

No. 11 of 2012

VIRGIN ISLANDS

MUTUAL LEGAL ASSISTANCE (TAX MATTERS) (AMENDMENT) ACT, 2012

ARRANGEMENT OF SECTIONS

Section

- 1... Short title.
- 2... Section 5A inserted.

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**Mutual Legal Assistance (Tax Matters)
(Amendment) Act, 2012**

**Virgin
Islands**

I Assent

**(Sgd.) Boyd McCleary, CMG, CVO,
Governor.
12th November, 2012**

VIRGIN ISLANDS

No. 11 of 2012

An Act to amend the Mutual Legal Assistance (Tax Matters) Act, 2003 (No. 18 of 2003).

[Gazetted 26th November, 2012]

ENACTED by the Legislature of the Virgin Islands as follows:

Short title.

1. This Act may be cited as the Mutual Legal Assistance (Tax Matters) (Amendment) Act, 2012.

Section 5A
inserted.
No. 18
of 2003

2. The Mutual Legal Assistance (Tax Matters) Act, 2003 is amended by inserting after section 5, the following new section:

“Ensuring
compliance
with section 5.

No. 16
of 2004

5A. (1) For the purposes of achieving the objectives of the requirements of section 5 and notwithstanding anything to the contrary contained in any other enactment, every company shall, in addition to any records required to be kept or maintained under the BVI Business Companies Act, 2004 or any other enactment,

(a) keep at the office of its registered agent or at such other place or places, within or outside the Virgin Islands, as the directors may determine, the records and underlying documentation of the company; and

- (b) retain the records and underlying documentation for a period of at least five years from the date
 - (i) of completion of the transaction to which the records and underlying documentation relate; or
 - (i) the company terminates the business relationship to which the records and underlying documentation relate.”.

(2) Where the records and underlying documentation of a company are kept at a place other than at the office of the company’s registered agent, the company shall provide the registered agent with a written record of the physical address of the place or places at which the records and underlying documentation are kept.

(3) Where the place at which the records and underlying documentation of the company changes, the company shall provide its registered agent with the physical address of the new location of the records and underlying documentation within fourteen days of the change of the location.

(4) The records and underlying documentation of the company shall be in such form as

- (a) are sufficient to show and explain the company’s transactions; and
- (b) will, at any time, enable the financial position of the company to be determined with reasonable accuracy.

(5) For the purposes of this section,

- (a) “business relationship” means a continuing arrangement between a company and one or more persons with whom the company engages in business, whether on a one-off, regular, habitual or regular basis;
- (b) “company” has the meaning specified in section 3 of the BVI Business Companies Act, 2004, and includes “foreign company” as defined in that section; and

(c) the reference to “records and underlying documentation” shall, for the avoidance of doubt, be construed to include accounts.”.

Passed by the House of Assembly this 15th day of October, 2012.

(Sgd.) Ingrid Moses-Scatliffe,
Speaker.

(Sgd.) Phyllis Evans,
Clerk of the House of Assembly.