

A BILL

entitled

**PUBLIC TREASURY (ADMINISTRATION AND PAYMENTS)
AMENDMENT ACT 2023**

WHEREAS it is expedient to amend the Public Treasury (Administration and Payments) Act 1969 to provide for the payment out of the Consolidated Fund of sums in respect to a rebate of taxes, fees or duty to which a person may be entitled under any Act; and to make consequential amendments to the Revenue Act 1898 and the Taxes Management Act 1976;

Be it enacted by The King's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

Citation

1 This Act may be cited as the Public Treasury (Administration and Payments) Amendment Act 2023.

Inserts section 12A into Public Treasury (Administration and Payments) Act 1969

2 The Public Treasury (Administration and Payments) Act 1969 is amended by inserting after section 12 the following new section—

“Payments out of Consolidated Fund for rebate of taxes, fees or duty

12A (1) This section shall have effect with respect to the payment out of the Consolidated Fund of sums in respect to a rebate of taxes, fees or duty, as the case may be, payable to any person under any Act.

(2) The payment of the sums in respect of a rebate of taxes, fees or duty, as the case may be, shall be made out of the Consolidated Fund to the person entitled to receive the payment at the rate or amount appropriate in the circumstances as notified to the Accountant-General from time to time by the Minister.

(3) Notwithstanding anything in the foregoing provisions of this section, where payment in respect of any of the matters specified in subsection (1) is made to any person in excess of the rate or amount appropriate in the circumstances then (without prejudice to any other lawful remedy which may be

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taken by any person) the Accountant-General may withhold from the person to whom the overpayment was made the payment in whole or in part of any sums falling to be paid to that person out of public funds until the amount of the payments withheld equals the amount originally overpaid to that person, unless such overpayment has earlier been corrected by way of repayment by the person to whom the original overpayment was made.

(4) In this section—

“duty” means any duty payable under the Customs Tariff Act 1970;

“rebate” means a full or partial payment of an amount equal to any taxes, fees or duty paid by a person under any Act in accordance with the entitlement to the rebate accorded under the applicable Act.”.

Consequential amendments to Revenue Act 1898 and Taxes Management Act 1976

3 (1) This section provides for consequential amendments to the—

(a) Revenue Act 1898; and

(b) Taxes Management Act 1976.

(2) Section 77 of the Revenue Act 1898 is amended—

(a) by deleting the section heading and substituting “Refund of duties paid by mistake or to give effect to a relief or rebate”;

(b) by inserting after subsection (2) the following new subsection—

“(3) In order to give effect to any rebate of duty in accordance with an entitlement of any person to a rebate of duty under any enactment, the Accountant-General, on receipt of a notification from the Minister as provided under section 12A(2) of the Public Treasury (Administration and Payments) Act 1969 that the person is entitled to the rebate, shall pay to such person an amount equal to the full or part of any duty paid with respect to such rebate.”.

(3) The Taxes Management Act 1976 is amended by inserting after section 18 the following new section—

“Rebate of tax

18A Where under any enactment a person is entitled to a rebate of tax, the Accountant-General, on receipt of a notification from the Minister as provided under section 12A(2) of the Public Treasury (Administration and Payments) Act 1969 that the person is entitled to the rebate of tax, shall pay to such person an amount equal to the full or part of any tax paid with respect to that rebate.”.

Commencement

4 This Act comes into operation on such day as the Minister may appoint by notice published in the Gazette.

**PUBLIC TREASURY (ADMINISTRATION AND PAYMENTS) AMENDMENT BILL
2023**

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Public Treasury (Administration and Payments) Act 1969 to provide for the payment out of the Consolidated Fund of sums in respect to a rebate of taxes, fees or duty to which a person may be entitled under any Act; and to make consequential amendments to the Revenue Act 1898 and the Taxes Management Act 1976.

Clause 1 provides a citation for the Bill.

Clause 2 amends the Public Treasury (Administration and Payments) Amendment Act 2023 to provide for the payment out of the Consolidated Fund of sums in respect to a rebate of taxes, fees or duty to which a person may be entitled under any Act.

Clause 3 makes consequential amendments to the Revenue Act 1898 and the Taxes Management Act 1976 to provide for payments of amounts equal to the full or part of any duty or taxes paid under those Acts in relation to the entitlement to rebate of duty or taxes under any Act.

Clause 4 provides for the Act to come into operation on such day as the Minister may appoint by notice published in the Gazette.