



BELIZE

**TAX ADMINISTRATION AND PROCEDURE ACT
CHAPTER 51**

REVISED EDITION 2020

**SHOWING THE SUBSTANTIVE LAWS AS AT
31ST DECEMBER, 2020**

This is a revised edition of the Substantive Laws, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Substantive Laws of Belize, Revised Edition 2020.

This edition contains a consolidation of amendments made to the law by Act No. 24 of 2019.



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CHAPTER 51

TAX ADMINISTRATION AND PROCEDURE ACT

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CHAPTER 51**TAX ADMINISTRATION AND PROCEDURE ACT**

8 of 2019.
24 of 2019.

[10th July 2019]

PART I*Preliminary*

Short title. **1.** This Act may be cited as the **TAX ADMINISTRATION AND PROCEDURE ACT.**

Interpretation. **2.**—(1) In this Act, unless the context requires otherwise—

“Accountant General” means the responsible officer of the Ministry of Finance for the accounting arrangements in all ministries and departments;

“assessment” means the entering into the records of the Department of the amount of a taxpayer’s liability for tax for a specific taxation period, and includes a revised assessment, an assessment described in sub-section 33(5), and an assessment of a penalty;

“authorised collector” means a person appointed as an authorised collector under section 65;

“authorised officer” means a person appointed as such under section 28;

“Board” means the Board of Tax Appeals appointed under section 39;

“body of persons” means any body politic, incorporated or unincorporated, or collegiate and any company, fraternity, fellowship, partnership, or society of persons whether corporate or unincorporated, and includes a joint venture and the trustees of a trust;

“company” means an incorporated or unincorporated association or body of persons created or recognised under a law in force in Belize or elsewhere;

“Comptroller” means the Comptroller of Customs appointed under the Customs Regulation Act; CAP. 49.

“court” means a court of competent jurisdiction;

“Department” means the Belize Tax Service Department described in section 5(2);

“Director General” means the Director General of Tax Administration appointed under section 4;

General Sales Tax or “GST” have the same meaning as in the General Sales Tax Act; CAP. 63.

“government entity” means—

- (a) the Government of Belize or a Department, Division, or Agency of Government;
- (b) a Public Statutory Body, agency, or authority;
or
- (c) a Government owned or operated body, or agency;

“individual” means a natural person;

“Minister” means the Minister for the time being responsible for Finance;

“non-resident” means a person who is not a resident;

“officer of an unincorporated body” means—

- (a) in the case of a partnership, a partner of the partnership;
- (b) in the case of a trust, a trustee of the trust; and
- (c) in the case of any other unincorporated body—
 - (i) a person who holds office as Chairperson, president, treasurer, secretary of the body, or a similar office; or
 - (ii) if there is no such officer, a member of a committee that has management of the affairs of the body; or
 - (iii) if no person can be identified under paragraph(i) or (ii), a member of the body;

CAP. 259.

“partnership” and “partner” have the same meanings as in the Partnerships Act;

“person” includes a natural person a legal person, a body of persons, a government entity, and any part of such person or group of such persons that is treated as a person for the purposes of this Act;

“real property” includes an estate, interest, easement, or right, whether equitable or legal, in, to, or out of land, and includes things attached to land or permanently fastened to anything attached to land;

“resident” means—

- (a) a person who is resident in Belize for the year in question for the purposes of determining the person's liability for income tax under the Income and Business Tax Act; CAP. 55.
- (b) a person, including a body, company, partnership, board, or trust, which is formed or created under the laws of Belize or which is managed and controlled in Belize; or
- (c) any other person to the extent that the person carries on a business in Belize;

“tax” means a compulsory payment to government imposed under a law to which this Act applies, regardless of whether that payment is designated as a tax, fee, duty, levy or otherwise, and, unless the context otherwise requires, includes interest, late fee, or penalty in relation to a tax;

“tax law” means this Act or a law listed in Schedule I;

“tax legislation” means a tax law or rules made under such a law;

“tax officer” means any employee of the Department, designated as a tax officer;

“taxpayer” means a person who has an obligation to pay tax or file a return or who is registered under the GST Act;

“Taxpayer Identification Number” or “TIN”, in relation to a person, means the number issued to that person under section 8; and

“writing” includes an electronic document.

3.-(1) Except as otherwise provided, this Act applies to— Scope of the Act

- (a) the taxes imposed under the tax laws, as amended, listed in Schedule I; and
- (b) a tax under another law if responsibility for the general administration of the tax is assigned to the Director General.

(2) If there is inconsistency between the provisions of this Act and the provisions of an Act to which this Act applies, the provisions of the other Act shall prevail.

(3) This Act does not apply to provisions for the collection and recovery of tax that reside with the Comptroller of Customs.

PART II

Tax Administration in General

Director General.

4.—(1) There shall be a Director General of Tax Administration who shall be appointed by the Public Services Commission in accordance with section 106 of the Belize Constitution.

(2) The Director General shall be responsible for the administration of this Act and for the assessment, collection, and recovery of the taxes to which this Act applies.

(3) Any function conferred by this Act on the Director General may be exercised as may be necessary by any public officer or other person duly authorised by the Director General in that behalf, and references in this Act or in the regulations made thereunder, shall be construed accordingly.

Belize Tax
Service
Department.

5. (1) There shall be appointed by the Public Services Commission, or other competent authority, such other staff as may be necessary for the due administration of this Act, and the regulations made thereunder.

(2) The Director General appointed under section 4 shall be a Head of Department and the Director General's office shall be known as the Belize Tax Service Department, which shall be under the overall control of the Minister.

(3) The Director General, an officer of the Belize Tax Service Department or any other person authorised by the Director General to perform any functions under this Act, may not be personally liable in civil proceedings in connection with any act done by that person in good faith in the discharge of those functions.

(4) The Director General may prescribe such forms as the Director General considers appropriate for the purposes of this Act.

6.—(1) The Director General may, in writing, delegate to an officer of the Department, a power or duty conferred or imposed on the Director General by this Act, other than this power of delegation.

Delegation of powers.

(2) A delegation by the Director General may be either to a specific individual or to the incumbent of a specific post.

(3) Subject to conditions that the Director General specifies, the Director General may provide that any information, declaration, or document required to be furnished to the Director General is to be supplied to such other person as the Director General may nominate.

(4) A delegation under this section does not prevent the Director General from personally exercising the power, duty, or function in question.

(5) The Director General may, at any time, revoke in writing, a delegation under this section.

7.—(1) A person shall not use or disclose any information obtained under a tax law other than for the purposes of this Act.

Secrecy

(2) A person commits an offence if that person uses or discloses any information obtained under a tax law other than for the purposes of this Act or the administration of any other tax administered by the Director General.

(3) Notwithstanding sub-section (1), a person does not commit an offence if the use or disclosure of the information is—

- (a) with the consent of the person from whom the information is obtained; or
- (b) for the purpose of legal proceedings arising out of the administration of this Act or other tax law.

(4) It shall be lawful to exchange information or documents obtained under this Act with any other Government Department if authorized, in writing, by the Director General.

(5) A person who commits an offence under this section is liable on summary conviction to—

- (a) a fine of not less than five thousand dollars and not exceeding ten thousand dollars;
- (b) imprisonment for a term not exceeding one year; or
- (c) to both a fine and term of imprisonment.

Taxpayer
Identification
Numbers.

8.—(1) The Director General shall assign a unique taxpayer identification number (“TIN”) to every taxpayer.

(2) The TIN shall be used for all taxes to which this Act applies.

(3) The Director General may assign a TIN to a person who is not a taxpayer, but who—

- (a) makes payments which are subject to tax in the hands of the recipient;
 - (b) is, or may be, required to file a tax return;
 - (c) is required under this Act or regulations to furnish a TIN to another person; or
 - (d) is required to register under a tax law.
- (4) To the extent provided by regulations, a person shall—
- (a) include their TIN on documents relating to a tax to which this Act applies; and
 - (b) furnish the TIN to another person designated, in regulations, as a person who is required to furnish tax information with respect to the person furnishing the number.
- (5) The Director General shall include the TIN on all correspondence sent to a taxpayer concerning the taxpayer's tax liability.
- (6) A taxpayer shall include the TIN on any returns and correspondence with the Director General.
- (7) A taxpayer shall notify the Director General, in writing, of a change in—
- (a) name, including business name or other trading name;
 - (b) address or place of business;
 - (c) name of contact person;
 - (d) name of representative; or

(e) nature of the taxable activity carried on.

(8) Notice of the change as required by sub-section (7) shall be made within fourteen days of the change occurring.

Public rulings.

9.—(1) To achieve consistency in the administration of tax legislation and to provide guidance to the general public and officers of the Department, the Director General may issue public rulings setting out the Director General's interpretation of the application of the tax legislation.

(2) A public ruling is binding on the Director General until revoked.

(3) A public ruling is not binding on taxpayers.

Advance rulings.

10.—(1) The Director General may, on the request of a taxpayer, issue to that taxpayer an advance ruling setting out the Department's position regarding the application of tax legislation to a specific transaction proposed by the taxpayer.

(2) The advance ruling is binding on the Department and on the taxpayer, with respect to the application of the tax legislation to the specific transaction if—

(a) the taxpayer has made a full and true disclosure of the nature of all aspects of the transaction relevant to the ruling; and

(b) the transaction proceeds in all material respects as described in the taxpayer's application for the ruling.

(3) If the Director General proposes to issue an advance ruling where the tax treatment differs from that proposed by the taxpayer in its application, the Director General shall notify the taxpayer and give the taxpayer an opportunity to withdraw the ruling request.

(4) For reasonable cause, the Director General may amend or revoke an advance ruling, in whole or in part, by written notice served on the taxpayer.

(5) Revocation or amendment of an advance ruling has prospective effect only, and the specifics of how the revocation or amendment is applied prospectively, shall be stated in the notice of revocation or amendment.

(6) Any subsequent passage of legislation that is inconsistent with an advance ruling revokes the ruling to the extent of the inconsistency.

(7) The Director General shall publish any advance rulings that the Director General has issued, deleting or redacting the taxpayer's name and other information specific to the taxpayer that is not needed by others to understand the ruling.

(8) The Director General may adopt procedures for the issuance of advance rulings.

(9) The Minister shall, by Order, specify fees to be charged for filing an application for issuance of an advance ruling, and the fees shall be reasonably related to the costs of processing the ruling request and issuing the ruling.

11. With the exception of a ruling issued under section 10 and other cases authorised by law, no statement or agreement concerning a taxpayer's tax liability made by an officer of the Department is binding on the Department.

Other statements

12. The manager or other principal officer of every corporate body of persons shall be answerable for doing all such acts, matters, and things as are required to be done by virtue of this Act for the assessment of such body and payment of the tax.

Responsibility of officer

13.—(1) Every person answerable under a tax law for the payment of tax on behalf of another person—

Indemnification of representative.

- (a) may retain out of any money coming to that person's hands on behalf of that other person so much as is sufficient to pay the tax; and
- (b) shall be indemnified against any person for all payments made in pursuance and by virtue of this Act.

(2) Every person resident in Belize having the receipt, control, or disposal of money belonging to a non-resident person who derives income from a source in Belize—

- (a) shall, when required by the Director General, pay the tax due and payable by the non-resident; and
- (b) is personally liable for the tax payable by him on behalf of the non-resident to the extent of any amount that the person has retained or should have retained under sub-section (1), but the person shall not be otherwise personally liable for the tax.

(3) For the purpose of this section—

- (a) every person who is liable under any contract to pay money to a non-resident shall be deemed to be—
 - (i) a person having the control of money; and
 - (ii) acting in a representative capacity for the payment of income tax chargeable on the non-resident; and
- (b) all money due by the person under sub-section (a) shall be deemed to be money which comes to the person on behalf of the non-resident.

14.—(1) A notice, statement, or agreement issued by the Director General to a taxpayer or other person is effective only if it is—

Communications
with taxpayers
and other
persons

- (a) authorised by law;
- (b) in writing;
- (c) signed by an official of the Department with apparent authority; and
- (d) served upon the taxpayer or other person to whom it is addressed.

(2) Every notice described in this Act shall be in writing.

(3) If the Director General is required to give notice to a person other than a company or a partnership, the notice is considered sufficiently served if it is—

- (a) served personally on that person;
- (b) sent by registered mail to the person's last known address; or
- (c) communicated electronically and in accordance with the Electronic Transactions Act.

(4) If the Director General is required to give notice to a company or other body of persons, the notice is considered sufficiently served if it is—

- (a) served personally on the company's or body's representative;
- (b) communicated electronically, and in accordance with the Electronic Transactions Act. CAP. 229.03.

Act, to the company's or body's representative;

- (c) delivered to the company's or body's principal place of business in Belize; or
- (d) sent by registered mail to the registered office of the company or body.

(5) If the Director General is required to give notice to a partnership, the notice is considered served if it is—

- (a) personally served on a partner or agent of the partnership;
- (b) communicated electronically and in accordance with the Electronic Transactions Act to a partner or agent of the partnership;
- (c) left at or sent by registered mail to the partnership's last known address for service of notices; or
- (d) left at or sent by registered mail to any office or place of business of the partnership.

CAP. 229.03.

(6) A notice sent by registered post is considered served—

- (a) ten days succeeding the day when posted, where the address is in Belize; and
- (b) thirty days succeeding the day when posted, where the address is not in Belize.

(7) In proving service, it shall be sufficient to prove that the letter containing the notice was properly addressed and posted.

(8) A signature written on a notice, statement, agreement, return, form, declaration, table, or other document and

purporting to be the signature of a particular person is considered to be the signature of that person unless the contrary is shown.

15.—(1) Forms, notices, declarations, statements, tables, and other documents prescribed or published by the Department may be in the form the Director General determines for the efficient administration of this Act.

Forms and notices.

(2) The Department shall make the documents described in sub-section (1) available to the public at its main office and at other locations, or by mail or electronically, as it may determine.

16.—(1) Every notice to be given by the Board or the Director General under this Act shall be signed by—

Signature

(a) a member of the Board or the Director General, as the case may be; or

(b) a person appointed by the Board or by the Director General for that purpose.

(2) A notice is valid if the signature of a member of the Board or of the Director General, or the person appointed, as the case may be, is duly printed or written on the notice.

(3) Notwithstanding sub-section (1), any notice under this Act shall be personally signed by the Director General or a member of the Board or by any person duly authorised by the Director General or the Board, as the case may be, if the notice is—

(a) to any person requiring the person to furnish particulars to the Board or to the Director General; or

(b) requiring the attendance of any person or witness before the Board or the Director General.

(4) A signature attached to any notice and purporting to be the signature of any person so appointed shall be taken to be the signature of that person until the contrary be shown.

Defect does not affect validity.

17.—(1) A notice of assessment or other notice or document issued under this Act shall not be considered invalid or ineffective by reason of a failure to comply with the requirements of section 14, if the taxpayer had effective knowledge of the fact of the notice and of its content.

(2) A notice of assessment or other notice or document issued under this Act shall not be considered invalid or ineffective by reason of defect if—

- (a) it is in conformity in substance and effect with this Act; and
- (b) the person assessed, or affected by the document, is designated in it according to common understanding.

Taxpayer's right to information.

18.—(1) Upon request by a taxpayer, the Department shall—

- (a) inform the taxpayer of the status of the taxpayer's account with respect to tax; and
- (b) provide a copy of a tax return filed by the taxpayer and still on file with the Department.

(2) The Department shall charge a fee of twenty-five dollars for each return provided under sub-section 1(b).

Due dates

19.—(1) If the last day for performing an act prescribed by tax legislation falls on a day on which the Department is not open to the public for business, the act is considered timely if it is performed on the next succeeding day on which the Department is open for business.

(2) A declaration, appeal, or other document, other than a payment, is considered filed on the date it is stamped as received by the Department or, in the case of filing by mail, on the date of the postmark.

PART III

Recordkeeping and Information collection

20.—(1) A taxpayer shall keep and maintain, in Belize, records or books of accounts if the taxpayer is—

Accounts and records.

- (a) engaged in business or independent professional activity; or
- (b) required to make a return or pay or collect tax under a tax legislation.

(2) Records and books of accounts under sub-section (1) shall be—

- (a) in the English language; and
- (b) in such form and containing such information that will allow for the determination of the amount of taxes payable under a tax legislation or the taxes of other amounts that should have been deducted, withheld or collected.

(3) Notwithstanding the generality of sub-section (1), every person carrying on a profession or business, in which charges are made for services rendered, shall, make a separate record of every service transaction made in the course of that profession or business except where otherwise authorised in writing by the Director General or by law.

(4) The Director General may require a person to keep records or books of account if the Director General is of the opinion that records or books of accounts are not being kept by that person, as required under sub-section (1).

(5) In addition to requiring a person to keep records or books of account, the Director General may impose a penalty in accordance with section 93.

(6) The records or books of account required by this section shall be kept at the place of business of the person carrying on business unless the Director General approves of them being kept at some other place.

(7) In addition to the records and accounts described in sub-section (1), a taxpayer shall also retain source documents and underlying documentation utilized in the creation of the records and accounts.

(8) A person required to keep and maintain records of a transaction under tax legislation shall keep the documents—

- (a) for a period of six years from the date on which the transaction took place; or
- (b) until expiration of the time limit for assessment of tax for any tax period to which the records are relevant, if that period is longer than the period specified in paragraph (a).

(9) Financial statements, invoices, books of original entry, and all written communications between the Department and the taxpayer shall be in English.

(10) For the purposes of this section, source documents include—

- (a) sales and purchase invoices, costing documents, bookings, diaries, purchase

orders, delivery notes, bank statements, contracts, and other documents which relate to an element of a transaction; and

- (b) for purposes of the General Sales Tax Act, a copy of all GST invoices, credit notes, debit notes issued and received by the person, and all customs documentation relating to imports and exports of goods by a taxpayer. CAP.63.

21. A bank or other financial institution shall keep account of all transactions with a client, including the client's identity. Obligations of financial institutions.

22.—(1) Every taxpayer shall, if required by a law to which this Act applies, furnish to the Director General a tax return in accordance with sub-section (2), within the time and at the place specified by that law, or as demanded by the Director General. Tax returns.

(2) The Director General shall specify—

- (a) the form for returns;
- (b) the information to be furnished on the return and attachments, if any, required to be filed with the return; and
- (c) the manner of filing, including electronically and with electronic signature.

(3) A taxpayer may file an amended return for a tax period no later than six years after the end of the tax period.

(4) A taxpayer or the taxpayer's duly authorised agent, shall sign the return, attesting to its accuracy and completeness.

(5) If a return or part of a return was prepared for reward by some other person, other than a full-time employee of the taxpayer, that other person shall also sign the return.

(6) The Director General may, by notice to a person, require the person to file, whether on that person's own behalf or as agent or trustee for another person, returns for a tax period containing additional information as the Director General requires, even if the taxpayer has not submitted a return for the period.

Notice to require filing

23.—(1) The Director General may, by notice, require a person to furnish a return if that person is required to furnish a return and has failed to do so.

(2) A notice issued under sub-section (1) shall state the time by which the return shall be filed.

(3) The time for filing under this section shall not be less than seven days from the date of service of the notice.

(4) Nothing in this section extends the time limits provided by the relevant tax Act for the furnishing of a return.

Return deemed to be furnished by due authority.

24.—(1) Every return, statement, or form purporting to be furnished under this Act by or on behalf of any person is deemed to have been furnished by that person or with the person's authority, as the case may be, unless the contrary is proved.

(2) Any person signing a return, statement, or form is deemed to be cognisant of all matters contained the return, statement or form.

Information returns treated as returns.

25. The provisions of this Act relating to returns apply to a person required under this Act or a tax law s, to file a return of information related to matters other than the person's own tax liability.

Extension of time to file returns.

26.—(1) The Director General may extend the time limit prescribed for filing a tax return if the taxpayer, or other person required to file, applies for the extension by the date specified for filing the return.

(2) The granting of an extension of time under sub-section (1) does not affect the due date for payment of tax.

27.—(1) If the Director General requires information from the taxpayer in relation to the audit of a specific return or, if no return has been filed, of a specific tax period the Director General shall send a notice to the taxpayer specifying whether a field audit or a desk audit will be conducted.

Notice of audit.

(2) The notice shall specify—

- (a) the place of the audit;
- (b) the time and date when the audit will commence;
- (c) the period being audited;
- (d) the name and contact details of the officer responsible for conducting the audit;
- (e) the scope of the audit; and
- (f) the information and documents required from the taxpayer.

(3) The notice of an audit may be combined with a notice under section 30.

28.—(1) The Director General may designate employees of the Department to be authorised officers for the purposes of this Act.

Authorised officers.

(2) The Director General shall cause to be issued to each authorised officer and authority in writing signed by the Director General.

(3) An authorised officer shall produce the authority issued to the officer under sub-section (2) whenever required to do so

by a person in respect of whom the officer has exercised, or is about to exercise, any power conferred on the person by this Act.

Powers of
authorised
officers.

29.—(1) An authorised officer shall comply with any direction given to the officer by the Director General in connection with the performance of the officer's functions under this Act.

(2) An authorized officer may, for the purposes of this Act—

- (a) require a person to furnish to the officer, orally or in writing, as the officer may specify, such information as is within the knowledge of, or available to, that person;
- (b) by notice to a person, require the person to produce to the officer any books, records, or other source from which information can be derived that is or may be relevant to the administration of this Act; or
- (c) take samples of any goods in the possession of a person if it appears appropriate for the purposes of administering this Act.

(3) A sample of goods taken under sub-section (2) (c) shall be disposed of and accounted for as the Director General may authorize.

(4) Goods that exceed the transaction value of twenty dollars, shall be returned in good order to the person from whom they were taken, within a reasonable time.

(5) The Director General shall compensate a person, if the goods are not returned in accordance with sub-section (4)

(6) The Director General shall determine the amount of compensation, which shall not be less than the fair market value of the goods.

(7) An authorised officer shall, for the purpose of the administration of this Act, have power to—

- (a) enter, at all reasonable times, any premises or place where any business is carried on or where any property is kept or anything is done in connection with any business or any books or where records are kept or are required to be kept pursuant to this Act;
- (b) make such execution and inquiry as may be necessary for ascertaining whether the provisions of this Act are being or have been complied with in such premises or place; or
- (c) examine every person who the officer finds in any premise or place, with respect to any matters under this Act on which the officer may reasonably require information.

(8) An authorised officer may enter a taxpayer's dwelling, or other premises not described in sub-section (7), for the purpose of the administration of this Act—

- (a) with the consent of the taxpayer; or
- (b) at the time stated and in the manner authorised in writing by a magistrate upon application by the Director General showing the magistrate the need for the authorisation.

(9) An authorised officer who is lawfully upon premises or in a dwelling under sub-sections (7) or (8) may—

- (a) make a copy of a record;
- (b) seize a record or other item that appears to be relevant to an authorised purpose; or

(c) seal records or other items.

(10) If an authorised officer seizes a record or other item pursuant to the authority provided under this section, the Director General may make a copy of the record or other item and shall return the original to the person in the shortest time practicable, unless otherwise permitted by court order.

(11) A copy of a document made pursuant to the power conferred by this section may be produced in court and has the same evidentiary value as if it was an original.

(12) The occupier of any premises or place liable to examination by an authorised officer and his employees and agents, shall provide the officer with such information and produce for examination such documents as the officer may reasonably require for the purpose of ascertaining whether tax is payable or has been duly paid by or in respect of any person.

(13) The owner or occupier of the premises or place to which an exercise of power under this section relates, shall provide assistance and facilities to the Director General or authorised officer, that are reasonable in the circumstances.

(14) A person commits an offence if that person—

(a) wilfully delays or obstructs an authorized officer in the exercise of any power under this Act; or

(b) subject to sub-section (16), refuses or neglects to answer any question or to furnish any information or to produce any document when required so to do under this section.

(15) A person who commits an offence under sub-section (14)(a) is liable on summary conviction to—

- (a) a fine not exceeding one thousand dollars and in default to imprisonment for a term not exceeding six months, in the case of a first offence under this sub-section; or
- (b) to a fine not exceeding five thousand dollars and in default to imprisonment for a term not exceeding one year, in the case of a second or subsequent such offence.

(16) No person shall be required to answer any question or to give any evidence tending to incriminate the person.

(17) This section shall not authorise access to premises of diplomatic, consular, or other missions of foreign countries and international organizations which enjoy immunity from such investigations under international law.

(18) A person may claim privilege, under law, over documents or other evidence which the Director General wishes to seize or examine, pursuant to this section.

(19) Documents or other evidence which are claimed to be privileged shall be deposited into envelopes, sealed and retained unopened until a determination by a court of competent jurisdiction in accordance with sub-section (20).

(20) The Director General shall apply to a court to determine whether the documents or other evidence referred to in this section are privileged.

(21) For the purposes of this section and section 30, “authorised purpose” means—

- (a) the collection of information for the purpose of determining the liability of a specific person for a tax;

- (b) the collection of information for the purpose of collecting tax from a specific person; or
- (c) the collection of information related to the investigation or prosecution of tax matters related to a specific person.

Notice to obtain information.

30.—(1) In respect of an authorised purpose, the Director General may, by giving reasonable notice, require a person, whether a taxpayer or not—

- (a) to furnish the information that is required by the notice, including information concerning another person; or
- (b) to appear at the time and place designated in the notice for the purpose of being examined or for producing documents or other evidence in the control of that person which are described in the notice for inspection.

(2) Without prejudice to the generality of sub-section (1), the Director General may require—

- (a) any bank to—
 - (i) furnish details of any banking account or other assets which may be held on behalf of any person, or to furnish a copy of bank statements of any such banking account;
 - (ii) permit the Director General or an authorised officer to inspect the records of the bank with respect to the banking account of any person; or
 - (iii) furnish annually a schedule showing the amount of interest paid on deposits

together with the names, taxpayer identification numbers and addresses of the persons to whom such interest accrued; or

- (b) the attendance of any officer of a bank before the Director General to give evidence respecting any bank account or other assets which may be held by the bank on behalf of any person.

(3) Sub-section (1) extends to the supply of information, the production of documents, and the giving of evidence to the Director General in relation to—

- (a) the payment of income by any person to a non-resident; or
- (b) the payment of remuneration by an employer to an employee, the deduction of tax there from, and the accounting for any tax so deducted.

(4) The Director General may—

- (a) make copies of books of account or other documents that are produced for the purposes of this section; or
- (b) retain the books of account or other documents if it appears necessary for the prosecution of an offence or the substantiation of any assessment..

(5) Section 29 and this section shall have effect notwithstanding any law relating to confidentiality, privilege, or the public interest with respect to the production of or access to documents or other evidence, including a law relating to bank secrecy and any contractual duty of confidentiality.

Information from
public bodies

31.—(1) The Director General may require any officer in the employment of the Government or any municipality or other public body to supply particulars as may be required for the purposes of this Act and which may be in the possession of such officer.

(2) No officer mentioned in sub-section (1) shall by virtue of this section be obliged to disclose any particulars as to which the officer is under any statutory obligation to observe secrecy.

Information
returns

32.—(1) Every employer, agent, contractor, or other person, when required to do so by notice from the Director General, shall within the time limited specified in the notice, prepare and deliver a return containing such information as the Director General may think necessary for the purposes of this Act.

(2) The provisions of this Act with respect to the failure to deliver returns or particulars in accordance with a notice from the Director General shall apply to any return under sub-section (1)(a).

(3) Where the employer, agent, contractor, or other person is a body of persons—

- (a) the manager or other principal officer shall be deemed to be the employer for the purposes of this section; and
- (b) any director of a company, or person engaged in the management of a company shall be deemed to be a person employed.

(4) Notwithstanding sub-section (1), the Minister may make rules requiring any person to prepare and deliver returns containing any information required under this Act at such times and in such form as may be prescribed.

PART IV

Assessments

33.—(1) An assessment of a taxpayer’s liability to pay tax is to be made in the manner prescribed by this Act and the relevant tax legislation Assessments

(2) An assessment by the Director General may be based upon the information supplied by the taxpayer in a tax return and upon any other relevant information available to the Director General.

(3) If a taxpayer fails to file a tax return as required, the Director General may make an assessment of the amount of tax payable, based upon best judgement and information reasonably available to the Director General.

(4) If the Director General bases an assessment, in whole or in part, on information other than that supplied by a taxpayer in a tax return, the Director General shall provide an indication of the nature of the information on which the assessment is based.

(5) If the relevant tax legislation requires the taxpayer to include in a tax return a calculation of the amount of tax payable, the filing of the return shall have the same effect as if the Director General had made an assessment in that amount.

(6) Notwithstanding sub-section (5), the Director General may issue a new or revised assessment to a taxpayer who is required by a relevant tax legislation to include in a tax return a calculation of the amount of tax payable.

34.—(1) The Director General shall as soon as possible prepare assessment records of persons assessed to tax. Assessment records

(2) Assessment records, shall contain—

- (a) the taxpayers' names;
- (b) taxpayer identification numbers;
- (c) addresses of the persons assessed to tax;
- (d) the amount of the chargeable income of each person, if applicable;
- (e) the amount of tax payable by the person; and
- (f) such other particulars as the Director General may require.

New or revised
Assessment

35.—(1) The Director General may make a new assessment, or may revise an assessment previously made, within the time limits specified in section 36, if the Director General is of the opinion that the original assessment was incorrect.

(2) If the taxpayer has failed to keep and maintain records or has submitted inaccurate information, the Director General may use best judgement, third party information and other information reasonably available in making a new or revised assessment.

(3) The Director General shall revise an original assessment if—

- (a) a taxpayer files an amended return under section 22(3), and
- (b) satisfied that the original assessment was based on incorrect information.

Time limits for
assessments and
revised
assessments.

36. (1) The Director General may not make an assessment, including a new assessment or a revised assessment, more than six years after the end of the tax period to which the return relates.

(2) Notwithstanding sub-section (1), the Director General may make an assessment, new assessment or revised assessment within twelve years of the end of the tax period to which a return relates if the original assessment was based upon incorrect information due to fraud or wilful neglect of the taxpayer..

(3) Subject to sub-section (4), an assessment made under section 33(3) shall be made within twelve years of the end of the tax period to which the return relates.

(4) An assessment made under section 33(3) shall be made within 6 years of the date the return is filed if the taxpayer files a return within 6 years after the end of the tax period.

(5) Notwithstanding sub-section (1)–

- (a) if the return for a tax period is filed 5 years or later after the end of the tax period, a revised assessment shall be made within one year after that return is filed; and
- (b) a revised assessment may be made at any time, if no return has yet been filed.

(6) If an assessment is not made within the time limits specified in this section, and no assessment has been made under section 33–

- (a) an assessment is treated to have been made in the amount of tax that has been withheld for the tax period, if any; or
- (b) no tax is payable, if no tax has been withheld.

(7) Nothing in this section prevents the amendment of an assessment to give effect to a decision of the Board of Tax Appeals or the Supreme Court.

Notice of
assessment.

37.—(1) At the conclusion of an assessment, the Director General shall issue a notice of assessment on the person assessed.

(2) A notice issued under sub-section (1) shall be signed by an authorised officer, and contain the following information—

- (a) the name of the taxpayer;
- (b) the taxpayer identification number;
- (c) the date of issue of the notice;
- (d) the matter to which the notice relates;
- (e) the amount of tax payable;
- (f) a demand for payment of the tax by the date stipulated in the relevant tax legislation;
- (g) the place at which, or manner in which, payment is to be made;
- (h) a statement of the reasons why the Director General made the assessment and the manner in which the assessment is calculated;
- (i) the time, place, and manner of objecting to the assessment; and
- (j) any other information, at the discretion of the Director General.

(3) The original or a certified copy of a notice of assessment is receivable in proceedings as conclusive evidence that the assessment has been duly made and, except in proceedings in relation to the assessment under Part V, that the amount and all particulars of the assessment are correct.

38.—(1) A person may, by notice, apply to the Director General for a review of an assessment if that person disputes or objects to an assessment.

Application for review of assessment.

(2) A notice for review of an assessment filed under sub-section (1) shall—

- (a) be filed within fifteen days of the notice of assessment; and
- (b) state the grounds on which the assessment is disputed.

(3) Notwithstanding sub-section (2)(a), a person may apply to the Director General for an extension of time to file a notice for review of an assessment.

(4) The Director General may grant an extension of time to file a notice for review of an assessment, if the Director General—

- (a) considers it reasonable in the circumstances; and
- (b) is satisfied that the applicant was unable to file the notice within the time prescribed under sub-section (2)(a) because the applicant was—
 - (i) absent from the country;
 - (ii) sick; or
 - (iii) any other reasonable cause.

(5) On receipt of a notice of review, the Director General may—

- (a) require the person concerned to—

- (i) furnish such particulars as the Director General may deem necessary with respect to the tax liability of the person assessed; and
 - (ii) produce all books or other documents in the person's custody or control relating to such tax liability; and
- (b) summon any person who the Director General thinks is able to give evidence respecting the assessment to attend before him and may examine such person on oath or otherwise.

(6) The Director General shall give to the person, so requesting the review, notice of the Director General's decision upon the review, which may include confirmation, amendment, or vacation of the assessment.

(7) Either party to an application for review may be represented by Counsel or by an accountant.

(8) The onus of proving that the assessment made by the Director General is excessive shall be on the applicant.

(9) The proceedings relating to a review under this section shall be held in camera.

PART V

Appeals

Board of Tax
Appeals

39. (1) There shall be appointed by the Minister, after consultation with the Public Services Commission, a Board of Tax Appeal.

(2) The Board of Tax appeal shall—

- (a) hear and determine objections against assessments made under this Act; and
 - (b) determine other matters where an appeal lies to the Board under this Act.
- (3) The Board shall consist of the following three persons—
- (a) a public officer, or a person who has previously held office in the Public Service;
 - (b) an attorney-at-law of not less than five years' standing; and
 - (c) a member of the Institute of Chartered Accountants of Belize in private practice.
- (4) Two members of the Board shall form a quorum, one of whom shall be the member who is an attorney- at-law.
- (5) The Minister may appoint a person qualified to be a member of the Board to be temporarily a member to the Board of Tax Appeal during the absence or leave of any member, if considered necessary.

40.—(1) A person assessed may appeal in writing to the Board on any of the following grounds—

Appeal to Board

- (a) that the person is aggrieved by a decision of the Director General on review under the provisions of section 38; or
- (b) that the person has served on the Director General a notice requesting a review under section 38 and the Director General has not served notice of the Director General's decision within thirty days of the date on which the review was requested.

(2) For the purposes of an appeal under sub-section (1)(b), the Director General shall be considered to have confirmed the original assessment.

(3) All appeals to the Board under this section shall be heard, as far as practicable, within a period not exceeding ninety days of the notice of appeal.

(4) On an appeal against an assessment made to the Board, the onus of proving that the assessment complained of is excessive shall be on the appellant.

(5) On receipt of a notice of appeal, a meeting of the Board shall be summoned to hear the appeal of the person assessed, and the Board may—

- (a) require the person assessed and the Director General to furnish such particulars as the Board may think necessary in order to ascertain the tax liability;
- (b) require the person assessed and the Director General to produce all books or other documents in their custody or under their control relating to such tax liability;
- (c) summon any person the Board thinks is able to give evidence respecting the assessment to attend before the Board; or
- (d) examine, either on oath or otherwise, the person assessed, the Director General, and any other person attending before them, except the clerk, agent, or other person confidentially employed in the affairs of the person assessed, by whom evidence is to be given.

(6) When the Board has heard the appeal and determined the amount of the tax payable—

- (a) any necessary amendment shall be made in the amount assessed by the Director General, reducing it by the amount overcharged or increasing it by the amount undercharged; and
- (b) notice of the amount of tax or the amount of refund, if any, payable shall be served upon the person assessed and that amount of tax or refund shall, subject to section 41(1), be the tax payable or refundable.

(7) The Board shall add interest to any amount determined by it to be payable or refundable pursuant to Part VII.

(8) Subject to sub-section (9) –

- (a) a notice of appeal to be sent under sub-section (1)(a) shall be sent within twenty- one days from the date of service of the notice of the Director General’s decision on review under section 38; and
- (b) a notice of appeal to be sent under sub-section (1)(b) shall be sent within sixty days from the date of service of the notice of assessment.

(9) A person may apply to the Board for an extension of time to appeal an assessment if that person was unable to–

- (a) apply to the Director General for a review or revision of an assessment within the time prescribed in section 38(2); or
- (b) serve a notice of appeal on the Board within the time prescribed in sub-section (8).

(10) The Board may grant an extension of time under sub-section (9) if the Board—

- (a) considers it reasonable in the circumstances; and
- (b) is satisfied that the applicant was unable to apply for a review of an assessment within the time prescribed in section 38(2) or serve notice of appeal within the time prescribed in sub-section (8) because the applicant was—
 - (i) absent from the country;
 - (ii) sick; or
 - (iii) any other reasonable cause.

(11) Wherever by this Act or any other tax law or statutory instrument a discretion is conferred on the Director General, that discretion may be exercised by the Board on hearing an appeal against an assessment.

(12) The Board shall provide a written statement of its decision, including—

- (a) a summary of the evidence;
- (b) its finding of the facts; and
- (c) its conclusions.

Appeal to
Supreme Court.

41.—(1) The Director General or a person who appealed to the Board may appeal to the Supreme Court if—

- (a) dissatisfied with the decision of the Board on the ground that the decision was erroneous on a point of law; or
- (b) dissatisfied with the decision of the Board in relation to an assessment.

(2) An application under sub-section (1) shall be made—

- (a) within thirty days from the date of the decision of the Board; and
- (b) upon notice to the other party to the proceedings before the Board.

(3) Notwithstanding the lapse of the period under sub-section (2), any person may appeal against an assessment if the person shows to the satisfaction of the Supreme Court that—

- (a) there has been no unreasonable delay on the person's part; and
- (b) the person was prevented from giving notice of appeal within such period because the person was—
 - (i) absent from the country;
 - (ii) sick; or
 - (iii) any other reasonable cause.

(4) Any person who appeals against an assessment shall attend before the Supreme Court in person or through an attorney-at-law on the day and at the time fixed for the hearing of the appeal.

(5) If it is proved to the satisfaction of the Supreme Court that any person is prevented from attending in person at the hearing of the person's appeal, on the day and at the time fixed for that purpose, the Supreme Court may—

- (a) postpone the hearing of the appeal for such reasonable time as it thinks necessary for the attendance of the appellant; or

(b) admit the appeal to be made by any agent, clerk, or servant of the appellant on the appellant's behalf.

(6) Ten days' notice shall, unless rules made under this section provides otherwise, be given to the appellant and the respondent of the date fixed for the hearing of the appeal.

(7) The onus of proving that the assessment or any part of the assessment is excessive shall be on the appellant.

(8) Where the Supreme Court is satisfied that the appellant is—

(a) overcharged, it may reduce the amount of the assessment by the amount of the overcharge; or

(b) undercharged, it may increase the amount of the assessment by the amount of the undercharge.

(9) All appeals shall be heard in camera, unless a judge, on the application of the appellant, otherwise directs.

(10) The costs of the appeal shall be in the discretion of the judge hearing the appeal, and shall be a sum fixed by the judge.

(11) The Chief Justice may make rules governing such appeals and providing for the method of tendering evidence.

(12) The decision of the Supreme Court in relation to an assessment shall be final.

(13) The Supreme Court may on its own motion state a case on a question of law for the decision of the Court of Appeal.

(14) Notwithstanding sub-section (13), the Supreme Court shall state a case on a question of law for the decision of the

Court of Appeal on the application of the either party to the appeal.

42.—(1) If a request for review of an assessment has been filed or a taxpayer has appealed to the Board against an assessment, the undisputed tax liability remains due and payable, unless the Director General grants an extension of time under section 52.

Appeals do not suspend collection of undisputed amounts.

(2) Notwithstanding sub-section (1), the Board or the Supreme Court may rule, upon the Director General's motion, that all or a portion of the tax is being disputed on a frivolous basis, in which case such amount becomes due and payable.

Finality of assessment.

43.—(1) Subject to the right of the Director General to issue a new or revised assessment under section 35, and subject to sub-section (2), if no request for review is made within the time permitted by section 38, an assessment is treated as final.

(2) If an assessment is final under sub-section (1), and the taxpayer timely files an amended return under section 22, the filing of the amended return has the effect of revising the assessment, if the tax shown on the amended return exceeds the tax assessed.

PART VI

Liability for and payment of tax

44.—(1) Tax is due and payable at the time provided by the relevant tax legislation, as stated in the notice of assessment.

Liability of taxpayer and due date.

(2) The amount of tax due and payable is the amount—

- (a) stated in a notice of assessment to be due; or
- (b) deemed to be assessed under section 33(5) or section 36(5).

(3) Tax shall be paid in the manner and place prescribed by the Director General.

(4) The Director General may specify an earlier due date for the payment of tax if the Director General has reasonable grounds to believe that a taxpayer may leave Belize before the due date under a tax law to which this Act applies.

(5) The Director General shall give notice to a person, if an earlier due date is specified in accordance with sub-section (4).

Liabilities and obligations of representatives.

45.—(1) Every representative of a person is responsible for performing duties or obligations imposed by this Act on the person, including maintaining records, filing returns and other documents, and the payment of tax.

(2) Subject to sub-section (4) tax that is payable by a representative of a person is recoverable from the representative only to the extent of any assets of the person that are in the possession or under the control of the representative.

(3) A representative of a person who pays tax owing by the person is entitled to recover the amount so paid from the person or to retain the amount so paid out of any moneys of the person that are in the representative's possession or under the representative's control.

(4) A representative is personally liable for the payment of tax due by the representative in a representative capacity if the tax could legally have been paid from or out of the moneys or funds from the taxpayer, and while the amount remains unpaid, the representative—

- (a) alienates, charges, or disposes of moneys received or accrued in respect of which the tax is payable; or
- (b) disposes of or parts with moneys or funds belonging to the taxpayer that are in the

possession of the representative or which come to the representative after the tax is payable.

(5) Nothing in this section relieves a person from performing duties imposed by this Act on the person if the representative of the person has failed to perform.

(6) If there are two or more representatives of a person, the duties or obligations referred to in this section shall apply jointly and severally to the representatives but may be discharged by any of them.

(7) A dissolved partnership, association or body and the new partnership association or body shall be deemed to be one and the same if—

- (a) a partnership or other unincorporated association or body is dissolved or otherwise ceases to exist because of the retirement or withdrawal of one or more, but not all, of its partners or members, or because of the admission of a new partner or member;
- (b) apart from the provisions of this Act, a new partnership, association, or body, consisting of the remaining members, or of the existing or remaining members and one or more new members, thereby comes into existence; and
- (c) the new partnership, association, or body continues to carry on the activity that was carried on by the dissolved partnership, association, or body.

(8) The estate of the taxpayer, as represented by the executor or trustee, shall be deemed, for the purposes of this Act to be the taxpayer, in respect of the taxable activity, if after the death of a taxpayer or the sequestration of a taxpayer's estate—

- (a) a taxable activity previously carried on by the taxpayer is carried on by or on behalf of the executor or trustee of the taxpayer's estate; or
- (b) anything is done in connection with the termination of the taxable activity.

(9) A mortgagee shall be deemed to be the taxpayer carrying on a taxable activity, from the date the mortgagee takes possession of land or property until such time as the mortgagee ceases to be in possession of the land or property, if- the mortgagee-

- (a) is in possession of land or other property previously mortgaged by a mortgagor who is a taxpayer; and
- (b) the mortgagee carries on a taxable activity in relation to the land or other property.

(10) For the purposes of the tax legislation, if a person is a trustee in more than one capacity, the person is treated as a separate person in relation to each of those capacities.

(11) For the purposes of this section, "representative," in respect of a person, means-

- (a) if the person is an individual under a legal disability, the guardian or manager who receives or is entitled to receive income on behalf of, or for the benefit of, the individual;
- (b) subject to sub-section (4), if the person is a company, a principal officer of the company or an agent described in sub-section (4);
- (c) if the person is a partnership, a partner;
- (d) if the person is a trust, a trustee;

- (e) if the person is a body of persons other than a partnership or company, an individual responsible for accounting for the receipt and payment of moneys or funds on behalf of the body;
- (f) if the person is the Government of Belize, an individual responsible for accounting for the receipt and payment of moneys or funds on behalf of the Government;
- (g) if the person is a local authority in Belize, an individual responsible for accounting for the receipt and payment of moneys or funds on behalf of the local authority;
- (h) if the person is a foreign government or political subdivision of a foreign government, an individual responsible for accounting for the receipt and payment of moneys or funds in Belize on behalf of the government or political subdivision of the government; or
- (i) if the person is a non-resident, a person controlling the person's affairs in Belize, including a manager of a business of that person in Belize.

46.—(1) If there is more than one representative in respect of a person, that person shall designate who will serve as their representative.

Designation of representative.

(2) If there is no designation under sub-section (3), every representative in respect of a person shall serve as that person's representative until a designation is made.

(3) If a representative of a person designated under sub-section (3) is unable to perform duties, the Director General may, by notice to the person and the other individual concerned,

declare another individual to be a representative of the person for the purposes of this Act.

(4) The designation under sub-section (2) shall be of a person residing in Belize, unless there is none in relation to the person.

Representation
of companies.

47.—(1) Every company carrying on business in Belize shall be represented for the purposes of this Act by—

- (a) a principal officer residing in Belize; or
- (b) by an authorised agent residing in Belize;

(2) Every company carrying on business in Belize shall notify the Director General of its representative under sub-section (1) within—

- (a) one month after it commences carrying on business in Belize; or
- (b) one month after the designated representative ceases to qualify as such.

Officers of
unincorporated
bodies.

48.—(1) A liability or obligation imposed by tax legislation on an unincorporated body is imposed on the body and on any person who is an officer of the body at the time the liability or obligation is imposed, and the body and each such officer is jointly and severally liable for that liability or obligation.

(2) For the purposes of the tax legislation, the existence of an unincorporated body and any taxable activity carried on by the unincorporated body shall be deemed not to be affected by any change in its members or officers.

(3) A document which is required to be served on an unincorporated body under the tax legislation may be served on an officer of the body.

(4) An offence under the tax legislation committed by an unincorporated body is taken to have been committed by the officers of the unincorporated body.

49.—(1) This section applies to a company that is wound up without having satisfied its tax liabilities, including any liability to withhold and remit tax.

Liability for tax following winding-up.

(2) A person who was a shareholder of the company at the time of the winding-up, or during the preceding year, is jointly and severally liable to pay the unpaid tax, to the extent the shareholder received a distribution of cash or property from the company, within one year prior to its winding-up.

(3) A person liable for tax of a company under this section may invoke any rights as against the Department that would have been available to the company.

50.—(1) If an entity fails to pay tax on time, every person who is or has been a manager of the entity, at any time since the relevant time, is jointly and severally liable with the entity and every other such person for payment of the tax.

Managers of entities.

(2) Sub-section (1) applies irrespective of whether the entity ceases to exist.

(3) Sub-section (1) does not apply to a manager who has exercised the degree of care, diligence, and skill that a reasonably prudent person in the position of the manager would have exercised in preventing the initial and continuing failure to pay tax.

(4) Amounts payable to the Director General by a manager under this section are a personal tax liability of the manager.

(5) If a manager pays tax by reason of a liability under sub-section (1), the manager may recover the payment from the entity as a debt due.

(6) A manager of an entity may not be assessed for an amount under this section after the period of limitations for collecting the relevant tax from the entity has expired.

(7) For the purposes of this section—

“entity” means any taxpayer other than a partnership, unincorporated body, or an individual;

“manager of an entity” includes a person purporting to act as a manager of the entity and, in the case of a company, includes a director, the chief executive officer, and the chief financial officer of the company; and

“relevant time” means six months before the events that gave rise to the entity’s tax liability.

51.—(1) If the amount of tax which has been paid by a taxpayer exceeds the amount of tax assessed or found to be payable, the Director General shall—

Refundable
amounts

- (a) apply the refundable amount against the taxpayer’s assessed liability to pay tax, interest, late fees, or penalties to which this Act applies; and
- (b) unless the taxpayer objects, apply an amount remaining against the taxpayer’s liability to make advance payments of tax that will become due within the succeeding six months.

(2) Subject to sub-section (1), refundable amounts shall be paid to the taxpayer.

(3) This section does not apply to the GST.

(4) A refund or credit may be made under this section only if the taxpayer applies for it within six years of the date of

payment or, if made on the Director General's initiative, within this time period.

52.—(1) The taxpayer may apply, on a form prescribed by the Director General, for an extension of the time for payment of tax beyond the date on which it is required to be paid under section 44.

Extension of
time for
payment.

(2) The Director General may—

- (a) with good cause, extend the time for payment as requested under sub-section (1);
- (b) grant an extension period different from the period requested by the taxpayer;
- (c) extend time for payment pending resolution of an appeal; and
- (d) make other arrangements to ensure payment of the tax, including arrangements requiring the person to pay the amount due in instalments.

(3) If the Director General does not notify the person who made an application under sub-section (1) of the decision in writing within thirty days, the application is considered granted.

(4) If a taxpayer has been granted an extension under sub-section (1), interest is payable under Part VII notwithstanding the extension of time.

(5) If an extension is granted by permitting the taxpayer to pay by instalments and the taxpayer defaults in paying any of the instalments, the whole balance of the tax outstanding shall become payable immediately.

53.—(1) The Director General may send a notice to the taxpayer demanding payment when a tax is not paid by the date on which it became due and payable.

Default in
payment

(2) The notice shall state—

- (a) the name of the taxpayer;
- (b) the taxpayer identification number,
- (c) the date of issue of the notice;
- (d) the amount of tax, interest, and penalties payable, and the tax period or periods to which they relate;
- (e) a demand for payment of these amounts;
- (f) the place at which payment is to be made; and
- (g) that the taxpayer is on notice that, if payment is not made within twenty onedays after service of the notice, the Director General has the right to pursue collection action to collect the amounts specified in the notice.

(3) For the purposes of this section, a taxpayer is considered to be in default twenty-one days after service of the notice, in respect of any amounts remaining unpaid as of that date.

(4) Sub-section (3) does not apply if the taxpayer has—

- (a) entered into a payment arrangement with the Director General pursuant to the applicable tax legislation; or
- (b) received an extension pursuant to section 52, and has remained in compliance with the terms of the arrangement.

Order of
payment of tax
debts.

54.—(1) Payments of a specific tax shall be applied against the taxpayer’s liability in the following order—

- (a) interest relating to the tax;
- (b) penalties relating to the tax; and
- (c) the principal amount of the tax.

(2) The Director General may apply a tax payment to any tax which has been assessed and is due—

- (a) if the taxpayer fails to indicate to which specific tax or taxation period the payment should be applied; or
- (b) if the payment has been collected pursuant to Part VIII.

55. Tax is payable in Belize dollars, except as otherwise provided in a law to which this Act applies. Currency

PART VII

Interest

56.—(1) Procedures for the payment, collection, and dispute of a tax apply equally to interest relating to a tax. General

(2) Liability for interest under this Act is calculated separately and is in addition to penalties provided by law.

(3) If a person paid interest under this Part and an amount to which the interest relates is found not to have been payable, the interest paid on that amount shall be refunded to the person.

57.—(1) If an amount of tax is not paid by the due date, the taxpayer is liable for interest on the amount for the period from the due date, determined without regard to an extension of time under section 52, to the date the tax is paid. Interest on underpayments

(2) In the case of tax due under a revised assessment, the due date for the calculation of interest is the original due date of the tax.

Interest on refundable amounts.

58.—(1) If the Director General is required to refund an amount under section 51(2), interest shall be paid to the taxpayer for the period from the due date to the date on which the refundable amount is paid.

(2) Notwithstanding sub-section (1), if the Director General does not pay a refund required by the GST Act, within the time required pursuant to the GST Act, interest is payable by the Director General from the date the refund is required to be paid until the date on which the refund is paid.

(3) Notwithstanding sub-section (1), no interest is payable in respect of a refund that is based on a claim for refund and is paid to the taxpayer within 90 days of the filing of the claim for refund.

(4) A refundable amount that is applied against another tax liability under section 51(1) is considered to have been paid to the taxpayer on the due date of the liability against which the refundable amount was applied.

Interest rate.

59.—(1) The interest rate for this Part is—

- (a) one and one-half per cent per month or part of that rate, compounded monthly for underpayments of tax; and
- (b) one percent per month or part of that rate, compounded monthly, for refunds.

CAP. 55.

(2) This section does not apply to refunds payable under the Income Tax Act.

(3) Notwithstanding sub-section (1), the Minister may vary the interest rate by Order published in the Gazette.

PART VIII

Recovery of Tax

60.—(1) The Director General may proceed with any remedy under this Part once the taxpayer is determined to be in default pursuant to section 53. General.

(2) This Part does not apply to GST or excise collected by the Comptroller of Customs, which is recoverable under procedures for recovery of customs duty.

61.—(1) Proceedings under this Part shall be commenced within six years of the date on which the taxpayer was determined to be in default pursuant to section 53. Period of limitations for collection.

(2) Notwithstanding sub-section (1), where there is evidence of fraud, acknowledgement or part payment of tax assessed, the six year period mentioned in sub-section (1) commences at the discovery of the fraud or when the acknowledgement or part payment is made.

(3) Subject to sub-section (1), no enactment relating to the limitation of actions, bars or affects an action or remedy for the recovery of unpaid tax, interest, late fees, or penalties under this Act.

62.—(1) If the Director General is unable to recover an amount of tax, interest, or penalty due and payable by a person under tax laws, the Minister may, on recommendation of the Director General and approval by the Cabinet, order the extinguishment of the liability as a debt due to the Crown. Extinguishment of uncollectible amounts.

(2) If the Director General determines that a person whose debt was extinguished under sub-section (1) has assets that may be attached to recover all or part of the unpaid amounts, the liability for the debt may be reinstated by an order of the

Minister, approved by Cabinet, revoking the order made under sub-section (1).

Court
proceedings

63.—(1) Tax that is due and payable is a debt to the Crown and is payable to the Director General.

(2) If a person fails to pay tax when it is due, the Director General may commence proceedings in a court of competent jurisdiction to recover the debt outstanding in respect of the amount owing.

(3) In any proceedings under this section, the production of a certificate signed by the Director General, stating the name and TIN of the defendant and the amount of tax, interest, and penalties owing, is sufficient evidence that the amount is due and suffices for the court to give judgment in that amount.

(4) In any proceedings for the recovery of tax it is not competent for the defendant to enter a defence that—

- (a) the chargeable income or other tax base is incorrect; or
- (b) the tax charged is excessive; or
- (c) the assessment is the subject of objection or appeal.

(5) Offset of any amount owed to the taxpayer by the Government of Belize shall not be a defence in any collection action, except for offset against refundable amounts of tax.

Lien

64. (1) If a taxpayer fails to pay a tax by the due date, a lien in favour of the Director General is created in the amount owing, together with interest, penalty, and costs of collection that may accrue, on all property belonging to the taxpayer, and has priority as against all other rights, except as otherwise provided in this section.

(2) The lien described in sub-section (2) arises at midnight at the end of the due date and continues until the liability is satisfied or becomes unenforceable by reason of lapse of time.

(3) The Director General may file notice of a lien at any time after a taxpayer is determined to be in default pursuant to section 53.

(4) At least fifteen days prior to registering a lien with the Land Registry, the Director General shall send notice of the intention to register the lien to the taxpayer.

(5) Sub-section (4) does not apply if the Director General believes that the ability to collect tax is in jeopardy.

(6) The Director General may file an action in the Supreme Court to enforce the lien imposed by this section.

(7) An affected person may apply to the Director General for a release of the lien on the person's property.

(8) A lien may be appealed to the Supreme Court if the Director General refuses to release a lien after application for release under sub-section (7).

(9) A lien imposed by this section is not valid against the interest of a person who is a purchaser from the taxpayer or a holder of a security interest granted by the taxpayer, if the interest arises—

(a) before the person has actual knowledge of the lien; or

(b) before notice of the lien has been duly registered by the Registrar of lands, whichever first occurs.

65.—(1) The Director General may, from time to time, issue to any person employed as an authorised collector, warrants

Warrants for
levy on goods

directing and authorising the authorised collector to make levy on goods of persons who default in payment of taxes pursuant with section 53.

Schedule II

(2) A warrant for the levy on goods shall be in the form set out in Schedule II.

(3) In all cases where default in payment of taxes has been made by several persons in the same district, it shall be sufficient for the Director General to attach to any warrant a list setting out extracts from the assessment records, showing—

- (a) the names of the persons in default of payment of taxes;
- (b) the particulars of the properties charged with unpaid tax; and
- (c) the taxes that are unpaid, together with the amount of such taxes.

(4) A list that is attached to any warrant shall be signed by the Director General.

Proceedings
before
magistrate.

66.—(1) Notwithstanding that the name of a person in default of payment is included in a list attached to any warrant issued under section 65(3), if the tax remains unpaid, the Director General may—

- (a) cause the operation of the warrant to be suspended as against such person; or
- (b) apply to the Magistrate of the district in which the person in default of payment is staying or residing, for a summons directing that person to—
 - (i) attend before such Magistrate at a time to be named in the summons; and

- (ii) show cause why the amount of taxes not paid should not be ordered as a judgment debt.

(2) The Magistrate may issue a summons and cause it to be served on the person in default of payment.

67.—(1) If a summons is issued under section 65, the Magistrate may order the person in default of payment to pay into court—

Magistrate may order payment into court.

- (a) the amount of the unpaid tax and penalties, and such costs and expenses as are for this purpose from time to time fixed by the Minister; or
- (b) any part of such amounts which the Magistrate thinks that person is able to pay, either in a lump sum or by instalments.

(2) For the purposes of sub-section (1), payments shall be made—

- (a) on the date named in the summons or at any other date to which the hearing may be adjourned, where an order is made under sub-section (1)(a); or
- (b) within seven days of the order or within such extended time as may be determined by the magistrate, where an order is made under sub-section (1)(b).

68.—(1) If a person summonsed under section 65 fails to comply with the summons without lawful excuse, or makes default in payment into court, the Magistrate may commit that person to prison—

Imprisonment for failure to obey order

- (a) for a term not exceeding six weeks; or

(b) until the payment of the sum ordered.

(2) No committal under sub-section (1) shall be ordered for default in payment into court unless it is proved to the satisfaction of the Magistrate that the person making default—

(a) has or has had, since the date of the order, the means to pay the sum in respect of which the person has made default; and

(b) has refused or neglected, or refuses or neglects, to pay it.

(3) Proof of the means of the person making default may be given in such a manner as the Magistrate thinks just.

(4) For the purposes of proof—

(a) the person making default and any witness may be summoned;

(b) the attendance of the person making default and any witness may be enforced by the same processes as in cases in which the Magistrate has summary jurisdiction in criminal matters; and

(c) the person making default and witnesses may be examined on oath.

(5) Every order of committal under this section shall be issued, obeyed, and executed in a manner similar to commitments by Magistrates in the exercise of their summary jurisdiction in criminal cases.

(6) Imprisonment under this section does not operate as a satisfaction or extinguishment of the judgment debt.

69. In the event a person who defaults in payment into court pays the whole of the amount ordered to be paid as provided in section 67, the Magistrate shall—

Procedure on payment.

- (a) give notice of such payment to the Minister; and
- (b) remit to the Director General the amount so paid, deducting the parts thereof as may represent the court costs.

70. For the purpose of levying upon any goods, an authorized collector shall execute the warrant issued by the Director General, in accordance with the scope of the warrant.

Power to exercise warrant.

71.—(1) When any goods or chattels are levied on, they shall, after due notice given in the Gazette, be sold by the authorized collector at public auction in such a manner as is usual in the sales under executions issuing out of the district court.

Sale of goods levied on and disposal of proceeds.

(2) The Director General shall keep custody of goods or chattels levied upon until sold in accordance with sub-section (1).

(3) Proceeds of sale of any goods or chattels levied upon shall be paid by the authorised collector to the Director General.

(4) An authorised collector shall deduct from the proceeds of the sale all reasonable and necessary charges and expenses which may be allowed by the Director General.

(5) The proceeds of sale shall be applied by the Director General towards satisfaction of the unpaid tax, penalties, and costs.

(6) If there is any surplus from the proceeds of sale after satisfaction of unpaid taxes, penalties and costs, the surplus shall be restored on demand to the owner of the goods levied upon..

(7) Tools of trade, bedding and wearing apparel amounting in all to a value not exceeding five hundred dollars shall be exempted from execution.

(8) After a levy, the owner of the goods seized may redeem them at any time before the time appointed for the sale by paying, to the Director General, the full amount of the tax and penalties, together with all costs and expenses incurred by the date of such payment.

Sale of realty of
defaulter

72.—(1) The Director General may put up for sale any real property to which a person who is in default of payment of taxes is beneficially entitled to if the full amount of taxes, penalties, costs and expenses recoverable from that person have not been, or in the opinion of the Director General, cannot be raised by the sale of goods of that person.

(2) In accordance with sub-section (1), the Director General may put up for sale the whole of the real property, or any part of the real property, as in the discretion of the Director General may be selected and marked off as sufficient to realise the required amount.

(3) Before putting any property up for sale, the Director General shall give 14 days' notice published in the Gazette to—

- (a) the person in default of payment of taxes; and
- (b) any mortgagee or chargee known at the time of the notice.

(4) If the debt owed by the person in default of payment is not satisfied by a sale under sub-section (1), the Director General may proceed to sell any other real property that was charged and marked off for the payment of the unpaid tax, even if those properties have passed out of possession of the person in default of payment before the date of the sale.

(5) The Director General may issue to the officer in charge of the district tax office in which any real property intended for sale are situate, a praecipe in the approved form to levy the tax by the sale of the real property mentioned in the praecipe.

73.—(1) Before proceeding with the sale of any real property as described in section 72, the Director General or the authorized person conducting the sale shall serve, or cause to be served on the person in default of payment of taxes, a notice in the approved form.

Notice to
defaulter.

(2) A notice shall—

- (a) state the amount owed, in respect of tax, penalties or interest;
- (b) list any property the Director General believes to be owned by the person in default of payment;
- (c) inform the person in default of payment of taxes to provide the Director General with a written statement within seven days of service; and
- (d) inform the person in default of payment of taxes that failure to comply with the terms of the notice will render the person liable to fine not exceeding one hundred dollars.

(3) A written statement from the person in default of payment shall contain the following—

- (a) an admission or denial whether the amount stated in the notice is owed;
- (b) if the person denies owing the amounts specified but admits owing different amounts,

a statement of the amounts which the person admits owing;

- (c) if the person is of the view that part or all of the amounts in the notice are owed by some other person, a statement providing the name of that other person; or
- (d) a statement of any right, title, or interest in properties which are specified in the notice given to the person, and of the nature of that right, title or interest.

(4) Except in cases specially sanctioned by the Director General or the authorized person conducting the sale, every notice under this section shall be served personally on the person in default of payment of taxes.

(5) Whenever the Director General or the authorized person conducting the sale has reason to believe that the person in default is avoiding service of the notice or that neither the person nor the person's authorized agent can be found, the Director General or the authorized person may order the notice to be affixed in some conspicuous manner to the property with respect to which the praecipe to levy has been issued.

(6) The server or the authorized person serving any notice personally shall—

- (a) endeavour to explain its purport fully to the person upon whom it is served; and
- (b) offer to prepare, and if so requested, write out the statement which the person in default of payment is required to make.

(7) In the event that the statement is prepared by the server or authorised person, the signature or mark of person in default

of payment shall, if practicable, be attested by a witness other than the server or authorized person.

(8) The authorized person or server of the notice shall write upon it the date when it is served, and shall enter upon a counterfoil of the notice or upon some other record the date and manner of service and the place where it was made.

(9) A person duly served with a notice under this section, who defaults in complying with the terms of the notice, is liable on summary conviction to a fine not exceeding one hundred dollars, unless that person proves that—

- (a) the person had paid the tax or penalties prior to the notice being served; or
- (b) no tax or fine was or is due from that person.

74.—(1) In all cases of the sale of real property under this Act, the following shall be the conditions of sale—

Conditions of sale.

- (a) the purchaser buys at the purchaser's own risk as to the provisions of the law necessary to authorize the sale having been complied with;
- (b) a person who intends to purchase shall be allowed access to all documents which show that such provisions have been complied with;
- (c) the purchaser shall not require any proof, beyond the assessment record and the praecipe with the list of defaulters' notices with service, of the identity of the contents, dimensions, or other particulars of the property offered for sale with that advertised;
- (d) the highest bidder for each lot may be the purchaser;

- (e) if any dispute arises as to any bidding, the property may again be put up for sale;
- (f) the reserve prices shall be the amount of the tax, costs, and charges, unless the Director General authorizes a lower price;
- (g) the advance on the bidding may be declared by the Director General or authorised person conducting the sale on putting up the specific lot;
- (h) no bid may be retracted without the consent of the Director General or the said authorised person;
- (i) immediately after the sale, the purchaser shall pay to the Director General, or to the authorized person who conducts the sale, a deposit of one-fourth of the bid and the balance shall be payable within seven days;
- (j) in default of payment of the deposit, the property shall be re-offered for sale immediately and any subsequent bid by the person who has made default as aforesaid shall be ignored or refused;
- (k) if the purchaser fails to complete the purchase within seven days, the deposit shall be forfeited and the property shall be re-offered for sale, and any deficiency between the sale price and the first bid may be recovered from the first bidder as a debt;
- (l) except in special cases to which the Minister may give his sanction, conveyances for lands, tenements, and hereditaments will only be executed on the prescribed form; or

- (m) conveyances shall not be executed until one month has elapsed from the date of sale, and during this period the right is reserved for the Minister to cancel the sale.

75.—(1) All sales of real property charged with the payment of unpaid tax shall, if the provisions of this Act have been duly complied with, operate to confer on the purchaser an indefeasible title, free from all encumbrances.

Effect of execution sales with regard to title.

(2) All sales shall have the effect of conveying to the purchaser the right, title, and interest of the person who has made default in the payment of tax;

(3) No purchaser shall have, or be capable of granting, any title to any real or personal property purchased under the powers of this Act, if the purchase has been made—

- (a) with intent to defraud creditors;
- (b) by an agent or trustee for the person in default; or
- (c) for a spouse or other family member of the person in default of payment of taxes.

(4) Any sale of property, purchased in accordance with sub-section 3 shall be void.

(5) Any person having a charge or debt by way of specialty or otherwise upon any property of the person named in the assessment record may pay the tax, fines, costs, and expenses properly due under the tax laws by the defaulter.

(6) A person who makes payment under sub-section

(5) shall be entitled to add the moneys paid to such charge or debt, and the increased charge or debt shall bear the same

interest and may be enforced and recovered in the same manner as the original charge or debt.

Form of conveyance.
CAP. 194.
CAP. 190.

76. Notwithstanding the provisions of the Registered Land Act or the Law of Property Act, where any real property is sold under this Act, the Director General shall execute and deliver on completion a conveyance of the real property in the form set out in Schedule III.

Disposal of surplus

77.—(1) After payment of the tax, penalties, and costs, any surplus moneys arising on sales under this Act shall be paid by the Director General to the owner of the property sold, if known.

(2) Where the owner of the property is not known, the Minister may hold the surplus moneys for a period of six years from the day of sale.

(3) If within six years of the day of sale, no person makes an application claiming to be the owner of the property, the surplus money shall be deposited in the Consolidated Revenue Fund.

(4) If the Director General has notice that any person, other than the owner of the property sold, has a claim to the surplus moneys or any part of the surplus moneys either by way of mortgage or other legal encumbrance, the Director General may send to the said owner, by post, a letter addressed to him at his last known place of abode stating that the moneys or some specified part of the money will be paid to such claimant, mortgagee, or encumbrancer unless that owner informs the Director General within ten days from the date of the said letter that he does not admit the said claim.

(5) If no reply is received from the owner within the time specified in sub-section (4), the surplus moneys, or such part thereof as specified in the said letter, may be paid to the claimant by the Director General.

(6) If the owner denies the claim, the Director General shall pay the surplus moneys to the Registrar of the Supreme Court.

(7) The Registrar shall place the surplus moneys to the credit of an account in court, until the court determines which person is entitled to it.

(8) The Director General shall not be held responsible for any payment made by the Director General under this section.

78.—(1) If any person, other than the person making default, claims to be the owner of any real or personal property which is levied upon as belonging to a party who is named in the assessment record, such person, or any solicitor on the person's behalf may file an affidavit in the Supreme Court—

Claim by third party.

- (a) specifying which of the goods or lands the person claims as the person's property;
- (b) stating full particulars of the person's title to the property; and
- (c) stating the value of the property.

(2) The Registrar shall notify the Director General to discontinue the levy upon any goods and lands specified in the affidavit until the determination of the issue if the person claiming to be the owner of the property, either at the time of, or subsequent to, the filing of the affidavit, gives security by bond with two sureties to the satisfaction of the Registrar of the Supreme Court in a sum of five thousand dollars conditioned to secure—

- (a) the total amount of taxes, penalties, costs, and expenses unpaid or part thereof as may be equivalent to the value of the property claimed; and
- (b) all costs of the legal proceedings incidental to the trial of the issue specified in sub-section (6).

(3) A bond under sub-section (2) is exempt from stamp duty.

(4) At any time within seven days after receipt of the notification of the levy being discontinued, the Director General—

- (a) may abandon the levy altogether; and
- (b) shall notify the Registrar and the claimant that the levy is wholly withdrawn and that no further legal proceedings will take place.

(5) If no notice of abandonment is given by the Director General in the manner provided in sub-section (4), the Registrar shall set the matter down for trial in the Supreme Court not later than four weeks subsequent to security being so given in accordance with the summary procedure of that court.

(6) At the hearing, the issues shall be—

- (a) whether or not the claimant has made out the claimant's title to the property specified in the affidavit; and
- (b) whether the value of the property has been correctly stated in the affidavit,

(7) Upon the issues being determined, the Court shall order the bond to be enforced or cancelled, as the case may be.

(8) Throughout the proceedings in the case of goods claimed, the authorized person by whom levy was made, or in the case of real property being claimed, the Director General shall be the defendant, and all steps may be taken and things done as in ordinary cases before the said court.

(9) The defendant shall not be ordered to pay any costs unless the court is of the opinion that the defendant has been guilty of wilful neglect.

79. Notwithstanding any other enactment, all amounts deducted or withheld by any person pursuant to the Income and Business Tax Act are deemed to be held in trust by that person for the Director General and are not subject to attachment in respect of any debt or liability of that person and in the event of any liquidation, assignment, or bankruptcy, the amounts do not form part of the estate in liquidation, assignment, or bankruptcy but shall be paid in full to the Director General before any distribution of the property is made.

Withholding held in trust.

CAP. 55.

80.—(1) Notwithstanding any other enactment, the trustee in bankruptcy of an person, or the liquidator of a company which is being wound up, shall apply the assets of the bankrupt individual or the company in the payment of tax due under a tax law as a privileged debt in priority over all debts of that person of company.

Priority in bankruptcy

(2) The application of the assets in the payment of tax due shall occur whether or not the tax was assessed before or after the date of bankruptcy or commencement of winding up.

(3) The application of the assets in payment of tax as a priority over all debts shall not apply to law costs and any wages which constitute a privileged debt under the Labour Act.

CAP. 297.

81. When the Accountant General is about to make a payment to any person, other than a payment in respect of wages or salary, the Accountant General may apply the whole or part of that payment in satisfaction in whole or in part to any amount in respect of which that person is in default under section 53 and shall notify that person accordingly.

Offset against payments

82.—(1) If a taxpayer is in default under section 53, the Director General may serve a notice on a third party debtor requiring that third party debtor to pay an amount on behalf of the taxpayer.

Third party debtors

(2) On receiving a notice, the third party debtor shall pay to the Director General, on account of the taxpayer and by the date

specified in the notice, the lesser of the following three amounts—

- (a) the amount in respect of which the taxpayer is in default;
- (b) the money owed by the third party debtor to the taxpayer; and
- (c) the amount specified in the notice.

(3) The date for payment specified in the notice shall not be before fifteen days following the date the third party debtor is served with the notice.

(4) On receiving a notice under sub-section (1), the third party debtor shall not pay any amount to the taxpayer until the Director General withdraws the notice.

(5) As soon as practicable after service of the notice on the third party debtor, the Director General shall serve the taxpayer with a copy of the notice.

(6) Amounts payable to the Director General by a third party debtor under this section shall be a personal liability of the third party debtor, which may be collected in the same manner as a tax.

(7) Money owed to a taxpayer includes—

- (a) amounts currently owing or that may become owing to a taxpayer;
- (b) amounts held or that may be held for or on account of a taxpayer;
- (c) amounts held or that may be held on account of a third person for payment to a taxpayer;

- (d) amounts held by a person who has authority from a third person to pay the money to a taxpayer; and
- (e) in relation to a third party debtor that is a financial institution, amounts that the taxpayer holds in an account with the institution.

(8) A notice may be served under this section on the taxpayer's employer, requiring the employer to withhold and to pay to the Department, for a specified period, some part of the future wages or salary that becomes payable to the taxpayer.

(9) The first five hundred dollars of wages per month are not subject to withholding under a notice described in sub-section (8).

(10) If the third party debtor fails to pay the amount specified within the time specified in a notice under this section, the provisions of this Act apply as if the amount were tax due and payable by the third party debtor, on the date by which the third party debtor was required to make the payment to the Director General.

(11) Notwithstanding sub-section (1), the Director General shall not serve notice on a third party debtor to recover any amount in respect of which a taxpayer is in default under section 53, if that third party debtor is the Government of Belize.

(12) For the purposes of this section, "money" includes a debt obligation denominated or payable in money; and "third party debtor", in relation to a taxpayer, means a person who owes money to the taxpayer.

83.—(1) A third party who pays the Director General pursuant to section 82 shall be—

Compliance with notice.

- (a) treated as having acted with the authority of the taxpayer and of all other persons concerned; and
- (b) indemnified in respect of the payment against all proceedings, civil or criminal, and all processes, judicial or extra-judicial.

(2) A third party who pays the Director General pursuant to this section may be entitled to recover the amount paid from the taxpayer originally liable to make the payment.

(3) Sub-section (1) applies irrespective of a provision to the contrary in written law, contract, or agreement.

(4) A notice under section 82 ceases to have effect once the tax or obligations described in it is paid or otherwise satisfied.

(5) If a third party served with a notice under section 82 is unable to comply with the notice by reason of lack of money owing to or held for the taxpayer, the third party shall notify the Director General.

(6) A third party notice under sub-section (5) shall—

- (a) be in writing;
- (b) set out the reasons for the inability; and
- (c) be filed with the Director General as soon as practicable after the third party becomes aware of the inability and, in any event, before the payment date specified in the section 82 notice.

(7) On receipt of a third party notice the Director General may, by notice served on the third party—

- (a) accept the third party notice and cancel or amend the section 81 notice; or
- (b) reject the third party notice.

(8) The filing of a third party notice has no effect on the third party's personal liability for amounts under section 82 (7) unless the Director General cancels or amends the notice.

(9) For the purposes of this section—

“third party” means a third party debtor served with a notice under 82; and

“third party notice” means a notice issued under section 82.

84.—(1) If a taxpayer's liability has not been satisfied after levy of execution on property known to the Director General, a person who has received assets of the taxpayer in a transaction that is not at arm's length in the period of one year preceding the date of the levy, is secondarily liable for the tax to the extent of the value of the assets received.

Non-Arm's length transferees.

(2) Sub-section (1) does not apply to an amount for which a person is liable under section 49.

85.—(1) A receiver shall notify the Director General of the receiver's appointment within fourteen days after being appointed.

Receivers.

(2) The Director General may notify the receiver of the amount that appears to the Director General to be sufficient to provide for payment of tax owing, or that will become owing, by the person whose assets are in the possession or care of the receiver.

(3) A receiver may not dispose of an asset situated within Belize, held in the receiver's capacity as receiver, without the prior permission of the Director General.

(4) A receiver shall set aside out of the proceeds of sale of an asset the amount notified by the Director General under sub-section (2), or a lesser amount as may be agreed with the Director General.

(5) A receiver is personally liable for the amount of tax notified in sub-section (2) to the extent of an amount required to be set aside under sub-section (4), if the receiver fails to comply with the requirements of this section.

(6) In this section, “receiver” means a person who, with respect to an asset situated in Belize, is—

- (a) a liquidator of a company or other entity;
- (b) a receiver appointed out of court or by a court;
- (c) a trustee in bankruptcy;
- (d) a mortgagee in possession;
- (e) an executor, administrator, or heir of a deceased individual’s estate;
- (f) conducting the affairs of an incapacitated individual; or
- (g) a successor in a corporate reorganisation.

PART IX

Administrative Penalties

General provisions.

86.—(1) This section applies to administrative penalties under this Act or under any other tax law.

(2) Procedures for the assessment, payment, collection, and dispute of a tax apply equally to penalties relating to a tax.

(3) A person's liability for a penalty under this Part is—

- (a) separate and distinct from the person's liability, if any, for a penalty under another section of this Act or another tax law; and
- (b) in addition to interest levied under Part VII and to a criminal sanction imposed under Part X.

(4) The burden of proof is on the Director General to show non-compliance with the provisions of tax laws with respect to the imposition of a penalty.

(5) The Director General may make an assessment of a penalty charged as if the penalty were tax payable under this Act, and may specify the date on which the penalty is payable.

(6) A notice of an assessment of a penalty shall—

- (a) be served on the person subject to the penalty; and
- (b) state the amount of the penalty payable, the provision under which it is payable, and the due date for payment.

(7) On service of the notice—

- (a) the notice and the assessment are treated as if they were a notice and assessment of tax payable under this Act;
- (b) the amount of the penalty specified in the notice is treated as tax payable under this Act; and
- (c) the due date for payment is the date specified in the notice.

(8) A person's liability to pay a penalty arises on the making of an assessment by the Director General under sub-section (6).

(9) The limitation period for assessing a penalty is six years after the violation that causes the penalty occurs.

(10) Notwithstanding sub-section (9) the limitation period for a violation under section 91 shall be the same as the limitation for assessing the tax to which the penalty relates.

(11) If a person liable to a penalty shows reasonable cause why the penalty should not be executed, the Director General may—

- (a) refrain, in whole or in part, from assessing the penalty; or
- (b) remit or waive, in whole or in part, a penalty that has been assessed.

(12) A penalty payable for each day, month, or other period during which a particular state of affairs exists or continues, is payable in full for part of that day, month, or other period in which the state of affairs commences, continues, or ends.

Failure to notify.

87. A person is liable to an administrative penalty of not less than five hundred dollars and not more than twenty-five thousand dollars, if that person, fails to notify the Director General as required by sections 8(6), 8(7), 45(4) or 85(1).

Falsification of invoices, receipts, credit and debit notes.

88.—(1) A person is liable to an administrative penalty not exceeding twenty-five thousand dollars, if that person—

- (a) uses a false taxpayer identification number or a taxpayer identification number that does not apply to the person;
- (b) issues a false GST invoice or sales receipt;

- (c) issues a false GST credit note or debit note; or
- (d) provides, or fails to provide, an invoice, credit note, debit note, or sales receipt as required under the General Sales Tax Act.

(2) A supplier under the GST Act is not liable to a penalty under sub-section 1(b), (c) or (d) only because information relating to the recipient of the supply, which was relevant to the issue of, or required to be included in, the invoice, debit or credit note, or sales receipt was incorrect, if the person, having exercised all due care, believes on reasonable grounds that the information relating to the recipient was accurate.

(3) A supplier under the GST Act is not liable to a penalty under sub-section 1(d) if the supplier, having exercised all due care, believes on reasonable grounds that the recipient of the supply for which an invoice, debit or credit note, or sales receipt was required to be issued, was or was not a registered person.

89.—(1) A person who fails to file on or before the due date, a statement of emoluments, business tax return or withholds contract tax, is liable to the administrative penalty listed in Schedule IV to this Act.

Late filing of tax return.

Schedule IV.

(2) The amount of the penalty in sub-section (1) is limited to ten thousand dollars.

(3) The penalty under this section is treated as an addition to the tax liability for the tax period to which the return relates, and may be assessed and collected in the same manner as the tax for that period.

90.—(1) A person who fails to pay all or part of a tax, including withholding tax, interest, or penalty within fourteen days of the due date, or by the due date specified in the notice of assessment, if later, is liable to a penalty equal to 20 percent of the amount due but not paid.

Late payment.

CAP. 55. (2) A person who fails to pay all or part of an instalment, required pursuant to the Income and Business Tax Act, within fourteen days of the due date for the instalment, is liable to a penalty equal to 10 percent of the amount of tax due but not paid.

CAP. 63. (3) Sub-section (1) does not apply to cases described in section 58 of the General Sales Tax Act or section 96(3) or CAP. 55. section 112(5) of the Income and Business Tax Act.

(4) Where an extension is granted under section 52, a person is not liable to a penalty under sub-section (1) unless the extension period expires without payment having been made.

Negligent or
fraudulent
underpayment

91.—(1) If tax is underpaid, or might have been underpaid, as a result of an incorrect statement or a material omission in a taxpayer's tax return, and that statement or omission is a result of intentional conduct or negligence on the part of the taxpayer, the taxpayer is liable to a penalty in the amount of—

- (a) 25 percent of the underpayment; or
- (b) 75 percent of the underpayment if the amount of the underpayment is greater than—
 - (i) one hundred and fifty thousand dollars; or
 - (ii) 25 per cent of the person's tax liability for the period.

False or
misleading
statements.

92.—(1) A person who makes a statement to a tax officer that is false or misleading in a material particular is liable to a penalty under this section if an amount properly payable by, or refundable to, the person under this Act exceeds, or is less than, the amount that would be payable or refundable if the person were assessed on the basis that the statement were true.

(2) The amount of the penalty for which the person is liable is the greater of two hundred and fifty dollars and—

- (a) if an amount payable by the person would have been less, if it were determined on the basis of the information provided in the statement, the amount by which that amount would have been so reduced; or
- (b) if the amount of a refund that the person applied for would be increased, if it were determined on the basis of the information provided in the statement, the amount by which that amount would have been so increased.

(3) No penalty shall be imposed under this section if the person who made the statement did not know, and could not reasonably be expected to know, that the statement was false or misleading in a material particular.

(4) A reference in this section to a statement made to a tax officer includes a reference to a statement made orally, in writing, or in another form to that officer acting in the performance of the officer's duties under this Act, and includes a statement made—

- (a) in an application, certificate, declaration, notification, return, objection, or other document made, prepared, given, filed, lodged, or furnished under this Act;
- (b) in any information required to be furnished under this Act;
- (c) in a document furnished to a tax officer otherwise than pursuant to this Act;
- (d) in an answer to a question asked of a person by a tax officer; or

- (e) to another person with the knowledge or reasonable expectation that the statement would be conveyed to a tax officer.

(5) A reference in this section to a statement that is misleading in a material particular includes a reference to a statement that is so because of the omission of a matter or thing from the statement.

(6) This section does not apply to conduct subject to the penalty under sections 88 or 91.

Failure to
maintain
documents

93.—(1) A person who fails to keep and maintain proper documents as required by this Act or any tax law is liable to a penalty for each month or part of a month during which the failure continues.

(2) The penalty is fifty dollars per day for each day the failure continues.

(3) Before assessing a penalty under this section, the Director General shall issue a warning notice, and no penalty is due under this section if the taxpayer complies with the warning notice within the time specified in the notice.

Failure to
comply with
third party
notice.

94. A person who fails to comply with a notice issued under section 82 is liable to a penalty of 25 percent of the difference between the amount payable by the third party and the amount paid to the Director General by the due date specified in the section 82 notice.

Failure to
provide facilities.

95. A person who fails to provide a tax officer with facilities and assistance as required under this Act or an Act to which this Act applies is liable to a penalty not exceeding one thousand dollars.

Failure to
comply with
notice to give
information

96.—(1) A person who fails to comply with a request for information properly made under this Act, or a tax law, within

the specified time, is liable to a penalty in an amount not exceeding two thousand five hundred dollars.

(2) Before assessing a penalty under this section, the Director General shall issue a warning notice, and no penalty is due under this section if the taxpayer complies with the warning notice within three days of service of the notice.

PART X

Criminal Proceedings

97.—(1) The Director General may investigate an offence specified in this Act or a tax law.

General provisions

(2) The power to bring charges and seek prosecution for the criminal offences specified in this Act belongs exclusively to the Director of Public Prosecutions or a delegate authorised by the Director, but criminal proceedings may be brought only with the sanction of, and in the name of, the Director General.

(3) Proceedings under this Act do not affect criminal proceedings that may be brought under any other Act or law.

(4) Where, in respect of a single act, omission, or course of conduct, a person is convicted of more than one offence under this Part—

- (a) the maximum term of imprisonment imposed for the offences may not exceed a term of 5 years; and
- (b) the person may not subsequently be prosecuted for additional offences in relation to the same act, omission, or course of conduct.

(5) No penalty is payable under Part IX in respect of an act, omission, or course of conduct by a person if—

- (a) the person has been convicted of an offence under this Part in respect of the same act, omission, or course of conduct; or
- (b) the offence has been compounded by the Director of Public Prosecutions.

Aiding and abetting

98. A person who wilfully aids, abets, assists, counsels, incites, or induces another person to commit a criminal offence under this Part is liable on summary conviction to the same penalty as if the offence had been committed by that person.

Period of limitations.

99. Proceedings under this Part may be commenced if the offence alleged involves the—

- (a) doing of an act, within twelve years after the doing of the act;
- (b) failure to do an act, within twelve years after the failure occurred or, if later, within three years after the Director General becomes aware of the failure; or
- (c) non-disclosure or incorrect disclosure by a person of information relating to that person's liability under a tax law, within three years after the person's correct liability to tax becomes final for that tax period.

Tax evasion.

100. A person who wilfully evades, or attempts to evade the assessment, payment, or collection of tax, or who wilfully claims a refund of tax to which the person is not entitled, commits an offence and is liable on summary conviction to a fine not exceeding one hundred thousand dollars, or to imprisonment for a term not exceeding two years, or both.

101.—(1) A person who wilfully impedes, or attempts to impede, the Department in its administration of this Act commits an offence and is liable on summary conviction to a fine of not less than five thousand dollars and not exceeding twenty thousand dollars, or to imprisonment for a term not exceeding one year, or both.

Impeding tax administration.

(2) For the purposes of this section, a person impedes the administration of this Act if the person—

- (a) fails to comply with a lawful request by officials of the Department to examine documents, records, documents, or data within the control of the person;
- (b) fails to comply with a lawful request by officials of the Department to have the person appear before officials of the Department;
- (c) interferes with the lawful right of an official of the Department to enter onto premises;
- (d) fails to file a return;
- (e) uses a false taxpayer identification number or a taxpayer identification number that does not apply to the person;
- (f) issues a false GST invoice, sales receipt, GST credit note, or GST debit note;
- (g) provides, or fails to provide, a GST invoice, sales receipt, GST credit note, or GST debit note, otherwise than as provided for pursuant to the GST Act;
- (h) makes a statement to a tax officer that is false or misleading in a material particular;

- (i) fails to comply with a notice issued under section 81;
- (j) fails to provide notice within the prescribed time as required under section 84;
- (k) fails to maintain required records; or
- (l) otherwise impedes the determination, assessment, or collection of tax.

(3) A taxpayer is not guilty of an offence under sub-sections (2)(f) and (g) only because information relating to the recipient of the supply, which was relevant to the issue of, or required to be included in, the GST invoice, debit or credit note, or sales receipt, was incorrect, if the person believes on reasonable grounds that the information relating to the recipient was accurate.

Repealed by 24 of 2019.

Offences by tax
officers

103.—(1) A tax officer commits an offence if the tax officer—

- (a) directly or indirectly asks for, or takes, in connection with the officer's duties, a payment or reward, whether pecuniary or otherwise, or a promise or security for the payment or reward, not being a payment or reward which the officer is lawfully entitled to receive; or
- (b) enters into or acquiesces in an agreement to do, refrain from doing, permit, conceal, or connive at an act or thing that is contrary to the provisions of this Act or to the proper execution of the officer's duty, or that has the effect that the tax revenue is or may be defrauded.

(2) A tax officer who commits an offence under sub-section (1) is liable on conviction to a fine not exceeding twenty-five thousand dollars or to imprisonment for a term not exceeding one year, or both.

(3) The Court may, in addition to imposing a fine under sub-section (2), order the convicted person to pay, to the Director General, an amount of tax that has not been paid as a result of the officer's wrongdoing and which cannot reasonably be recovered from the person liable for the tax.

(3) This section applies in addition to and does not limit the operation of the Prevention of Corruption Act. CAP. 105.

104.—(1) If a person has committed an offence under this Part or under any tax law, other than an offence under sections 102 or 103, the Director General may, at any time prior to the commencement of the hearing by a Court of the proceedings relating thereto, compound the offences and order the person to pay the sum of money as specified by the Director General, not exceeding the maximum amount of the fine prescribed for the offence. Compounding of Offences.

(2) The Director General may compound an offence under this section only if the person concerned requests the Director General in writing to do so.

(3) If the Director General compounds an offence under this section, the order described in sub-section (1) shall—

(a) be in writing and have attached the written request described in sub-section (2);

(b) specify—

(i) the offence committed;

(ii) the sum of money to be paid; and

(iii) the due date for the payment; and

(c) be served on the person who committed the offence.

(4) An order under sub-section (3) is final and not subject to appeal.

(5) If the Director General compounds an offence under this section, the offender is not liable to prosecution or penalty in respect of that offence.

(6) The Director General's power under this section is subject to the powers of the Director of Public Prosecutions under the Constitution.

(7) The Director General shall give the Director of Public Prosecutions a copy of the order described in sub-section (3) at the time it is served on the taxpayer.

(8) The amount ordered to be paid under sub-section (1) is recoverable as if it were tax due and payable under this Act.

PART XI

Miscellaneous

Exemption from stamp duties.

105. No summons, process, or other document issued by or for any person acting under this Act shall be subject to stamp duty.

Tax avoidance transactions.

106.—(1) Any person who reduces their income by the transfer or assignment of any real or personal, movable or immovable, property to any member of the family of that person shall nevertheless be liable to be taxed as if the transfer or assignment had not been made, unless the Director General is satisfied that

the transfer or assignment was not made for the purpose of avoiding tax.

(2) A person shall be liable to be taxed on the income derived from property transferred in trust, or from property substituted there for, as if the transfer had not been made, if a person transfers property in trust and the trust provides that—

- (a) the corpus of the trust shall revert either to the donor or to the person as the donor may determine at a future date; or
- (b) during the lifetime of the donor, no disposition or other dealing with the trust property shall be made without the consent, written or otherwise, of the donor.

(3) The Director General may disregard any transaction or disposition where he is of the opinion that—

- (a) any transaction which reduces, or would reduce, the amount of tax payable by any person is artificial or fictitious; or
- (b) effect has not been given to any disposition; and
- (c) the persons concerned shall be assessable accordingly.

(4) Nothing in this section shall prevent a decision of the Director General made in the exercise of any discretion given to the Director General by this section, from being tested on review, objection or appeal against an assessment.

(5) For the purposes of this section, “disposition” includes any trust, grant, covenant, agreement or arrangement.

(6) Where it appears to the Director General that with a view to the avoidance or reduction of tax, a company controlled by not more than five persons has not distributed to its shareholders, in such manner as to render the amount distributed liable to taxation in the hands of the shareholders, profits made in any period ending after the 31st December, 1943, which could be distributed without detriment to the company's existing business, the Director General, by notice to the company, may direct that, for the purposes of assessment to income taxes and surtaxes, the profits for the period specified in the notice be deemed to be the income of the members, and—

- (a) the amount thereof shall be apportioned among the members in accordance with the respective interests of the members; and
- (b) taxes shall be assessed and charged on the members in respect of the sum so apportioned as if this distribution had in fact been carried out.

(7) Where it appears to the Director General that, with a view to the avoidance or reduction of tax, property has been sold at a price below that which it would ordinarily be expected to fetch in a transaction between an independent buyer and an independent seller, the income, profits, or losses arising from such sale shall be computed by reference to the price which the Director General considers appropriate in all the circumstances of the sale.

24 of 2019.

(8) For the purposes of sub-section (7), the expressions “sold” or “sale” include the expressions grant, hire, lease, assignment, transfer, or other disposition of any right or interest in property.

“(9) If the Director General is satisfied that a scheme has been entered into or carried out and—

- (a) a person has obtained a tax benefit in connection with the scheme in a manner that constitutes a misuse or abuse of the provisions of a tax law; and
- (b) having regard to the substance of the scheme, it would be concluded that the person, or one of the persons, who entered into or carried out the scheme, did so for the sole or dominant purpose of enabling the person to obtain the tax benefit,

the Director General may, in making an assessment, determine the liability of the person who has obtained the tax benefit as if the scheme had not been entered into or carried out, or in such manner as the Director General considers appropriate for the prevention or reduction of the tax benefit.

(10) For the purposes of determining a person's liability under sub-section (9), and for the purposes of ensuring the prevention or reduction of the tax benefit, the Director General may do any of the following—

- (a) treat a particular event that actually happened as not having happened;
- (b) treat a particular event that did not actually happen as having happened and, if appropriate, treat the event as—
 - (i) having happened at a particular time; and
 - (ii) having involved particular action by a particular person;
- (c) treat a particular event that actually happened as—

- (i) having happened at a time different from the time it actually happened; or
- (ii) having involved particular action by a particular person (whether or not the event actually involved any action by that person).

(11) For the purposes of sub-sections (9) and (10)–

“scheme” includes a course of action and an agreement, arrangement, promise, plan, proposal, or undertaking, whether expressed or implied and whether or not legally enforceable; and

“tax benefit” includes a reduction or deferral in the liability of a person to pay tax, or an increase in the entitlement of a person to a refund.

Procedure and evidence.

107.—(1) Any information or complaint under this Act, or under rules made under this Act, may be laid or made in the name of the Director General by–

- (a) an officer of the Department;
- (b) a member of the Belize Police Department; or
- (c) any person authorized in writing by the Director General.

(2) Where provision is made for sending a notice by post, an affidavit of an officer of the Department shall be received as prima facie evidence of the posting and of the notice if the affidavit sets out that–

- (a) the officer has charge of the appropriate records;

- (b) the officer has knowledge of the facts in the particular case;
- (c) such a notice was sent by registered letter on a named day to the person to whom it was addressed, indicating such address; and
- (d) the officer identifies, as exhibits attached to the affidavit, the post office certificate of registration of the letter or a true copy of the relevant portion thereof, and a true copy of the notice.

(3) Where provision is made for personal service of a notice, an affidavit of an officer of the Department shall be received as prima facie evidence of the notice if the affidavit sets out that—

- (a) the officer has charge of the appropriate records;
- (b) the officer has knowledge of the facts in the particular case;
- (c) such a notice was served personally on a named day on a person; and
- (d) the officer identifies as an exhibit attached to the affidavit a true copy of the notice.

(4) Where a person has been required to make a return, statement, or answer, an affidavit of an officer of the Department shall be received as prima facie evidence that the return, statement or answer, as the case may be, was not received by the Department or any officer, if the affidavit sets out that the officer has—

- (a) charge of the appropriate records; and

- (b) been unable to find that the return, statement or answer, as the case may be, has been made by the person, after a careful examination and search of the records.

(5) An affidavit of an officer of the Department shall be received as prima facie evidence that a return, statement or answer was filed on a particular day by a person required to make a return, statement or answer, if the affidavit sets out that the officer has—

- (a) charge of the appropriate records; and
- (b) found that the return, statement, or answer was filed on a particular day, after careful examination of the records.

(6) With the leave of the court an affidavit of an officer of the Department shall be admissible in evidence, together with the document annexed, as conclusive evidence of the content of the original document where the affidavit sets out that—

- (a) the officer has charge of the appropriate records; and
- (b) a document annexed thereto is a document, or true copy of a document, made by or on behalf of the Director General, or some person exercising the powers of the Director General or by or on behalf of a taxpayer.

(7) Where evidence is offered under this section by an affidavit from which it appears that the person making the affidavit is an officer of the Department, it shall not be necessary to prove—

- (a) the person's signature;
- (b) that the person is such an officer; or

- (c) the signature or official character of the person before whom the affidavit was sworn.

(8) Every document purporting to be a direction, demand, notice, certificate, requirement, assessment or other document, purported to have been executed under or in the course of the administration or enforcement of this Act, under the name of the Director General, or an officer authorized to exercise the powers of the Director General under this Act, shall be prima facie evidence that the document was signed, made, and issued by the Director General or the officer.

(9) In any prosecution, an affidavit of an officer of the Department shall be received as prima facie evidence of the statements contained therein if the affidavit sets out that—

- (a) the officer has charge of the appropriate records; and
- (b) an examination of the records shows that an amount required to be remitted to the Director General has not, on a specified date, been received by the Director General.

108.—(1) Notwithstanding any rule of law or practice to the contrary, it shall be lawful for the Director General to authorise any person to act as an agent for the purpose of detecting corruption or the evasion of tax or the commission of any other related offence, and the evidence of the agent shall be valid and effectual for all purposes and shall be receivable in all courts in Belize.

Use of agents to detect crime.

(2) Any agent as aforesaid shall not be treated as an accomplice for the purpose of the law on corroboration.

(3) The fact that a crime has been induced by the activities of any agent shall not be treated as a mitigating factor on sentence by any court.

Exit certificate.

109.—(1) Subject to sub-section (4), no person who is a resident shall leave or attempt to leave Belize, unless the person has, in the person's possession, a certificate in the prescribed form issued by the Director General on payment of the prescribed fee certifying that the person—

- (a) does not owe any tax under a tax law; or
- (b) has made satisfactory arrangements for the payment of any tax payable by the person.

(2) The certificate issued under sub-section (1) may be valid for the period prescribed.

(3) Any person who neglects to comply with or acts in contravention of this section commits an offence.

(4) It shall be a good defence to any proceedings against any person, in respect of an offence against this section, to prove that—

- (a) the certificate required by sub-section (1) could properly have been issued; and
- (b) there has been undue delay on the part of the Director General in issuing it.

(5) Sub-section (1) shall not apply to—

- (a) any member of the Military, Naval or Air Forces of Her Majesty or of any foreign state;
- (b) any person in the diplomatic or consular service of a foreign state unless any such person is also engaged in any business or other employment in Belize;

- (c) any person to whom the Diplomatic Privileges and Consular Conventions Act applies;
- (d) any person under 16 years; or
- (e) any passenger in transit.

(6) The Minister may, from time to time, by Order published in the Gazette, prescribe the fees to be paid for the issue of exit certificates.

(7) Every Order made by the Minister under sub-section (5) shall, as soon as may be after the making thereof, be laid before the House of Representatives and shall be subject to negative resolution.

110.—(1) The Minister may enter into Tax Information Exchange Agreements with the government of any country or territory outside Belize with a view to applying international standards on transparency and effective exchange of information relating to tax matters.

Tax information exchange agreements.

(2) An agreement pursuant to sub-section (1) shall be incorporated in an Order and published in the Gazette as a Statutory Instrument.

(3) Upon publication, the Order shall have the force of law in Belize, notwithstanding anything in this or any other enactment.

(4) The restrictions contained in section 8 on the disclosure of information shall not apply with respect to a request for information pursuant to the agreement.

(5) An Order made under this section may contain ancillary or consequential provisions for obtaining information or otherwise as may be necessary to give full effect to the tax information exchange agreement concerned.

(6) An Order made under this section may provide that a contravention or breach thereof shall be punishable on summary conviction by—

- (a) a fine not exceeding five thousand dollars;
- (b) a term of imprisonment not exceeding two years, as may be specified in the Order; or
- (c) both such fine and term of imprisonment.

(7) Every Order under this section shall be subject to negative resolution.

General penalty.

111. Every person or entity who contravenes any provision of this Act for which no specific penalty is provided commits an offence and is liable on summary conviction to a fine not less than five thousand dollars and not exceeding ten thousand dollars, or to imprisonment for a term not exceeding one year, or to both such fine and term of imprisonment.

Regulations.

112.—(1) The Minister may make regulations for the better carrying out of the provisions of this Act and for prescribing anything that needs to be prescribed.

(2) All regulations made by the Minister under this Act shall be laid before the National Assembly as soon as may be after the making of the regulations and shall be subject to negative resolution.

Consequential amendments.

113.—(1) The enactments specified in Schedule V are amended in the manner indicated in that Schedule.

(2) A reference in this Part to repealed legislation is a reference to legislation repealed or amended pursuant to subsection (1).

Effective date and transitional provisions.

114.—(1) Subject to this section, this Act takes effect on July 1, 2019.

(2) The repealed legislation continues to apply in respect of events occurring prior to the date on which this Act comes into operation pursuant to sub-section (1).

(3) All appointments made under the repealed legislation and subsisting at the date of commencement of this Act are treated as appointments made under this Act, except as follows—

- (a) Commissioner Income Tax; and
- (b) Commissioner General Sales Tax.

(4) All forms and documents used in relation to the repealed legislation may continue to be used under this Act, and all references in those forms and documents to provisions of and expressions appropriate to the repealed legislation are taken to refer to the corresponding provisions and expressions of this Act.

(5) Appeals, prosecutions and other proceedings commenced before the commencement date continue and are disposed of as if this Act had not come into force.

(6) Tax liabilities that arose before the commencement date may be recovered by fresh proceedings under this Act, but without prejudice to an action already taken for the recovery of the tax.

(7) A reference in this Act to “this Act” or “this

SCHEDULE I*(Section 2)***TAX LAWS**

1. Income and Business Tax Act, Chapter 55.
2. General Sales Tax Act, Chapter 63.
3. Mutual Administrative, Assistance in Tax Matters Act, Act No. 15 of 2014.
4. Income Tax (Avoidance of Double Taxation) (CARICOM) Act, Chapter 56.

SCHEDULE II

(Section 65)

WARRANT TO LEVY

BELIZE

By..... Director General of the
Country of Belize.

TO

.....

WHEREAS the several persons named in the List attached to this Warrant are respectively liable in respect of taxes to pay the several amounts set opposite their names in such List:

AND WHEREAS default has been made in payment of the same: YOU are therefore hereby enjoined and required to make demand of the several sums mentioned in the said List from the persons liable therefore or on the premises charged with the assessment, as the case may require, and upon payment thereof, to give acquittances under your hand unto the several persons who shall pay the same; and if any sum or sums remain unpaid after demand duly made by you then you are hereby enjoined and required to levy upon each and every persons named in the List such sums of money as shall be sufficient to pay the amount set opposite to the names of such persons in the said List together with the cost attending and levy and any sale thereon or any and all other proceedings consequent thereon. And of your proceedings herein you are forthwith to make your Return to me or to the Revenue Officer of

GIVEN under my hand at Belize City, Belize, theday of, 20.....

..... Director General

SCHEDULE III

(Section 76)

FORM OF CONVEYANCE

THIS INDENTURE made the.....day of, 20...

Between.....
the Director General of the Country of Belize of the one part
and(hereinafter called “the
Grantee”) of the other part:

WITNESSETH that in consideration of the sum
of..... paid by the Grantee to the
Government of Belize (the receipt whereof is hereby
acknowledged) the Director General doth, pursuant to and in
exercise of the powers in him vested by the laws of Belize
relating to Tax, hereby grant to the Grantee **ALL THAT**

EXCEPTING AND RESERVING to the State, out of the
grant hereby intended to be made, all rights, liberties, and
benefits in respect of the said land and every portion thereof
reserved to the State under and by virtue of the National
Lands Act, Chapter 191 of the Laws of Belize, to hold the said
hereditaments unto and to the use of the Grantee in fee
simple.

IN WITNESS whereof the Director General has hereunto set
his hand and

seal the day and year above written.

SIGNED, sealed and delivered by the said

DIRECTOR GENERAL

in the presence of

SCHEDULE IV

(Section 89)

Penalties for Income and Business Tax and General Sales Tax

Income and Business Tax Act – Section	Type of Penalty	Rate of Penalties	Length of Time for Penalty Charge
87	Failure to File Statement of Emoluments paid	\$5.00 daily up to a maximum of \$ 1,000	One lime charge
100(3)	Failure to file Business tax return	10 percent Taxes due	24 months
112(5)	Failure to withhold contract Fax	\$100 or 10 percent of Tax due	

SCHEDULE V*(section 112)***CONSEQUENTIAL AMENDMENTS**

1. The General Sales Tax Act, 2005 is amended as follows—

- (a) Sections 38, 41-45, 51, 52, 53, 54, 55, 56, 59, 60-81, 83, 84 are repealed;
- (b) Section 2 is amended by deleting the definition of “Commissioner” and substituting the following—

“Commissioner” means the Director General as defined in the Tax Administration and Procedure Act;”;

- (c) Section 30(7) is repealed.
- (d) Section 58 is amended—
 - (i) in sub-section (1) by deleting the words “1-1/2% per month or part thereof” and substituting the words “specified in section 59 of the Tax Administration and Procedure Act”; and
 - (ii) in sub-section (4) by deleting the words “this Act” and substituting the words “the Tax Administration and Procedure Act”;
- (e) Section 85 is amended—

- (i) in sub-section (2) by deleting the words “in the manner prescribed by section 83” and substituting the words “and the person in default of payment shall be considered as in default under section 53 of the Tax Administration and Procedure Act”;
- (ii) in sub-section (5) by deleting the words “in the manner prescribed by section 83” and substituting the words “and the person in default of payment shall be considered as in default under section 53 of the Tax Administration and Procedure Act”; and
- (iii) in sub-section (6) by deleting the words “Part IV, Division 7” and substituting the words “the Tax Administration and Procedure Act.”.

2. The Income and Business Tax Act is amended as follows:

- (a) Sections 3,4, 32, 33, 34, 36, 37, 39, 40, 42, 43, 44, 45, 53-58, 60, 61,62, 63, 64,68, 72, 76, 91, 88, 89, 90, 92, 93, 96(2),116, 118 are repealed; 24 of 2019.
- (b) Section 2 is amended by deleting the definition of “Commissioner” and substituting the following—
“Commissioner” means the Director General as defined in the Tax Administration and Procedure Act;”;
- (bb) Section 31 is amended by repealing sub-sections (2A), (5), (6) and (7); 24 of 2019.

- (c) Section 59 is amended—
- (i) in sub-section (2) by deleting the words “in the manner prescribed by section 57” and substituting the words “and the person in default of payment shall be considered as in default under section 53 of the Tax Administration and Procedure Act”;
 - (ii) in sub-section (5) by deleting the words “in the manner prescribed by section 57” and substituting the words “and the person in default of payment shall be considered as in default under section 53 of the Tax Administration and Procedure Act”; and
 - (iii) in sub-section (6) by deleting the words “sections 42 and No. 8] Tax Administration and Procedure Act 155 43” and substituting the words “the Tax Administration and Procedure Act.”;
- (d) Section 96(3) is amended by deleting the words “the surcharge prescribed by section 55” and substituting the words “interest at the rate specified in section 59 of the Tax Administration and Procedure Act”;
- (e) Section 97(2) is repealed and replaced with the following— “(2) The assessment under sub-section (1) shall be made under procedures specified in the Tax Administration and Procedure Act.”;
- (f) Section 109 is amended in sub-section (3) by deleting the words “of one and a half per

centum per month” and substituting the words “specified in section 59 of the Tax Administration and Procedure Act”;

- (g) Section 111(1) is amended by deleting the words “this Act” and substituting the words “the Tax Administration and Procedure Act”;
- (h) Section 111(5) is amended by deleting the words “income tax contained in Part I of this Act shall apply mutatis mutandis” and substituting the words “tax contained in the Tax Administration and Procedure Act shall apply”;
- (i) Section 113(5) is repealed and replaced with the following—

“Whoever fails or neglects to deduct the amount or to render an account of to pay the amount deducted to the Commissioner as provided in sub-sections (1), (2), (3), and (4) shall be liable to penalties and interest specified under section 57 and 90 of the Tax Administration and Procedure Act, as well as criminal liability under that Act as applicable.”; and

- (j) the First Schedule and Fourth Schedule is repealed. Printed in Belize by the Government Printer