

Offences and penalties.

10. (1) If any person is knowingly concerned in, or in the taking of steps with a view to, the fraudulent evasion of tax by him or any other person, he shall be guilty of an offence and liable on summary conviction to a penalty of \$50,000 or of three times the amount of the tax, whichever is the greater, or to imprisonment for a term not exceeding two years or to both.

(2) If any person –

- (a) with intent to deceive produces or submits for the purposes of this Law (or otherwise makes use of for those purposes) any document which is false in a material particular; or
- (b) in submitting any statement or information for the purposes of this Law makes any statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular,

he shall be guilty of an offence and liable on summary conviction to a penalty of \$50,000 or of three times the amount of the tax, whichever is the greater, or to imprisonment for a term not exceeding two years or to both."

Passed by the Legislative Assembly the 7th day of December, 1994.

SYBIL McLAUGHLIN
Speaker

GEORGETTE MYRIE
Clerk of the Legislative Assembly

CAYMAN ISLANDS



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**THE TOURIST ACCOMMODATION (TAXATION)
(AMENDMENT) LAW, 1994
(Law 18 of 1994)**

with section 7 of this Law) to submit a copy to the Collector of Taxes of a statement delivered by the proprietor to tourists, –

- (a) the Collector of Taxes has not received that copy statement; or
- (b) the Collector of Taxes has received that copy statement but has not received the total amount of tax shown on it as payable by the proprietor in respect of the accommodation and services provided in the month to which it relates,

then that proprietor shall be regarded for the purposes of this section as being in default in respect of the tax which is due and payable for that month.

(2) Where a proprietor is in default in respect of the tax which is due and payable for any month the proprietor shall be liable to a surcharge equal to twenty per cent of the tax due and payable for that month.

(3) Where a proprietor is liable to a surcharge under this section the surcharge to which he is liable shall be treated as tax for the purposes of this Law.

Interest on tax
assessed.

9. (1) Where an assessment is made under subsection (3) of section 7 of this Law the tax assessed shall carry interest at the prescribed rate in respect of the period beginning on the date on which the tax (if not assessable under that subsection) would have become due and payable and ending on the date of payment.

(2) If –

- (a) the circumstances are such that an assessment under subsection (3) of section 7 of this Law could have been made, but
- (b) before such an assessment was made the tax due was paid (so that no such assessment was necessary),

that tax shall carry interest at the prescribed rate in respect of the period beginning on the date on which the tax (if not assessable under that subsection) would have become due and payable and ending on the date of payment.

(3) Any interest carried on tax by virtue of this section –

- (a) shall be treated as tax for the purposes of this Law; and
- (b) shall be recoverable as tax notwithstanding any surcharge to which the proprietor is liable.

(4) In this section "the prescribed rate" means such rate as may be prescribed by the Governor in Council.

knows is false or misleading in a material particular,

shall be guilty of an offence.

(3) A person guilty of an offence under subsection (1) above shall be liable on summary conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding six months or to both.

(4) A person guilty of an offence under subsection (2) above shall be liable on summary conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding two years or to both.

Accounting for and payment of tax.

7. (1) Every proprietor of accommodation shall, no later than twenty-eight days after the end of each month in which the proprietor has provided accommodation and services for tourists, submit to the Collector of Taxes a copy of each statement delivered by him to tourists during the month under section 4 of this Law.

(2) Tax payable under this Law by a proprietor, in respect of accommodation and services he has provided, shall be due and payable to the Collector of Taxes twenty-eight days after the end of the month in which the accommodation and services were provided.

(3) Where –

- (a) a proprietor has failed to submit any copy statement as required by subsection (1) above; or
- (b) a proprietor has failed to keep any documents and afford the facilities necessary to verify any such copy statement; or
- (c) it appears to the Collector of Taxes that any such copy statement is incomplete or incorrect,

the Collector of Taxes may assess the amount of tax due from the proprietor to the best of his judgment and notify that assessment and amount to the proprietor.

(4) Where an amount has been assessed and notified to a proprietor under subsection (3) above it shall be deemed to be an amount of tax due from him and may be recovered accordingly, unless, or except to the extent that, the assessment has subsequently been withdrawn or reduced.

(5) Tax due from any proprietor under this Law shall be recoverable in the manner provided by the Tax Collection Law (Revised) as if it were a tax required to be paid to the Collector of Taxes under that Law.

Default Surcharge.

8. (1) If, by the last day on which a proprietor is required (in accordance

CAYMAN ISLANDS

Law 18 of 1994

I Assent

MICHAEL J GORE
Governor

30th January, 1995

A LAW TO AMEND THE TOURIST ACCOMMODATION (TAXATION) LAW (REVISED)

ENACTED by the Legislature of the Cayman Islands.

Short title and
commencement.

1. (1) This Law may be cited as the Tourist Accommodation (Taxation) (Amendment) Law, 1994.

(2) Subject to subsection (3) below, this Law shall come into force on the 1st of January, 1995.

(3) The amendment to the Tourist Accommodation (Taxation) Law (Revised) made by paragraph 1 of The Schedule of this Law shall come into force on the 1st of June, 1995.

Amendment of the
Tourist Accommodation
(Taxation) Law
(Revised).

2. The Tourist Accommodation (Taxation) Law (Revised) shall have effect as specified in the Schedule to this Law.

THE SCHEDULE

Section 2

Amendment of the Tourist Accommodation (Taxation) Law (Revised)

1. Section 3 of the Tourist Accommodation (Taxation) Law (Revised), in this Schedule referred to as "the principal Law", shall be amended by repealing the words "six per centum" and substituting the words "ten per cent".

2. Subsections (2) and (3) of section 5 of the principal Law shall be repealed and the following subsections substituted –

"(2) The Collector of Taxes or an authorised officer of the Collector of Taxes shall, on producing, if so required, some duly authenticated document showing his authority, have a right at all reasonable hours to enter any business premises for the purposes of –

- (a) inspecting any records; and
- (b) ascertaining (whether by such inspection or otherwise) any amount or amounts of tax payable by a proprietor of accommodation on those or any other premises; and
- (c) ascertaining whether there is or has been on those premises any contravention of the provisions of this Law or any evidence of such contravention; and
- (d) the performance by the Collector of Taxes of any of his other functions under this Law.

(3) If a judge of the Grand Court, on sworn information in writing, is satisfied that there is reasonable ground for entry into any premises for any such purpose as is mentioned in subsection (2) above and either –

- (a) that admission to the premises has been refused, or a refusal is apprehended, and that notice of the intention to apply for the warrant has been given to the occupier; or
- (b) that an application for admission, or the giving of such a notice, would defeat the object of the entry, or that the case is one of urgency,

the judge may by warrant signed by him authorise the Collector of Taxes and any other person named in the warrant to enter the premises, if need be by reasonable force.

(4) Every warrant granted under this section shall continue in force for a period of one month.

(5) The Collector of Taxes or any other person entering any premises by virtue of this section, or of a warrant issued under it, may take with him such other persons as he considers necessary.

(6) The Collector of Taxes or any other person entering premises by virtue of this section, or of a warrant issued under it, may inspect any records (in whatever form they are held) relating to any business of tourist accommodation, whether or not carried on at those premises, and, where any such records are kept by means of a computer –

- (a) may have access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been in use in connection with the records; and
- (b) may require any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material to afford him such assistance as he may reasonably require.

(7) Any person exercising any power conferred by subsection (6) above may –

- (a) seize and detain any records referred to in that subsection which he has reason to believe may be required as evidence in proceedings under any of the provisions of this Law; and
- (b) where the records are kept by means of a computer, may require the records to be produced in a form in which they may be taken away."

3. Sections 6, 7, 8, and 9 of the principal Law shall be repealed and the following sections substituted –

"Obstruction
of officers.

etc.

6. (1) Any person who –

- (a) intentionally obstructs any person acting in the execution of this Law; or
- (b) without reasonable cause, fails to give to any person acting in the execution of this Law any assistance or information which that person may reasonably require of him for the performance of his functions under this Law,

shall be guilty of an offence.

(2) Any person who in purported compliance with any such requirement as is mentioned in subsection (1)(b) above –

- (a) furnishes information which he knows to be false or misleading in a material particular; or
- (b) recklessly furnishes information which he