

No. 31 OF 1952.

A LAW TO AMEND THE INCOME TAX LAW.

A. B. WRIGHT,]
Governor.

[26th November, 1952.]

BE it enacted by His Excellency the Governor and Commander-in-Chief of the Colony of Cyprus as follows:—

1. This Law may be cited as the Income Tax (Amendment) Law, 1952, and shall be read as one with the Income Tax Law (hereinafter referred to as "the principal Law").

2. Section 2 of the principal Law is hereby amended by the deletion therefrom of the definition of "Judge" and the insertion therein in its proper alphabetical place of the following definition:—

"'Court' means a District Court of competent jurisdiction of the district where the person chargeable with the tax has his usual place of abode or business;";

CAP. 297
13 of 1950
8 of 1951

Short title.
Cap. 297.
13 of 1950
8 of 1951

Amendment
of section 2
of the
principal
Law.

Law 5/55

Law 13/53

Amendment
of section 8
of the
principal
Law.

3. Section 8 of the principal Law (as amended by section 2 of Law 13 of 1950) is hereby amended as follows:—

(a) by the insertion at the end of paragraph (b) of the following proviso (the semicolon at the end thereof being replaced by a colon):—

“Provided that the Governor in Council, by Order, subject to such conditions as he may impose and for such period as may be stated in the Order, may exempt from the tax the income of any local authority derived from a trade or business if he is satisfied that the public interest is best served by such exemption;”;

(b) by the insertion therein, immediately after paragraph (n), of the following paragraph (the colon at the end thereof being replaced by a semicolon):—

“(o) the income of any society or fund which has been approved by the Commissioner under paragraph (c) of section 16 of this Law.”.

Amendment
of section 11
of the
principal
Law.

4. Section 11 of the principal Law (as amended by section 3 of Law 13 of 1950) is hereby amended as follows:—

(a) by the deletion in sub-section (2) of paragraph (b) and the re-lettering of paragraphs (c) and (d) as paragraphs (b) and (c), respectively;

(b) by the insertion therein, immediately after sub-section (7), of the following sub-section:—

“(8) Where the income is derived from carrying on a trade of mining there shall be allowed, in lieu of any allowances or deductions under the foregoing sub-sections of this section, such allowances or deductions as are specified in the First Schedule to this Law.”.

First
Schedule.

Amendment
of section 14
of the
principal
Law.

5. Section 14 of the principal Law is hereby amended by the deletion of the words “for the next six years in succession” in sub-section (1) (line 10) and the substitution therefor of the words “for subsequent years”.

Amendment
of section 17
of the
principal
Law.

6. Section 17 of the principal Law is hereby amended by the insertion therein of the following sub-section, the first part of the said section being numbered as sub-section (1):—

“(2) If either the husband or the wife makes written application therefor to the Commissioner before the 31st January in the year of assessment, returns of income may be required to be rendered by any such husband and wife separately and the amount of the tax chargeable on the husband by reason of sub-section (1) shall be

apportioned between the spouses in such manner as to the Commissioner appears reasonable and the amount so apportioned shall be assessed and charged on each spouse separately.”.

7. The principal Law is hereby amended by the substitution for the word “Schedule” wherever it occurs of the words “Second Schedule”.

Substitution of “Schedule” in the principal Law by “Second Schedule”.

8. The principal Law is hereby amended by the insertion therein, immediately after section 32, of the following section :—

Insertion of new section 32A in the principal Law.

“Additional tax in the event of default or omission.

32A.—(1) Any person who—

(a) wilfully neglects to furnish a return or give notice to the Commissioner required by the provisions of section 32 of this Law in respect of any year of assessment shall be chargeable for such year of assessment with treble the amount of tax for which he is liable for that year under the provisions of section 21 of this Law ; or

(b) fraudulently omits from his return for any year of assessment any amount which should have been included therein shall be chargeable with an amount of tax equal to twice the difference between the tax as calculated in respect of the total income returned by him and the tax properly chargeable in respect of his total income as determined after including the amounts omitted,

and shall be required to pay such amount of tax in addition to the tax properly chargeable in respect of his true total income :

Provided that any person aggrieved by any action of the Commissioner under this sub-section may appeal in accordance with section 39 of this Law.

(2) Any person who, in determining his total income as disclosed by his return, deducts or sets off any amount the deduction or set-off whereof is not allowed under the provisions of this Law, or shows as an expenditure or loss any amount which he has not in fact expended or lost, shall be deemed, for the purposes of sub-section (1) of this section, to have omitted such amount from his return.

(3) The additional amounts of tax for which provision is made under this section shall be chargeable in cases where tax has been assessed by the Commissioner under the provisions of section 41 of this Law, as well as in cases where such income or any part thereof is determined from returns furnished.

(4) Any tax charged under the provisions of this section shall not be deemed to be part of any tax paid or payable for the purposes of sections 21, 22, 43, 44 and 60 of this Law.

(5) Where the neglect or omission has been made in connection with a return required by the provisions of this Law to be furnished by another person on behalf of a company, such company shall be liable for the additional tax chargeable under the provisions of this section.

(6) Nothing in this section shall affect any right to commence proceedings in respect of an offence against this Law."

9. Sub-section (3) of section 38 of the principal Law is hereby amended by the insertion therein of the following proviso, the full stop at the end thereof being substituted by a colon :—

" Provided that the Commissioner may require the person giving notice of objection to furnish him with such particulars in respect of his private assets and liabilities as well as those of any other person whose income is, under the provisions of this Law, deemed to be or is treated as, the income of the person objecting, as the Commissioner may deem necessary and for this purpose the Commissioner shall have, in respect of such private assets and liabilities, all the other powers hereinbefore set out."

10. The principal Law is hereby amended by the substitution for the words "a Judge", "the Judge" or "a Judge in Chambers" wherever they occur of the word "the Court".

11. Section 39 of the principal Law is hereby amended as follows :—

(a) by the insertion therein immediately after sub-section (1) of the following sub-section :—

"(1A) Except by leave of the Court, the appellant shall not, in his notice of appeal, state, or at the hearing be allowed to rely upon, any ground of appeal not specifically set out in the notice of objection given under section 38 (2) of this Law,"

Amendment of section 38 of the principal Law.

Substitution of "Judge" or "Judge in Chambers" in the principal Law by "Court".

Amendment of section 39 of the principal Law.

(b) by the deletion therefrom of sub-section (9) and the substitution therefor of the following sub-section:—

“(9) The decision of the Court hearing the appeal shall be final:

Provided that the Court hearing such appeal may, and on the application of the appellant or the Commissioner shall, state a case on a question of law for the opinion of the Supreme Court, and such case stated shall be heard and determined, by way of appeal, by the Supreme Court.”.

12. The principal Law is hereby amended by the insertion therein, immediately after section 56, of the following Part:—

Insertion of new Part and sections in the principal Law.

“PART XIII.

ASSESSMENT, CHARGE, COLLECTION AND RECOVERY OF TAX IN RESPECT OF EMOLUMENTS.

Interpretation.

56A. For the purposes of sections 56B to 56F— ‘emoluments’ means all emoluments assessable to income tax in respect of salary, wages, overtime, bonus, share of profits, perquisite, fee, commission, gratuity or pension.

Assessment, charge, etc., on emoluments.

56B. Notwithstanding anything in this Law contained, income tax for the year 1953 or any subsequent year of assessment shall be assessed and charged on all emoluments on the amount of those emoluments for that year; and on the making of any payment of, or on account of such emoluments made during the year 1953 or any subsequent year of assessment, income tax shall, subject to and in accordance with the Rules made by the Governor in Council under section 56C of this Law, be deducted by the person making the payment notwithstanding that when the payment is made no assessment has been made in respect of the emoluments and notwithstanding that the emoluments are in whole or in part emoluments for some year of assessment other than the year during which the payment is made:

Provided that if any question arises whether any emoluments are or are not emoluments within the meaning of section 56A of this Law it shall be determined by the Commissioner, and the provisions of this Law relating to objections and appeals shall apply to any determination of the Commissioner under this section.

Rules.

56C.—(1) The Governor in Council shall make Rules with respect to the assessment, charge, collection and recovery of income tax in respect of