

TAXES MANAGEMENT AMENDMENT ACT 1999



**BERMUDA
1999 : 36**

TAXES MANAGEMENT AMENDMENT ACT 1999

[Date of Assent 23 August 1999]

[Operative Date 1 June 2001]

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

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

Citation

1 This Act may be cited as the Taxes Management Amendment Act 1999.

Amendment of section 36A of principal Act

2 Subsection 36A(2) of the Taxes Management Act 1976 ("the principal Act") is deleted and the following is substituted—

- " (2) A person—
- (a) in breach of his duty under subsection (1) is guilty of an offence and is liable on summary conviction to imprisonment for 6 months or a fine of \$2,500; or

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(b) in fraudulent breach of his duty under subsection (1) is guilty of an offence and is liable on conviction on indictment to imprisonment for 5 years or a fine of \$10,000."

Repeal and replacement of section 37 of principal Act

3 Section 37 of the principal Act is repealed and the following is substituted—

"Criminal tax evasion

37 (1) Any person who, by any wilful act or wilful default or by any art or contrivance whatever evades or attempts to evade payment of tax is guilty of an offence and is liable on summary conviction to imprisonment for 6 months or a fine of \$2,500.

(2) Any person who, by any fraud, evades or attempts to evade payment of tax is guilty of an offence and is liable on conviction on indictment to imprisonment for 5 years or a fine of \$10,000.

(3) A person convicted of an offence under subsection (1) or (2) is liable to an additional penalty not exceeding treble the amount of the tax evaded or attempted to be evaded.

(4) For the purposes of subsection (2) and section 36(A)(2)(b) "fraud" or "fraudulent breach" means any wilful act by a person with intent to defraud where—

- (a) that person knows that a substantial amount of tax would otherwise be due; and
- (b) the conduct involved constitutes a systematic effort or pattern of activity designed to falsify material records to the relevant authorities."

Commencement

4 This Act comes into operation on such day as the Minister of Finance may appoint by notice published in the Gazette.