 31 An award in action before a court.
- 32 A warrant of survey of vessel or goods.
- 33 A certificate or report of surveyors.

- 34 A bottomry bond.
- 35 A bond of indemnity or other bond not being for payment of a specific sum of money.
- 36 A hypothecation on ship or on ship and cargo alone.
- 37 An instrument of apprenticeship.
- 38 A memorandum of association of a company formed for the promotion of objects that are religious, charitable, educational, scientific, historical, fraternal, literary, sporting, artistic or athletic.
- 39 A notarial —
- (a) certificate or declaration;
 - (b) protest of a bill, note or other instrument.
- 40 A ship's —
- (a) protest;
 - (b) report inwards;
 - (c) report outwards.
- 41 A charter-party.
- 42 A receipt for money, other than a receipt under Item 13 of the *First Schedule*.
- 43 Power of Attorney.
- 44 A renunciation or release of dower.
- 45 Declaration of condominium.
- 46 Deed poll.
- 47 Grant of right of way.
- 48 Guarantee.
- 49 Lease of easement.
- 50 Any other instrument or transaction not otherwise provided for in the *First Schedule* or this *Schedule*.”.

24. Insertion of new Third Schedule into the principal Act.

The principal Act is amended by the insertion immediately after the Second Schedule of the following new Schedule —

“THIRD SCHEDULE

(section 27(4))

**FORM No. 1**

COMMONWEALTH OF THE BAHAMAS

STAMP ACT

NOTICE OF ASSESSMENT

TO: (Taxpayer Name)
(Address)

TAKE NOTICE that the Comptroller has assessed you under section 27 of the Stamp Act for [additional] stamp duty amounting to _____ for _____.

This assessment is based on _____, and the explanation of the adjustments is attached to this Notice.

A surcharge is applicable to the outstanding amount in accordance with section 17 of the Stamp Act.

If you are aggrieved with this assessment you may lodge with the Tax Appeal Commission an appeal against the assessment within THIRTY (30) CALENDAR DAYS after the date of service of this Notice. Your Notice of Appeal must be in the form in the Fourth Schedule of the Tax Appeal Commission Act, 2020 which must be completed and filed with the Tax Appeal Commission, must specify in detail the grounds on which the appeal is made, and be accompanied by payment of the total amount of stamp duty assessed, or security for such amount in a form acceptable to the Comptroller.

On the day of 20

.....

Comptroller

“

25. Amendment of the principal Act.

The principal Act is amended by the deletion of the word “Accountant-General” wherever it appears and the substitution therefor of the word “Comptroller”.

CUSTOMS MANAGEMENT (AMENDMENT) ACT, 2022

Arrangement of Sections

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No. 26 of 2022

CUSTOMS MANAGEMENT (AMENDMENT) ACT, 2022

AN ACT TO AMEND THE CUSTOMS MANAGEMENT ACT

Enacted by the Parliament of The Bahamas

1. Short title and commencement.

- (1) This Act may be cited as the Customs Management (Amendment) Act, 2022.
- (2) This Act shall come into force on the 1st day of July, 2022.

2. Repeal and replacement of section 7 of No. 30 of 2011.

Section 7 of the Customs Management Act, 2011 is repealed and replaced as follows —

“7. Appointment of Comptroller.

- (1) There shall be appointed, upon recommendation of the Minister, a Comptroller of Customs.
- (2) The Comptroller shall report to the Financial Secretary.

7A. Minister may delegate his responsibilities under this Act.

The Minister may delegate to the Financial Secretary all or part of his responsibilities under this Act, on such terms and conditions as he may determine.”.

VALUE ADDED TAX (AMENDMENT) ACT, 2022

Arrangement of Sections

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No. 27 of 2022

VALUE ADDED TAX (AMENDMENT) ACT, 2022

AN ACT TO AMEND THE VALUE ADDED TAX ACT

Enacted by the Parliament of The Bahamas

1. Short title and commencement.

- (1) This Act, which amends the Value Added Tax Act, 2014 (*No. 32 of 2014*), may be cited as the Value Added Tax (Amendment) Act, 2022.
- (2) This Act shall come into force on the 1st day of July, 2022.

2. Amendment of section 2 of the principal Act.

Subsection (1) of section 2 is amended—

- (a) by the deletion of the definitions of “disposition of a business” and “transactions comprising the disposition of a business”;
- (b) in the definition of “approved project” by the deletion immediately after “(Ch. 289)” of the comma and the substitution of the word “or” and by the deletion of the words “or Hawksbill”; and
- (c) by the insertion of the following new definition —
“**“withholding agent”** means any person registered under section 23A;”.

3. Amendment of section 3 of the principal Act.

Subsection (1) of section 3 of the principal Act is amended by the deletion of paragraph (d).

4. Amendment of section 4 of the principal Act.

Subsection (1) of section 4 of the principal Act is amended by the deletion of paragraph (d).

5. Amendment of section 5 of the principal Act.

Section 5 of the principal Act is amended—

- (a) in subsection (1) by the deletion of paragraph (e); and
- (b) in subsection (2B) by the deletion of the word “non-Bahamian”.

6. Amendment of section 6 of the principal Act.

Section 6 of the principal Act is amended by the deletion of subsections (3) and (4).

7. Amendment of section 18 of the principal Act.

Section 18 of the principal Act is amended by the insertion immediately after subsection (1) of the following new subsection —

“(1A) An advance VAT ruling shall not be provided —

- (a) where the applicant has not provided all the information determined by the Comptroller to be necessary;
- (b) where the Comptroller is of the opinion that there are no genuine points of uncertainty;
- (c) where the applicant is asking the Comptroller to give tax planning advice;
- (d) where the request relates to transactions which, in the Comptroller’s view, are for the purposes of avoiding tax;
- (e) in any other circumstances outlined by the Comptroller in VAT Rules.”.

8. Insertion of new section 23A into the principal Act.

The principal Act is amended by the insertion immediately after section 23 of the following new section —

“23A. Withholding agents.

- (1) The Comptroller may appoint a person to be a withholding agent for VAT, who is a —
 - (a) recipient of a taxable supply of goods and services; or
 - (b) person responsible for the payment of a taxable supply of goods or services.
- (2) The Comptroller shall register the person appointed under subsection (1) as a withholding agent for VAT.
- (3) A person appointed and registered under subsections (1) and (2) shall, on purchasing or making payment for a taxable supply of goods or services, withhold the VAT payable thereon or the proportion of such VAT as prescribed in VAT

Rules and remit it to the Comptroller as specified under this Act and in VAT Rules.

- (4) A person withholding VAT under subsection (3) shall issue a Withholding VAT Certificate, in a form as prescribed by the Comptroller in VAT Rules, to the supplier at the time of making the payment for the supplies.
- (5) For the avoidance of doubt, the withholding of VAT under subsection (3) shall not relieve the supplier of taxable goods or services of the obligation to account for VAT in accordance with this Act, regulations and VAT Rules.
- (6) For purposes of this section, sections 19 and 20 of this Act shall not apply.
- (7) A withholding agent shall account for VAT each calendar month in a return.
- (8) Where a withholding agent under this Act fails to withhold VAT, he shall himself be personally liable to pay to the Comptroller the amount of the VAT that ought to have been withheld.
- (9) A person shall not unlawfully withhold VAT on payment to a supplier of taxable goods or services.
- (10) The Comptroller may make VAT Rules providing for the appointment, registration and administration of withholding agents.”.

9. Amendment of section 29 of the principal Act.

Section 29 of the principal Act is amended by the deletion of subsection (2) and substitution of the following —

- “(2) The disposition of a taxable activity as a going concern, or such part of the activity that is capable of separate operation, is a taxable supply of goods.
- (3) For the purposes of subsection (2), a taxable activity or its relevant part is disposed of as a going concern where —
 - (a) all the goods and services necessary for the continued operation of the activity, or its relevant part, are supplied to the transferee; and
 - (b) the transferor carries on the activity, or its relevant part, up to the time of its transfer to the transferee.”.

10. Amendment of section 38A of the principal Act.

Section 38A of the principal Act is amended by the deletion of subsections (3) and (4) and the substitution as follows —

- “(3) Where more than one instrument are executed as a part of the collateral to secure the same loan —
 - (a) VAT shall be chargeable at the applicable rate in the Third Schedule on only one of the security instruments; and
 - (b) no value added tax shall be assessed by the Comptroller on any other agreements, documents or instruments executed and delivered simultaneously with the security instrument chargeable to VAT under paragraph (a), which along with such instrument, form a part of the collateral which secures the said loan.
- (3A) Subsection (3) only applies where —
 - (a) the entire amount of the loan is secured by the instrument to be chargeable with VAT; and
 - (b) all the instruments that form a part of the collateral to secure the loan are submitted simultaneously for stamping.
- (4) Every instrument for a supply of real property shall —
 - (a) with effect from the 1st October, 2022, state the assessment number assigned by the Chief Valuation Officer under the Real Property Tax Act (*Ch. 375*) in respect of all property to which it relates;
 - (b) be presented to the VAT Department within the time prescribed in VAT Rules for the assessment and payment of VAT due on the supply; and
 - (c) not be stamped unless all outstanding real property tax due on the real property to which it relates has been paid.”.

11. Amendment of section 38C of the principal Act.

Section 38C of the principal Act is amended by the deletion of the words “or instrument containing or evidencing a transaction comprising the disposition of a business”.

12. Amendment of section 38D of the principal Act.

Section 38D of the principal Act is amended by the deletion of the words “or a transaction comprising the disposition of a business” wherever it appears.

13. Repeal of section 38E of the principal Act.

Section 38E of the principal Act is repealed.

14. Amendment of section 38F of the principal Act.

Section 38F of the principal Act is amended —

- (a) in paragraph (a) of subsection (1), by the deletion of the words “or transaction for the disposition of a business”; and
- (b) in subsection (2), by the deletion of the words “and 38E respectively”.

15. Insertion of new sections 38G to 38J into the principal Act.

The principal Act is amended by the insertion, immediately after section 38F of the following new sections —

“38G. Unstamped instruments not to be given in evidence.

No instrument required by this Act to be stamped shall be pleaded or given in evidence in any court unless the said instrument shall be duly stamped, except as provided in section 38H.

38H. Production in evidence of unstamped instrument.

- (1) Upon the production in evidence in any court of any instrument required by this Act to be stamped which is not duly stamped, the judge or presiding magistrate may request the Comptroller’s advice as to the VAT due for the stamping of the instrument.
- (2) On payment of the VAT into the court by the party producing such instrument, the said instrument shall be admissible in evidence.
- (3) The Registrar, clerk of the court or the presiding magistrate shall, upon payment to him of the VAT due on the instrument give a receipt for the amount of the VAT.
- (4) The Comptroller shall, upon the production to him of a receipt under subsection (4), cause the instrument to be stamped in the amount of the VAT paid.
- (5) The Registrar, clerk of the court or presiding magistrate, shall, as soon as practicable, pay the said VAT to the Comptroller.
- (6) The decision of the Comptroller as to the necessity for stamping of any instrument or as to the amount payable as VAT due thereon shall be final.
- (7) No instrument shall in any criminal proceeding be inadmissible in evidence for want of a stamp.

38I. Approval under the International Persons Landholding Act.

- (1) Where any exemption, permission or approval is granted under the Exchange Control Regulations Act or the International Persons Landholding Act in respect of the acquisition of any real property, it shall be a condition of

such exemption, permission or approval, whether expressed therein or not, that in the event that the applicable VAT on the instrument or transaction to which such exemption, permission, or approval relates remains unpaid for a period of eighteen months from the time when such VAT became due, such exemption, permission, or approval shall be conclusively deemed to be rescinded as from the expiration of the said period.

- (2) Subsection (1) shall not operate to prejudice any bona fide purchaser for value who may have acquired the real property without actual or constructive notice that any relevant exemption, permission, or approval has been rescinded by reason of the non-payment of the applicable VAT.
- (3) Any exemption, permission or approval rescinded under this section, shall automatically be re-instated with effect from the date of rescission, upon payment of the unpaid VAT and any applicable fines.
- (4) A person on whose behalf an instrument is presented for stamping shall to produce a sworn declaration setting out the consideration and all facts and circumstances relevant to the charging of VAT on the instrument or the transaction to which it relates, when requested by the Accountant-General.

38J. Making of false statements in relation to instruments.

A person shall not, with intent to defraud the Comptroller of tax due

- (a) execute or present any instrument in which all the facts and circumstances required by this Act to be set forth in such instrument are not fully and truly set forth;
- (b) being employed or concerned in or about the preparation of any instrument, neglect or omit fully and truly to set forth therein all such facts and circumstances;
- (c) being employed or concerned in or about the preparation of any instrument, date the instrument such that it purports to be executed prior to the date it was executed;
- (d) execute an instrument knowing that the same purports to be executed prior to the date it was actually executed;
- (e) executes any instrument purporting to create a mortgage over any property in connection with the sale of any business or property knowing the same to be a sham.”.

16. Amendment of section 47 of the principal Act.

Subsection (1) of section 47 of the principal Act is amended by the deletion of paragraph (b) and the substitution as follows —

- “(b) pay the tax due in respect of the tax period by the end of the twenty-one day period within which the registrant is required to file the return.”.

17. Amendment of section 47A of the principal Act.

Section 47A of the principal Act is amended —

- (a) in subsections (1) and (2) by the insertion immediately after the word “registrant” of the words “or withholding agent” wherever it appears;
- (b) in subsection (4) by the insertion immediately after the words “due and payable” of the words “, other than tax payable on a supply of real property,”;
- (c) by the insertion immediately after subsection (6) of the following new subsection —
 - “(7) In this section, the reference to a VAT return includes a withholding VAT return required to be filed by a withholding agent under section 23A.”.

18. Amendment of section 48 of the principal Act.

Subsection (2) of section 48 of the principal Act is amended —

- (a) by the insertion immediately after the words “for the purpose of” of the words “compulsorily registering a taxable person pursuant to subsection (5) of section 19 or”;
- (b) in paragraph (a) by the deletion of the words “date of registration” and the replacement of the words “actual date that the taxable person is registered, regardless of the effective date of such registration”.

19. Amendment of section 50 of the principal Act.

Subsection (1) of section 50 is amended —

- (a) in paragraph (k), by the deletion of the semi-colon and the substitution of a full stop; and
- (b) by the deletion of paragraph (l).

20. Amendment of section 56 of the principal Act.

Section 56 of the principal Act is amended by the insertion immediately after subsection (16) of the following new subsection —

“(17) Where an amount is paid to, or applied to, a liability of a person as a refund under this section and the person is not entitled to the refund or the amount paid or applied exceeds the refund to which the person is entitled, the person shall pay to the Comptroller an amount equal to the refund or excess, on the day the refund or excess, is paid to, or applied to a liability of the person.”.

21. Amendment of section 58 of the principal Act.

Subsection (1)(b) of section 58 of the principal Act is amended—

- (a) in subparagraph (i), by the deletion of the word “or” ;
- (b) in subparagraph (ii), by the deletion of the full stop and the substitution of the words “; or”;
- (c) by the insertion immediately after subparagraph (ii) of the following new subparagraph —
 - “(iii) a Bahamian citizen on the construction or renovation of his first home, in accordance with criteria prescribed in regulations and VAT Rules.”.

22. Amendment of section 60 of the principal Act.

Section 60 of the principal Act is amended —

- (a) in subsection (2) —
 - (i) in paragraph (a), by the deletion the word “or”;
 - (ii) in paragraph (b) —
 - (aa) by the insertion immediately after the word “misrepresentation” of the words “or refuses to pay an amount of tax due on a taxable supply”; and
 - (bb) by the deletion of the full stop and the substitution of a semicolon;
 - (iii) by the insertion immediately after paragraph (b) of the following new paragraphs —
 - “(c) such person was a director, or other similar officer of a company, or acted, or purported to act, in such a capacity, the company failed to pay an amount of VAT for which it was liable within the prescribed time, and the Comptroller is satisfied that such person did not exercise due care, diligence, and skill to prevent the company from failing to pay the said VAT within the prescribed time;
 - (d) a person fails to comply with a notice under section 72, or makes any disposition of money, property or

- arrangement that contradicts the purpose of such notice;
- (e) an amount is paid to, or applied to a liability of, a person as a refund under section 56 and the person is not entitled to the refund or the amount paid or applied exceeds the refund to which the person is entitled.
- (f) a receiver fails to comply with section 73;
- (g) a representative commits an act under subsection (3) of section 74;
- (h) a withholding agent fails to withhold VAT in accordance with section 23A.”;
- (b) in subsection (5), by the deletion of paragraph (b);
- (c) by the deletion of subsection (6) and the substitution as follows —
 - “(6) A person assessed by the Comptroller to pay tax may apply in writing to the Comptroller for time to make payment of the tax assessed and the Comptroller may where good cause is shown —
 - (a) grant the applicant time to pay the assessed tax; or
 - (b) make such other arrangements with the applicant acceptable to the Comptroller to ensure payment of the tax due.”;
- (d) in subsection (9), by the deletion of paragraph (b).

23. Repeal and replacement of section 61B of the principal Act.

Section 61B of the principal Act is repealed and replaced as follows —

“61B. Assessment of real property.

VAT due on the supply of real property may be assessed by the Comptroller at any time.”.

24. Amendment of section 72 of the principal Act.

Section 72 of the principal Act is amended —

- (a) in subsection (2) —
 - (i) by the deletion in paragraph (a) of the words “within fifteen calendar days of the date of service of the notice” and the substitution of “within the time stated in the notice”;
 - (ii) by the deletion in paragraph (b) of the word “fifteen” and the substitution of the word “two”;
- (b) by the deletion of subsection (2B) and the substitution as follows —
 - “(2B) The time stated in the notice under subsection (2) shall not exceed fifteen calendar days, however, the Comptroller may,

in his discretion, permit an agent to pay the money specified in the notice in instalments.”.

25. Insertion of new section 72A into the principal Act.

The principal Act is amended by the insertion immediately after section 72 of the following new section —

“72A. Person leaving The Bahamas.

- (1) If the Comptroller reasonably suspects that a person has left or is about to leave The Bahamas, the Comptroller may, before the day otherwise fixed for payment, by notice to the person served personally, by electronic means in accordance with section 97 or sent by registered mail addressed to the person’s latest known address, demand payment of any amount for which the person is liable under this Act or would be liable if the time for payment of the amount had arrived, and that amount shall be paid without delay despite any other provision of this Act.
- (2) If a person fails to pay an amount as required under subsection (1), the Comptroller may direct that money, goods and chattels of the person be seized or garnished, and sections 67 and 72 apply.”.

26. Insertion of new section 81B into the principal Act.

The principal Act is amended by the insertion immediately after section 81A of the following new section —

“81B. Limitation on objections.

Notwithstanding the provisions of sections 81 and 81A of this Act and section 5 of the Tax Appeal Commission Act, 2020 (*No. 3 of 2020*), a person shall not, in respect of an issue for which the right of objection or appeal has been waived in writing by the person —

- (a) object to the Comptroller; or
- (b) appeal to the Tax Appeal Commission.”.

27. Amendment of section 97 of the principal Act.

Section 97 of the principal Act is repealed and replaced as follows —

“97. Electronic communications.

- (1) The Comptroller may establish an information processing system (in this section referred to as “the system”), including provision for any or all of the following operations —

- (a) filing of electronic communications with the Comptroller;
- (b) service or issue of electronic communications with the Comptroller;
- (c) payment or collection of tax by electronic means.
- (2) The filing, service or issuance of documents by the Comptroller via an information processing system established by the Comptroller shall be valid and effective for all purposes under this Act and an electronic communication that is made by means of the system is deemed immediately upon sending to have been received by the person to whom it has been sent unless the contrary is shown.
- (3) The filing, service or issuance of documents by electronic means other than via an information processing system established by the Comptroller, shall be valid and effective for all purposes under this Act where provided in accordance with the Electronic Communications and Transactions Act (*Ch. 337A*).
- (4) In this section, “electronic”, “electronic communication”, “electronic means” and “information processing system” have the meanings assigned to them respectively under section 2 of the Electronic Communications and Transactions Act (*Ch. 337A*).’.

28. Insertion of new section 97A into the principal Act.

The principal Act is amended by the insertion immediately after section 97 of the following new section —

“97A. Service of documents.

- (1) Where this Act requires a document to be served on or lodged with the Comptroller, such document may be —
 - (a) served by electronic means in accordance with section 97;
 - (b) personally served on the Comptroller or on any person duly authorised by the Comptroller to accept service;
 - (c) left at the Comptroller’s office; or
 - (d) forwarded to the Comptroller’s office by post.
- (2) Where this Act requires a document to be served on any person other than the Comptroller, such document may be served —
 - (a) by electronic means in accordance with section 97;

- (b) by delivering it to the person on whom it is to be served;
- (c) by leaving it at the usual or last known place of abode of that person;
- (d) by sending it by post addressed to the person on whom it is to be served —
 - (i) to the usual or last known place of abode, office or place or business of such person;
 - (ii) to any post office box rented in the name of such person or employer of such person or known to the Comptroller to be used as an address for correspondence by such person; or
 - (iii) in care of the Post Office (for general delivery) —
 - (aa) in the case where such person is known to the Comptroller to have a place of abode in New Providence; or
 - (bb) in the case where such person is known to the Comptroller to have a place of abode in an Family Island at a district post or subpost office in that Out Island;
- (e) in the case of a body corporate —
 - (i) by delivering it to an officer, employee, agent or other representative of the body corporate at its registered office or other place of business;
 - (ii) by sending it by post addressed to the secretary of that body corporate at any post office box rented in the name of that body corporate or known to the Comptroller to be used as an address for correspondence by that body corporate, or at any post office box rented in the name of that body corporate' registered office.'".

29. Amendment to First Schedule to the principal Act.

The First Schedule of the principal Act is amended —

- (a) In Part I —
 - (i) by the insertion immediately after item 4 of the following new item —

“5. A supply by a registrant to another registrant of a taxable activity, or part of such activity, as a going

concern where the provisions of this Act and the regulations are satisfied.”;

(ii) in item 9 —

(aa) in paragraph (d) by the deletion of the words “\$500,000” and the substitution of the words \$300,000”;

(bb) in paragraph (n) by the deletion of the full stop and the substitution of the semi colon;

(cc) by the insertion immediately after paragraph (n) of the following new paragraphs —

“(o) instruments relating to the vesting of real property to a beneficiary under a trust in accordance with the provisions of the trust;

(p) instruments relating to a transfer of real property between two or more companies where at least 95% of the shares of both companies are beneficially owned by the same person, provided that VAT is payable to the extent of the difference in beneficial ownership;

(q) conveyances by way of assent and deeds of assent transferring real property in an estate, from a legal personal representative under a will or letters of administration and vesting such property in the beneficiaries, including the conveyance from the legal personal representative to the beneficiaries in severalty of property devised to the beneficiaries as joint tenants or tenants in common.”; and

(iii) by the insertion immediately after item 13 of the following new item —

“14. A supply of utility goods that comprises —

(a) electricity that is equivalent to \$300.00 or below per billing cycle;

(b) water, including sewerage services, that is equivalent to \$50.00 or below per billing cycle.”; and

(b) In Part II, by the deletion of items (15) and (16).”.

30. Repeal and replacement of the Third Schedule to the principal Act.

The Third Schedule to the principal Act is repealed and replaced as follows —

“THIRD SCHEDULE

(section 6)

**VALUE ADDED TAX RATES FOR SUPPLIES OF REAL PROPERTY
THAT ARE NOT ZERO RATED**

Supply of Real Property	Applicable VAT rate
(1) Every deed of conveyance, assignment or transfer of real property to a company or other entity	10%
(2) Subject to item (3), every deed of conveyance, assignment or transfer of real property to an individual	(a) 2.5% where the value does not exceed \$100,000; (b) 4% where the value exceeds \$100,000 but does not exceed \$300,000; (c) 6% where the value exceeds \$300,000 but does not exceed \$500,000; (d) 8% where the value exceeds \$500,000 but does not exceed \$700,000; (e) 9% where the value exceeds \$700,000 but does not exceed \$1,000,000; (f) 10% where the value exceeds \$1,000,000
(3) Acquisition of a first home by a Bahamian citizen	4% where the value exceeds \$300,000 but does not exceed \$500,000;
(4) Every long-term lease or transfer of an interest in a long-term lease	(a) 2.5% where the value does not exceed \$100,000; (b) 10% where the value exceeds \$100,000
(5) A transaction or instrument which by virtue of the provisions of this Act is a supply of real property and which — (a) has the effect of transferring any interest in a real property	10%

<p>holding entity and which would have a similar effect on the legal or beneficial interest in any real property in The Bahamas that is legally or beneficially owned by the entity had the legal or beneficial ownership of such entity represented the proportionate parts into which that legal or beneficial interest in that real property were divided; or</p> <p>(b) forms part of a series of transactions, and has the cumulative effect on real property as referred to in paragraph (a) above, unless the Comptroller is satisfied that the transaction is not of a series</p>	
(6) A deed of exchange of real property	<p>(a) where the transferee is a company or other entity, the rates under item (1);</p> <p>(b) where the transferee is an individual, the rates under item (2) or item (3) where applicable</p>
(7) A transfer of a Crown lease	<p>(a) 2 ½ where the value does not exceed \$100,000;</p> <p>(b) 10% where the value exceeds \$100,000</p>
(8) A mortgage or transfer of mortgage of real property	1% of mortgage or transfer of mortgage amount
(9) A re-conveyance of real property from a mortgagee to a borrower or mortgagor only	0.10% of mortgage amount
(10) An endorsement or mortgage under section 32 of the Conveyancing and Law of Property Act (<i>Ch. 138</i>), or other satisfaction or discharge of a	0.10% of mortgage amount

mortgage (including a satisfaction or discharge of a debenture)	
(11) Any other supply of real property	<p>(a) where the transferee is a company or other entity, the rates under item (1);</p> <p>(b) where the transferee is an individual, the rates under item (2) or item (3) where applicable”.</p>

**PUBLIC FINANCE MANAGEMENT (AMENDMENT)
ACT, 2022**

Arrangement of Sections

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No. 28 of 2022

PUBLIC FINANCE MANAGEMENT (AMENDMENT) ACT, 2022

**AN ACT TO AMEND THE PUBLIC FINANCE MANAGEMENT ACT,
2021**

Enacted by the Parliament of The Bahamas

1. Short title and commencement.

- (1) This Act, which amends the Public Finance Management Act, 2021 (*No. 8 of 2021*), may be cited as the Public Finance Management (Amendment) Act, 2022.
- (2) This Act shall come into force on the 1st day of July, 2022.

2. Amendment of section 2 of the principal Act.

Subsection (1) of section 2 of the principal Act is amended by the deletion of the words “tax legislation” and the accompanying definition.

3. Amendment of section 34 of the principal Act.

Section 34 of the principal Act is amended by the insertion immediately after subsection (4), of the following new subsection (4A) —

- “(4A) Revenues derived from real property tax collected under the Real Property Tax Act (*Ch. 375*) in respect of property located on a Family Island all taxes and fees collected on a Family Island under the Road Traffic Act (*Ch. 220*), shall be utilized to defray expenses and fund expenditures of that Family Island as follows —
- (a) for the financial year commencing July 1, 2022, not less than ten percent;
 - (b) for the financial year commencing July 1, 2023, not less than seventeen percent; and
 - (c) for the financial year commencing July 1, 2024 and for subsequent financial years, not less than twenty-five percent.”.

4. Amendment of section 105 of the principal Act.

Subsection (3) of section 105 of the principal Act is amended by the deletion of the word “*Twelveth*” and the substitution of the word “*Twelfth*”.

5. Amendment of section 106 of the principal Act.

Subsection (3) of section 106 of the principal Act is repealed and replaced as follows —

- “(3) A Tax Compliance Certificate issued in accordance with this Act shall be valid for —
- (a) one month, where the applicant has accrued arrears under any tax legislation but can provide evidence to the Financial Secretary of a plan to satisfy the arrears;
 - (b) six months, where the Financial Secretary is satisfied that the applicant has satisfied its tax obligations under the enactments in the *Twelfth Schedule* for not less than three consecutive months immediately preceding the application;
 - (c) three months, in every other case.”.

6. Insertion of new section 110A into the principal Act.

The principal Act is amended by the insertion immediately following section 110 of the following new section —

“110A. Collection of arrears of taxes.

- (1) Where any revenue due and payable to the Government has not been paid for one year or more, the Ministry or revenue and taxing agency to which the arrears of revenue is payable shall advise the Department of Inland Revenue and shall transfer all relevant information in respect of the arrears to the Department of Inland Revenue which shall be responsible for the collection of the arrears.
- (2) All taxes and fees collected by the Department of Inland Revenue for debt in excess of one year, shall be deposited into the sinking fund.”.

ECONOMIC EMPOWERMENT ZONES (AMENDMENT) ACT, 2022

Arrangement of Sections

Section

- | | | |
|----|--|---|
| 1. | Short title and commencement..... | 2 |
| 2. | Amendment of section 2 of the principal Act..... | 2 |



No. 29 of 2022

ECONOMIC EMPOWERMENT ZONES (AMENDMENT) ACT, 2022

**AN ACT TO AMEND THE ECONOMIC EMPOWERMENT ZONES
ACT, 2018**

Enacted by the Parliament of The Bahamas

1. Short title and commencement.

- (1) This Act may be cited as the Economic Empowerment Zones (Amendment) Act, 2022.
- (2) This Act shall come into force on the 1st day of July, 2022.

2. Amendment of section 2 of No. 28 of 2018.

Section 2 of the Economic Empowerment Zones Act, 2018 is amended by the deletion and substitution of the following definition —

“**“vehicle”** means a work bus, work van, work truck, including a hybrid or electric vehicle, which is used solely for commercial purposes such as the transportation of people, goods, wares or merchandise;”.

TARIFF (AMENDMENT) ACT, 2022

Arrangement of Sections

Section

1.	Short title.....	2
2.	Amendment of the Schedule to No. 21 of 2018.....	2



No. 30 of 2022

TARIFF (AMENDMENT) ACT, 2022

AN ACT TO AMEND THE TARIFF ACT

Enacted by the Parliament of The Bahamas

1. Short title.

This Act may be cited as the Tariff (Amendment) Act, 2022.

2. Amendment of the Schedule to No. 21 of 2018.

(1) Part C of the Schedule to the Tariff Act is amended —

(a) in Chapter 2 —

(i) in TARIFF CODE Headings/Subheadings “0203.1100”; “0203.1200”; “0203.1900”; “0203.2100”; “0203.2200”; “0203.2900”, by the deletion of the figure “25%” in the column “General Rate”, and the substitution therefor of the figure “10%”,

(ii) in TARIFF CODE Headings/Subheadings “0207.1310”; “0207.1320”; “0207.1330”; “0207.1340”; “0207.1350”; “0207.1390”; “0207.1410”; “0207.1420”; “0207.1430”; “0207.1440”; “0207.1450”; “0207.1490”, by the deletion of the figure “30%” in the column “General Rate”, and the substitution therefor of the figure “10%”,

(iii) in TARIFF CODE Headings/Subheadings “0207.4100”; “0207.4200”; “0207.4300”; “0207.4400”; “0207.4500”, by the deletion of the figure “10%” in the column “General Rate”, and the substitution therefor of the figure “5%”;

(b) in Chapter 3, in TARIFF CODE Headings/Subheadings “0307.5100”; “0307.5200”; “0307.5900”, by the deletion of the

figure “35%” in the column “General Rate”, and the substitution therefor of the word “Free”;

(c) in Chapter 4 —

- (i) in TARIFF CODE Headings/Subheadings “0406.1000”; “0406.2000”; “0406.3000”; “0406.4000”; “0406.9000”, by the deletion of the figure “5%” in the column “General Rate”, and the substitution therefor of the word “Free”,
- (ii) in TARIFF CODE Headings/Subheadings “0407.2100”; “0407.2900”; “0407.9000”, by the deletion of the figure “30%” in the column “General Rate”, and the substitution therefor of the figure “5%”;

(d) in Chapter 7 —

- (i) in TARIFF CODE Headings/Subheadings “0703.1020”; “0703.2000”; “0703.9000”; “0704.1010”; “0704.1020”; “0704.2000”; “0704.9010”; “0704.9090”; “0705.1100”; “0705.1910”; “0705.1990”; “0705.2100”; “0705.2900”; “0706.1010”; “0706.1020”; “0706.9010”; “0706.9020”; “0706.9090”; “0707.0010”; “0707.0020”; “0708.1000”; “0708.2010”; “0708.2020”; “0708.2030”; “0708.2090”; “0708.9010”; “0708.9090”; “0709.2000”; “0709.3000”; “0709.4000”; “0709.5100”; “0709.5900”; “0709.6010”; “0709.6020”; “0709.6090”; “0709.7000”; “0709.9100”; “0709.9200”; “0709.9310”; “0709.9320”; “0709.9390”; “0709.9930”; “0709.9940”; “0709.9950”; “0709.9990”; “0713.1000”; “0713.2000”; “0713.3100”; “0713.3200”; “0713.3300”; “0713.3400”; “0713.3500”; “0713.3910”; “0713.3920”; “0713.3990”; “0713.4000”; “0713.5000”; “0713.6000”; “0713.9000”; “0714.1010”; “0714.3010”; “0714.4010”; “0714.5010”; “0714.9010”, by the deletion of the figure “5%” in the column “General Rate”, and the substitution therefor of the word “Free”,
- (ii) in TARIFF CODE Headings/Subheadings “0711.2000”; “0711.4010”; “0711.4090”; “0711.5100”; “0711.5900”; “0711.9010”; “0711.9020”; “0711.9030”; “0711.9090”; “0712.2000”; “0712.3100”; “0712.3200”; “0712.3300”; “0712.3900”; “0712.9090”; “0714.2020”; “0714.2090”; “0714.3020”; “0714.3090”; “0714.4020”; “0714.4090”; “0714.5020”; “0714.5090”; “0714.9020”; “0714.9090”, by the deletion of the figure “25%” in the column “General Rate”, and the substitution therefor of the word “Free”,
- (iii) in TARIFF CODE Headings/Subheadings “0714.1020”; “0714.1090”, by the deletion of the figure “30%” in the

column “General Rate”, and the substitution therefor of the word “Free”;

- (e) in Chapter 11, in TARIFF CODE Headings/Subheadings “1105.1000”; “1105.2000”; “1106.1000”; “1106.2000”; “1106.3000”; “1107.1000”; “1107.2000”; “1108.1100”; “1108.1200”; “1108.1300”; “1108.1400”; “1108.1900”; “1108.2000”; “1109.0000”, by the deletion of the figure “35%” in the column “General Rate”, and the substitution therefor of the word “Free”;
- (f) in Chapter 12, in TARIFF CODE Headings/Subheadings “1202.4110”; “1202.4210”, by the deletion of the figure “10%” in the column “General Rate”, and the substitution therefor of the word “Free”;
- (g) in Chapter 16 —
 - (i) in TARIFF CODE Headings/Subheadings “1602.1020”; “1602.1090”; “1602.2000”; “1602.3110”; “1602.3190”; “1602.4190”; “1602.4200”; “1602.4990”; “1602.5090”; “1602.9090”, by the deletion of the figure “20%” in the column “General Rate”, and the substitution therefor of the word “Free”,
 - (ii) in TARIFF CODE Headings/Subheadings “1604.1190”; “1604.1290”; “1604.1390”; “1604.1490”; “1604.1590”; “1604.1690”; “1604.1790”; “1604.1890”; “1604.1990”; “1604.2090”; “1604.3110”; “1604.3190”; “1604.3210”; “1604.3290”; “1605.1000”; “1605.2100”; “1605.2900”; “1605.3000”; “1605.4000”; “1605.5100”; “1605.5200”; “1605.5300”; “1605.5400”; “1605.5500”; “1605.5600”; “1605.5700”; “1605.5800”; “1605.5900”; “1605.6100”; “1605.6200”; “1605.6300”; “1605.6900”, by the deletion of the figure “40%” in the column “General Rate”, and the substitution therefor of the figure “20%”,
 - (iii) in the TARIFF CODE Heading/Subheading “1604.2020”, by the deletion of the figure “30%” in the column “General Rate”, and the substitution therefor of the figure “20%”;
- (h) in Chapter 21 —
 - (i) in TARIFF CODE Headings/Subheadings “2102.1000”; “2102.2000”; “2102.3000”, by the deletion of the figure “5%” in the column “General Rate”, and the substitution therefor of the word “Free”,
 - (ii) in the TARIFF CODE Heading/Subheading “2106.1000”, by the deletion of the figure “40%” in the column “General Rate”, and the substitution therefor of the word “Free”;

- (i) in Chapter 22, in the TARIFF CODE Heading/Subheading “2202.9960”, by the deletion of the figure “5%” in the column “General Rate”, and the substitution therefor of the word “Free”;
- (j) in Chapter 25, in TARIFF CODE Headings/Subheadings “2522.1000”; “2522.2000”; “2522.3000”, by the deletion of the figure “5%” in the column “General Rate”, and the substitution therefor of the word “Free”;
- (k) in Chapter 32 —
 - (i) in the TARIFF CODE Heading/Subheading “3214.1010”, by the deletion of the figure “10%” in the column “General Rate”, and the substitution therefor of the figure “5%”,
 - (ii) in the TARIFF CODE Heading/Subheading “3214.1090”, by the deletion of the figure “45%” in the column “General Rate”, and the substitution therefor of the figure “5%”,
 - (iii) in the TARIFF CODE Heading/Subheading “3214.9000”, by the deletion of the figure “20%” in the column “General Rate”, and the substitution therefor of the figure “5%”;
- (l) in Chapter 39 —
 - (i) in TARIFF CODE Headings/Subheadings “3917.2900”; “3919.1000”; “3925.9090”, by the deletion of the figure “20%” in the column “General Rate”, and the substitution therefor of the figure “5%”,
 - (ii) in TARIFF CODE Headings/Subheadings “3917.2100”; “3917.2200”; “3917.2300”; “3917.4000”; “3925.2090”, by the deletion of the figure “35%” in the column “General Rate”, and the substitution therefor of the figure “5%”,
 - (iii) in TARIFF CODE Headings/Subheadings “3917.3100”; “3917.3200”; “3917.3300”; “3917.3900”; “3919.9000”; “3925.1000”, by the deletion of the figure “45%” in the column “General Rate”, and the substitution therefor of the figure “5%”,
 - (iv) in TARIFF CODE Headings/Subheadings “3922.1000”; “3922.2000”; “3922.9090”, by the deletion of the figure “25%” in the column “General Rate”, and the substitution therefor of the figure “5%”,
 - (v) in TARIFF CODE Headings/Subheadings “3925.2010”; “3925.9040”, by the deletion of the figure “5%” in the column “General Rate”, and the substitution therefor of the word “Free”;

- (m) in Chapter 44, in the TARIFF CODE Heading/Subheading “4418.9910”, by the deletion of the figure “20%” in the column “General Rate”, and the substitution therefor of the word “Free”;
- (n) in Chapter 56, in the TARIFF CODE Heading/Subheading “5602.9010”, by the deletion of the figure “5%” in the column “General Rate”, and the substitution therefor of the word “Free”;
- (o) in Chapter 66, by the insertion, immediately after the TARIFF CODE Heading/Subheading “66.02”, of the following —

“

TARIFF CODE Heading/ Subheading	ARTICLE DESCRIPTION	RATES OF DUTY				UNIT OF MEASURE- MENT
		General Rate	Specific Rate	Maximum Variable Rate	Applicable Preferential Rate	
6602.00	-- Walking-sticks, seat-sticks, whips, riding-crops, and the likes:					
6602.0010	--- Walking-sticks	Free			EPA	number
6602.0090	--- Other	45%			EPA	number

”;

- (p) in Chapter 69 —
 - (i) in the TARIFF CODE Heading/Subheading “6905.1000”; by the deletion of the figure “20%” in the column “General Rate”, and the substitution therefor of the word “Free”;
 - (ii) in the TARIFF CODE Heading/Subheading “6910.1010”; by the deletion of the figure “5%” in the column “General Rate”, and the substitution therefor of the word “Free”;
 - (iii) in TARIFF CODE Headings/Subheadings “6910.1090”; “6910.9090”; by the deletion of the figure “25%” in the column “General Rate”, and the substitution therefor of the word “Free”;
 - (iv) in the TARIFF CODE Heading/Subheading “6910.9010”; by the deletion of the figure “10%” in the column “General Rate”, and the substitution therefor of the word “Free”;
- (q) in Chapter 71, in TARIFF CODE Headings/Subheadings “7104.1000”; “7104.2000”; “7104.9000”; “7105.1000”; “7105.9000”, by the deletion of the figure “45%” in the column “General Rate”, and the substitution therefor of the word “Free”;
- (r) in Chapter 73 —
 - (i) in TARIFF CODE Headings/Subheadings “7307.1100”; “7309.0000” by the deletion of the figure “20%” in the

- column “General Rate”, and the substitution therefor of the figure “5%”,
- (ii) in TARIFF CODE Headings/Subheadings “7307.1900”; “7307.2100”; “7307.2200”; “7307.2300”; “7307.2900”; “7307.9100”; “7307.9200”; “7307.9300”; “7307.9900”, by the deletion of the figure “45%” in the column “General Rate”, and the substitution therefor of the figure “5%”,
 - (iii) in TARIFF CODE Headings/Subheadings “7308.9010”; “7318.2900”, by the deletion of the figure “20%” in the column “General Rate”, and the substitution therefor of the word “Free”,
 - (iv) in the TARIFF CODE Heading/Subheading “7308.2000”, by the deletion of the figure “45%” in the column “General Rate”, and the substitution therefor of the word “Free”,
 - (v) in the TARIFF CODE Heading/Subheading “7311.0000”, by the deletion of the figure “45%” in the column “General Rate”, and the substitution therefor of the figure “25%”,
 - (vi) in TARIFF CODE Headings/Subheadings “7318.2100”; “7318.2200”; “7318.2300”; “7318.2400”, by the deletion of the figure “45%” in the column “General Rate”, and the substitution therefor of the word “Free”,
 - (vii) in TARIFF CODE Headings/Subheadings “7324.1000”; “7324.2100”; “7324.2900”; “7324.9000”, by the deletion of the figure “25%” in the column “General Rate”, and the substitution therefor of the figure “5%”,
- (s) in Chapter 74 —
- (i) in TARIFF CODE Headings/Subheadings “7409.1100”; “7409.2100”; “7409.2900”; “7409.3100”; “7409.3900”; “7409.4000”; “7409.9000”, by the deletion of the figure “45%” in the column “General Rate”, and the substitution therefor of the figure “5%”,
 - (ii) in the TARIFF CODE Heading/Subheading “7409.1900”, by the deletion of the figure “20%” in the column “General Rate”, and the substitution therefor of the word “Free”,
 - (iii) in TARIFF CODE Headings/Subheadings “7411.2100”; “7411.2200”; “7411.2900”, by the deletion of the figure “45%” in the column “General Rate”, and the substitution therefor of the figure “5%”,
 - (iv) in the TARIFF CODE Heading/Subheading “7411.1000”, by the deletion of the figure “20%” in the column “General Rate”, and the substitution therefor of the figure “5%”,

- (t) in Chapter 76 —
- (i) in TARIFF CODE Headings/Subheadings “7606.1110”; “7606.1210”, by the deletion of the figure “5%” in the column “General Rate”, and the substitution therefor of the word “Free”,
 - (ii) in TARIFF CODE Headings/Subheadings “7611.0000”; “7612.1000”; “7612.9000”, by the deletion of the figure “45%” in the column “General Rate”, and the substitution therefor of the figure “5%”;
- (u) in Chapter 84 —
- (i) in TARIFF CODE Headings/Subheadings “8415.1090”; “8415.9000”; “8418.9900”; “8481.1000”; “8481.3000”, by the deletion of the figure “20%” in the column “General Rate”, and the substitution therefor of the figure “5%”,
 - (ii) in TARIFF CODE Headings/Subheadings “8427.1000”; “8427.2000”; “8427.9000”, by the deletion of the figure “45%” in the column “General Rate”, and the substitution therefor of the figure “25%”,
 - (iii) by the deletion of the TARIFF CODE Heading/Subheading “8433.1100”, and all the particulars related thereto; and the substitution therefor of the following —

“

TARIFF CODE Heading/ Subheading	ARTICLE DESCRIPTION	RATES OF DUTY				UNIT OF MEASURE- MENT
		General Rate	Specific Rate	Maximum Variable Rate	Applicable Preferential Rate	
8433.11	--Powered, with the cutting device rotating in a horizontal plane:					
8433.1110	---Powered, with the cutting device rotating in a horizontal plane	35%			EPA	number
8433.1120	--- Electric Powered Lawnmowers	10%			EPA	number

”

- (iv) in TARIFF CODE Headings/Subheadings “8443.3100”; “8443.9910”; “8471.4190”; “8471.4990”; “8471.5000”; “8471.6000”; “8471.7000”; “8471.8000”; “8471.9000”; “8473.3000”; “8473.5000”, by the deletion of the figure “5%” in the column “General Rate”, and the substitution therefor of the word “Free”,

- (v) by the deletion of the TARIFF CODE Heading/Subheading “8443.3290”, and all the particulars related thereto,
 - (vi) in the TARIFF CODE Heading/Subheading “8443.3900”, by the deletion of the figure “45%” in the column “General Rate”, and the substitution therefor of the word “Free”,
 - (vii) in the TARIFF CODE Headings/Subheadings “8481.4000”; “8481.9000”, by the deletion of the figure “45%” in the column “General Rate”, and the substitution therefor of the figure “5%”;
- (v) in Chapter 85 —
- (i) in TARIFF CODE Headings/Subheadings “8502.1100”; “8502.1200”; “8502.1300”; “8502.2000”; “8502.3100”; “8502.3900”, by the deletion of the figure “5%” in the column “General Rate”, and the substitution therefor of the word “Free”,
 - (ii) in TARIFF CODE Headings/Subheadings “8504.2100”; “8532.1000”; “8532.2100”; “8536.9000”, by the deletion of the figure “20%”, in the column “General Rate”, and the substitution therefor of the figure “5%”,
 - (iii) in TARIFF CODE Headings/Subheadings “8506.1000”; “8506.3000”; “8506.4000”; “8506.5000”; “8506.6000”; “8506.8000”; “8506.9000”, by the deletion of the figure “25%” in the column “General Rate”, and the substitution therefor of the figure “10%”,
 - (iv) by the deletion of the TARIFF CODE Heading/Subheading “8507.6000”, and all the particulars related thereto and the substitution therefor of the following —

“

TARIFF CODE Heading/ Subheading	ARTICLE DESCRIPTION	RATES OF DUTY				UNIT OF MEASURE- MENT
		General Rate	Specific Rate	Maximum Variable Rate	Applicable Preferential Rate	
8507.60	-- Lithium-ion:					
8507.6010	--- Lithium -ion	Free			EPA	number
8507.6020	---- Lithium phosphate	Free			EPA	number

”

- (v) in the TARIFF CODE Heading/Subheading “8517.6100”, by the deletion of the figure “45%” in the column “General Rate”, and the substitution therefor of the figure “20%”,

- (vi) in TARIFF CODE Headings/Subheadings “8517.6910”; “8517.6920”; “8517.6990”; “8517.7000”, by the deletion of the figure “10%” in the column “General Rate”, and the substitution therefor of the word “Free”,
- (vii) in the TARIFF CODE Heading/Subheading “8518.3000”, by the deletion of the figure “45%” in the column “General Rate”, and the substitution therefor of the word “Free”,
- (viii) in TARIFF CODE Headings/Subheadings “8532.2200”; “8532.2300”; “8532.2400”; “8532.2500”; “8532.2900”; “8532.3000”; “8532.9000”; “8536.1000”; “8536.2000”; “8536.3000”; “8536.4100”; “8536.4900”; “8536.5000”; “8536.6100”; “8536.6900”; “8536.7000”; “8537.1000”; “8537.2000”, by the deletion of the figure “45%” in the column “General Rate”, and the substitution therefor of the figure “5%”,
- (ix) in TARIFF CODE Headings/Subheadings “8544.2000”; “8544.4200”; “8544.4910”; “8544.4990”; “8544.6000”; “8544.7000”, by the deletion of the figure “20%” in the column “General Rate”, and the substitution therefor of the word “Free”,
- (x) in the TARIFF CODE Heading/Subheading “8504.4090”, by the deletion of the figure “45%” in the column “General Rate”, and the substitution therefor of the figure “5%”,
- (w) in Chapter 87 —
 - (i) by the insertion, immediately after TARIFF CODE Heading/Subheading “8703.1010”, of the following —

“

TARIFF CODE Heading/ Subheading	ARTICLE DESCRIPTION	RATES OF DUTY				UNIT OF MEASURE- MENT
		General Rate	Specific Rate	Maximum Variable Rate	Applicable Preferential Rate	
8703.1020**	--- Electric Golf Cars	Free			EPA	number

”

- (ii) in TARIFF CODE Headings/Subheadings “8703.4010”; “8703.4020”; “8703.4030”; “8703.4040”; “8703.4050”; “8703.4060”; “8703.5010”; “8703.5020”; “8703.5030”; “8703.5040”; “8703.5050”; “8703.5060”; “8703.6010”; “8703.6020”; “8703.6030”; “8703.6040”; “8703.6050”; “8703.6060”; “8703.7010”; “8703.7020”; “8703.7030”; “8703.7040”; “8703.7050”; “8703.7060”; “8703.8010”; “8703.8020”; “8703.8030”; “8703.8040”; “8703.8050”;

“8703.8060”, by the deletion of the figure “\$50,000” in the column “ARTICLE DESCRIPTION”, and the substitution therefor of the figure “\$70,000”,

- (iii) by the deletion of the TARIFF CODE Heading/Subheading “8704.90”, and all the particulars related thereto and the substitution therefor of the following —

“

TARIFF CODE Heading/ Subheading	ARTICLE DESCRIPTION	RATES OF DUTY				UNIT OF MEASURE- MENT
		General Rate	Specific Rate	Maximum Variable Rate	Applicable Preferential Rate	
8704.9001**	--- New hybrid with either spark-ignition internal combustion or compression-ignition combustion piston engine (diesel or semi-diesel) having an electric motor as motors for propulsion of a value exceeding \$70,000	Free			EPA	number
8704.9002**	---Used hybrid with either spark-ignition internal combustion or compression-ignition combustion piston engine (diesel or semi-diesel) having an electric motor as motors for propulsion of a value exceeding \$70,000 not exceeding 10 years	Free			EPA	number
8704.9003**	--- New hybrid with either spark-ignition internal combustion or compression-ignition combustion piston	Free			EPA	number

	engine (diesel or semi-diesel) having an electric motor as motors for propulsion of a value not exceeding \$70,000					
8704.9004**	--- Used hybrid with either spark-ignition internal combustion or compression-ignition combustion piston engine (diesel or semi-diesel) having an electric motor as motors for propulsion of a value not exceeding \$70,000 exceeding 10 years	Free			EPA	number
8704.9005**	---Used hybrid with either spark-ignition internal combustion or compression-ignition combustion piston engine (diesel or semi-diesel) having an electric motor as motors for propulsion of a value exceeding \$70,000 exceeding 10 years	Free			EPA	number
8704.9006**	--- New electric vehicles of a value exceeding \$70,000	Free			EPA	number
8704.9007**	--- Used electric vehicles of a value exceeding \$70,000 not exceeding 10 years	Free			EPA	number
8704.9008**	--- New electric vehicles of a	Free			EPA	number

	value not exceeding \$70,000					
8704.9009**	--- Used electric vehicles of a value not exceeding \$70,000 exceeding 10 years	Free			EPA	number
8704.9010**	--- Used electric vehicles of a value exceeding \$70,000 exceeding 10 years	Free			EPA	number
8704.9090**	---Other	Free			EPA	number

”;

- (x) in Chapter 92, in TARIFF CODE Headings/Subheadings “9209.9100”; “9209.9200”; “9209.9400”; “9209.9900”, by the deletion of the figure “10%” in the column “General Rate”, and the substitution therefor of the word “Free”;

- (y) in Chapter 94 —

- (i) by the insertion, immediately after the TARIFF CODE Heading/Subheading “9401.8010”, of the following —

“

TARIFF CODE Heading/ Subheading	ARTICLE DESCRIPTION	RATES OF DUTY				UNIT OF MEASURE- MENT
		General Rate	Specific Rate	Maximum Variable Rate	Applicable Preferential Rate	
9401.8020	--- Baby Walker	Free			EPA	number

”;

- (ii) in the TARIFF CODE Heading/Subheading “9405.4090”, by the deletion of the figure “20%” in the column “General Rate”, and the substitution therefor of the word “Free”,

- (iii) in the TARIFF CODE Heading/Subheading “9405.5090”, by the deletion of the figure “35%” in the column “General Rate”, and the substitution therefor of the word “Free”.

- (2) Part D of the Schedule to the Tariff Act is amended in Chapter 98 —

- (a) in Note 3(a) —

- (i) by the deletion of the full stop at the end of item (20), and the substitution therefor of a semi-colon, and

- (ii) by the insertion, immediately after item (20), of the following as item (21) —
“(21) Agriculture machinery parts and accessories.”;
- (b) in Note 5(a) —
- (i) by the deletion of the full stop at the end of item (10), and the substitution therefor of a semi-colon, and
- (ii) by the insertion, immediately after item (10), of the following as items (11) and (12) —
“(11) Boat engine parts and accessories;
(12) Boat parts and accessories.”;
- (c) in note 6B, in paragraph (b), by the deletion of the figure “2019”; and the substitution therefor of the figure “2023”;
- (d) in the Tariff Code Heading/Subheading “98.62”, by the insertion, immediately after the word “System”, in the column “ARTICLE DESCRIPTION”, of the words “Parts and Accessories”;
- (e) by the insertion, immediately after the TARIFF CODE Heading/Subheading “9862.0000”, of the following —

“

TARIFF CODE Heading/ Subheading	ARTICLE DESCRIPTION	RATES OF DUTY				UNIT OF MEASURE- MENT
		General Rate	Specific Rate	Maximum Variable Rate	Applicable Preferential Rate	
9862.0010	Parts and Accessories	Free				

”.

- (f) by the insertion, immediately after the TARIFF CODE Heading/Subheading “9867.0030”, of the following —

“

TARIFF CODE Heading/ Subheading	ARTICLE DESCRIPTION	RATES OF DUTY				UNIT OF MEASURE- MENT
		General Rate	Specific Rate	Maximum Variable Rate	Applicable Preferential Rate	
98.68	Machinery parts and accessories for the sole use in the Manufacturing industry approved by the Minister					
9868.0000	Parts and Accessories	Free				

”.

EXCISE (AMENDMENT) ACT, 2022

Arrangement of Sections

Section

1.	Short title.....	2
2.	Amendment of the First Schedule to the principal Act.....	2
3.	Amendment of the Second Schedule to the principal Act.....	4



No. 31 of 2022

EXCISE (AMENDMENT) ACT, 2022

AN ACT TO AMEND THE EXCISE ACT

Enacted by the Parliament of The Bahamas

1. Short title.

This Act, which amends the Excise Act (*No. 22 of 2018*), may be cited as the Excise (Amendment) Act, 2022.

2. Amendment of the First Schedule to the principal Act.

The First Schedule to the principal Act is amended —

- (a) in TARIFF CODE Headings/Subheadings “2401.1000”; “2401.2000”; “2401.3000”, by the deletion of the figure “10%” in the column “Rate of Tax”, and the substitution therefor of the figure “25%”;
- (b) in the TARIFF CODE Heading/Subheading “2402.1010”, by the deletion of the words and figures “\$0.50BSD” and “220%” in the columns “Specific Rate” and “Rate of Tax”, respectively and the substitution therefor of the words and figure “\$3.00BSD per stick”;
- (c) in the TARIFF CODE Heading/Subheading “2402.1020”, by the deletion of the words and figures “\$0.50BSD” and “220%” in the columns “Specific Rate” and “Rate of Tax”, respectively and the substitution therefor of the figure “300%”;
- (d) in the TARIFF CODE Heading/Subheading “2402.2000”, by the deletion of the word and figure “\$0.15BSD” in the column “Specific Rate”, and the substitution therefor of the words and figure “\$0.25BSD per stick”;
- (e) in TARIFF CODE Headings/Subheadings “8703.4010”; “8703.4030”; “8703.4040”; “8703.5010”; “8703.5030”;

“8703.5040”; “8703.6010”; “8703.6030”; “8703.6040”; “8703.7010”; “8703.7030”; “8703.7040”, by the deletion of the figure “65%” in the column “Rate of Tax”, and the substitution therefor of the figure “25%”;

- (f) in TARIFF CODE Headings/Subheadings “8703.4010”; “8703.4020”; “8703.4030”; “8703.4040”; “8703.4050”; “8703.4060”; “8703.5010”; “8703.5020”; “8703.5030”; “8703.5040”; “8703.5050”; “8703.5060”; “8703.6010”; “8703.6020”; “8703.6030”; “8703.6040”; “8703.6050”; “8703.6060”; “8703.7010”; “8703.7020”; “8703.7030”; “8703.7040”; “8703.7050”; “8703.7060”; “8703.8010”; “8703.8020”; “8703.8030”; “8703.8040”; “8703.8050”; “8703.8060”, by the deletion of the figure “\$50,000” in the column “GOODS”, and the substitution therefor of the figure “\$70,000”;
- (g) in TARIFF CODE Headings/Subheadings “8703.8010”; “8703.8030”; “8703.8040”, by the deletion of the figure “65%” in the column “Rate of Tax”, and the substitution therefor of the figure “25%”;
- (h) by the insertion, immediately after the Tariff Code Heading/Subheading “8703.1010”, of the following —

“

TARIFF CODE Heading/ Subheading	GOODS	RATE OF TAX
8703.1020	--- Electric Golf Cars	10%

”;

- (i) by the deletion of the TARIFF CODE Heading/Subheading “8704.90”, and all the particulars related thereto and the substitution therefor of the following —

“

TARIFF CODE Heading/ Subheading	GOODS	RATE OF TAX
8704.9001	--- New hybrid with either spark-ignition internal combustion or compression-ignition combustion piston engine (diesel or semi-diesel) having an electric motor as motors for propulsion of a value exceeding \$70,000	25%
8704.9002	--- Used hybrid with either spark-ignition internal combustion or compression-ignition combustion piston engine (diesel or semi-diesel) having an electric motor as motors for propulsion of a value exceeding \$70,000 not	25%

	exceeding 10 years	
8704.9003	--- New hybrid with either spark-ignition internal combustion or compression-ignition combustion piston engine (diesel or semi-diesel) having an electric motor as motors for propulsion of a value not exceeding \$70,000	10%
8704.9004	--- Used hybrid with either spark-ignition internal combustion or compression-ignition combustion piston engine (diesel or semi-diesel) having an electric motor as motors for propulsion of a value not exceeding \$70,000 exceeding 10 years	10%
8704.9005	---Used hybrid with either spark-ignition internal combustion or compression-ignition combustion piston engine (diesel or semi-diesel) having an electric motor as motors for propulsion of a value exceeding \$70,000 exceeding 10 years	25%
8704.9006	--- New electric vehicles of a value exceeding \$70,000	25%
8704.9007	--- Used electric vehicles of a value exceeding \$70,000 not exceeding 10 years	25%
8704.9008	--- New electric vehicles of a value not exceeding \$70,000	10%
8704.9009	--- Used electric vehicles of a value not exceeding \$70,000 exceeding 10 years	10%
8704.9010	--- Used electric vehicles of a value exceeding \$70,000 exceeding 10 years	25%
8704.9090	---Other	25%

”.

3. Amendment of the Second Schedule to the principal Act.

The Second Schedule to the principal Act is amended —

- (a) in TARIFF CODE Headings/Subheadings “9890.0010”; “9890.0020”, by the deletion of the word “vehicles” in the column “GOODS”, and the substitution therefor of the words “work vans, work trucks and hybrid or electric vehicles”;
- (b) in the TARIFF CODE Heading/Subheading 98.9J, by the insertion immediately after the word “System” in the column “GOODS”, of the words “Parts and Accessories”;

- (c) by the insertion, immediately after the TARIFF CODE Heading/Subheading “989J.0000”, of the following —

“

	Special Classification Provisions	
TARIFF CODE Heading/ Subheading	GOODS	RATE OF TAX
989J.0010	Parts and Accessories	Free

”.

- (d) by the insertion, immediately after the TARIFF CODE Heading/Subheading “989O.0030”, of the following —

“

	Special Classification Provisions	
TARIFF CODE Heading/ Subheading	GOODS	RATE OF TAX
98.9P	Machinery parts and accessories for the sole use in the Manufacturing industry approved by the Minister	
989P.0000	Parts and Accessories	Free

”.

GAMING (AMENDMENT) ACT, 2022

Arrangement of Sections

Section	
1.	Short title.....2
2.	Revocation of section 64A of the principal Act.2



No. 32 of 2022

GAMING (AMENDMENT) ACT, 2022

AN ACT TO AMEND THE GAMING ACT

Enacted by the Parliament of The Bahamas

1. Short title.

This Act, which amends the Gaming Act, 2014, may be cited as the Gaming (Amendment) Act, 2022.

2. Revocation of section 64A of the principal Act.

The principal Act is amended by the revocation of section 64A.

HOTELS (AMENDMENT) ACT, 2022

Arrangement of Sections

Section

1. Short title and commencement.....2

2. Insertion of a new section 15A into the principal Act.....2



No. 33 of 2022

HOTELS (AMENDMENT) ACT, 2022

AN ACT TO AMEND THE HOTELS ACT

Enacted by the Parliament of The Bahamas

1. Short title and commencement.

- (1) This Act, which amends the Hotels Act (*Ch. 288*), may be cited as the Hotels (Amendment) Act, 2022.
- (2) This Act shall come into force on the 1st day of July, 2022.

2. Insertion of a new section 15A into the principal Act.

The principal Act is amended by the insertion immediately after section 15 of the following new section —

“15A. Condo-hotel tax.

- (1) Notwithstanding any provision to the contrary in the Hotels Encouragement Act (*Ch. 289*), or in any agreement thereunder, the administrator of every condo-hotel or hotel rental pool shall, commencing the 31st January, 2023, by the 31st January of each year pay to the Chief Valuation Officer a tax to be called a condo-hotel tax.
- (2) The condo-hotel tax is chargeable at seventy-five per centum of the rate of tax applicable to residential property under the Real Property Tax Act (*Ch. 375*) on the value of each property that forms a part of the condo-hotel or hotel rental pool.
- (3) Subsections (1) and (2) shall not apply to a property that forms a part of a condo-hotel or hotel rental pool where the administrator files with the Chief Valuation Officer by the 31st day of January, a return showing that the net value added tax paid to the Comptroller in the prior year in respect of that property exceeds the amount of the condo-hotel tax.

- (4) The return under subsection (3) shall be in the form and manner determined by the Chief Valuation Officer.
- (5) Where property forms a part of a condo-hotel or a hotel rental pool, the owner of the property is jointly and severally liable with the administrator for the payment of the condo-hotel tax.
- (6) Payment of the condo-hotel tax shall be a condition for the renewal of the licence under this Act of a hotel to which this section applies.
- (7) Where any condo-hotel tax due under this Act has remained unpaid for a period of thirty days after becoming so due, the provisions of sections 23 to 25E of the Real Property Tax (*Ch. 375*) shall apply as if the condo-hotel tax was a tax under the Real Property Tax Act (*Ch. 375*).
- (8) In this section —
 - “**administrator**” means the operator or other person responsible for the administration of a condo-hotel or other residential accommodations that form part of a hotel rental pool;
 - “**Chief Valuation Officer**” has the meaning ascribed to it in the Real Property Tax Act (*Ch. 375*);
 - “**Comptroller**” has the meaning ascribed to it in the Value Added Tax Act, 2014 (*No. 32 of 2014*);
 - “**hotel rental pool**” means any collective rental arrangement by which properties not owned by a hotel form a part of a hotel's bedroom inventory;
 - “**net value added tax**” means the value added tax payable by a registrant in accordance with section 46 of the Value Added Tax Act, 2014 (*No. 32 of 2014*) and where the administrator is the registrant, the net value added tax in respect of the administration of each property for which the administrator is responsible shall be determined in accordance with directions from the Comptroller.
 - “**Tax Appeal Commission**” means the Tax Appeal Commission established under section 3 of the Tax Appeal Commission Act, 2020 (*No. 3 of 2020*);
 - “**value**” means —

- (a) the value of property as assessed by the Chief Valuation Officer under the Real Property Tax Act (*Ch. 375*) at the time that the condo-hotel tax is due;
- (b) where the value has been successfully disputed by the owner in accordance with the provisions of the Real Property Act (*Ch. 375*), the value as varied by the Tax Appeal Commission or the Court or reassessed by the Chief Valuation Officer in accordance with directions by the Tax Appeal Commission or the Court.”.