

No. of 2016.

Income Tax (Amendment)  
Bill, 2016.

Saint Christopher  
and Nevis.

SAINT CHRISTOPHER AND NEVIS

No. of 2016

**A BILL** to amend the Income Tax Act, Cap. 20.22

**BE IT ENACTED** by the Queen's Most Excellent Majesty, by and with the advice and consent of the National Assembly of Saint Christopher and Nevis and by the authority of the same as follows:

1. **Short title.**

This Act may be cited as the Income Tax (Amendment)  
Act, 2016.

2. **Interpretation.**

In this Act the term "Act" means the Income Tax Act, Cap. 20.22.

3. **Amendment of section 34.**

The Act is amended in section 34

(a) in subsection (1), by

(i) inserting immediately after paragraph (l) thereof, the following new paragraphs:

“ (m) expenses allocated, reimbursements of costs, expense recharges, shared costs or any other expense of a similar nature;

(n) other payment for a service;” and

(ii) replacing the expression “shall withhold from such payment, tax at the rate of ten percent of the amount paid.”, with the expression “shall withhold from such payment, irrespective of whether the payment produces profits in the hands of the recipient or is of an income or expense nature, tax at the rate of fifteen percent of the amount paid.”;

(b) in subsection (4) by inserting immediately after paragraph (b) thereof, the following new paragraph

“ (c) is responsible under this Act for the payment of tax on behalf of another person may retain out of any money coming to his or her hands on behalf of such other person, so much thereof as is sufficient to pay such tax, and is hereby indemnified against any other person for all payments made by him or her in pursuance of this Act;”;

(c) in subsection (5), by replacing the definition of the expression “person” as follows

“ “person” for the purpose of with-holding taxes, includes an individual, agency, company, associated enterprise, branch, subsidiary, representative, any other body of persons or any other entity that the Minister from time to time may prescribe.”;

(d) by inserting the following new subsections (8), (9) and (10):

“ (8) For the purposes of determining the tax under subsection (1), the tax shall be payable

(a) on amounts accrued in the taxpayer’s accounts irrespective of whether these payments have been paid;

(b) whether or not the payer is entitled to deduct such payment in computing the

chargeable income or the payable  
income tax of the person;

(c) whether or not an amount is disallowed as a deduction under any  
other of the provisions of the Income Tax Act.

have  
were

(9) For the purposes of subsection (1), an office,  
branch, or agency of a non-resident  
company or any other person under  
subsection (5) shall be deemed to  
remitted the profits thereof which  
calculated in any tax year.

(10) For the purposes of this section, the  
expression "profits" includes the profits  
derived from any other comprehensive  
income after the payment of any income  
tax or corporation tax.”.

**FRANKLIN BRAND**  
**Speaker**

Passed by the National Assembly this                      day of                      , 2016.

**JOSÉ LLOYD**  
**Clerk of the National Assembly**