No. 10 of 2013

VIRGIN ISLANDS

MUTUAL LEGAL ASSISTANCE (TAX MATTERS) (AMENDMENT) ACT, 2013

ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. Section 3 amended.
3. Section 21 inserted.

[Gazetted 20th June, 2013]

ENACTED by the Legislature of the Virgin Islands as follows:

1. This Act may be cited as the Mutual Legal Assistance (Tax Matters) (Amendment) Act, 2013.

2. Section 3 of the Mutual Legal Assistance (Tax Matters) Act, 2003 (hereinafter referred to as the “principal Act”) is amended by deleting subsection (4) and replacing it with the following

“(4) For the avoidance of doubt and notwithstanding anything to the contrary contained in this Part or in any Agreement,

(a) anything required of the Authority pursuant to a request made under or in accordance with a provision of an Agreement shall be dealt with in such manner as would be consistent with and satisfy the requirements of the Agreement, and the doing of such thing by the Authority shall be treated as a power the Authority has by virtue of this Act to exercise; and

(b) the entry into force of an Agreement in relation to tax matters shall not be construed to prevent the Authority from requesting or receiving from any
person information in relation to criminal tax
matters that occurred prior to the coming into force
of that Agreement or this Act.”.

3. The principal Act is amended by adding immediately after section 20
following new section:

“General penalty. 21. (1) Where an obligation is created under this
Act in respect of a person (other than the Authority
or any person acting in accordance with his
directive) for which a penalty is not prescribed, a
failure to comply with the obligation shall constitute
an offence.

(2) A person who commits an offence by virtue of
subsection (1) is liable on conviction on indictment
to a fine not exceeding one hundred thousand
dollars or to imprisonment for a term not exceeding
five years.”.

Passed by the House of Assembly this 14th day of May, 2013.

(Sgd.) Ingrid Moses-Scatliffe,
Speaker.

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