

Handwritten signature and date: 20/5/18

FINANCIAL ADMINISTRATION AND AUDIT (AMENDMENT) BILL, 2018

Arrangement of Sections

Section

1.	Short title and commencement.....	2
2.	Amendment of section 4 of the principal Act.	2
3.	Amendment of section 19J of the principal Act.....	2
4.	Insertion of new section 31A into the principal Act.....	2
5.	Insertion of new section 35A into the principal Act.....	3



FINANCIAL ADMINISTRATION AND AUDIT (AMENDMENT) BILL, 2018

A BILL FOR AN ACT TO AMEND THE FINANCIAL ADMINISTRATION AND AUDIT ACT

Enacted by the Parliament of The Bahamas

1. Short title and commencement.

- (1) This Act may be cited as the Financial Administration and Audit (Amendment) Act, 2018.
- (2) This Act shall come into force on the 1st day of July, 2018.

2. Amendment of section 4 of the principal Act.

Section 4(3) of the principal Act is amended in paragraph (c) by the insertion immediately after the word “Customs” of the words “on revenue matters”.

3. Amendment of section 19J of the principal Act.

Section 19J of the principal Act is amended by the deletion of subsection (3) and the substitution of the following —

- “(3) A Tax Compliance Certificate issued in accordance with this Act shall be valid for six months.”.

4. Insertion of new section 31A into the principal Act.

The principal Act is amended by the insertion, immediately after section 31 of the following new section —

“31A. Conflict of interest.

- (1) A public officer or contract officer shall not —

- (a) act as an agent for any person seeking to transact with any department responsible for revenue and tax collection;
 - (b) directly or indirectly ask for, or take —
 - (i) a payment or reward, pecuniary or otherwise, which is not a payment or regard which such officer or authorised person is lawfully entitled to receive;
 - (ii) a promise or security for a payment or reward referred to in subparagraph (i);
 - (c) enter into, or acquiesce in, an agreement to do, abstain from doing, permit, conceal, or connive at any act or thing —
 - (i) whereby the tax or licence or other revenue is or may be defrauded; or
 - (ii) which is contrary to the provisions of this Act and the regulations or to the proper exercise of the duty of such officer.
- (2) A public officer or contract officer who performs an act under subsection (1) —
- (a) commits an offence and is liable to a fine not exceeding two thousand five hundred dollars; and
 - (b) may be subject to disciplinary action.”.

5. Insertion of new section 35A into the principal Act.

The principal Act is amended by the insertion, immediately after section 35, of the following new section —

“35A. Revenue collectors.

- (1) The Minister may, after consultation with the revenue and taxing agencies, for specific periods, assign public officers and engage contract workers to focus on the collection of outstanding revenue and taxes.
- (2) The persons assigned and engaged under subsection (1) shall be supervised in the revenue and taxes collection exercises by the Financial Secretary or the head of a revenue or taxing agency, as the Minister may determine.”.

OBJECTS AND REASONS

The purpose of this Bill is to provide a number of amendments to the Financial Administration and Audit Act to provide greater efficiency to revenue administration.

Clause 1 of the Bill provides for the short title and commencement. These provision will come into force on 1st day of July, 2018.

Clause 2 of the Bill seeks to amend section 4 of the Act to provide that the Comptroller of Customs shall report to the Financial Secretary on matters related to revenue.

Clause 3 of the Bill seeks to amend section 19J(3) of the Act provide that a Tax Compliance Certificate issued under the Act is valid for six months. This amendment will enable a Tax Compliance Certificate to be issued for a period of six months regardless of the value of the contract.

Clause 4 of the to provide for a new section 31A. This clause seeks to provide for an offence where a public officer or contract officer acts as an agent for any person seeking to transact with any department responsible for revenue and tax collection.

Clause 5 of the Bill seeks to provide for a new section 35A to empower the Minister responsible for Finance to assign and appoint specifically qualified persons for such period as he determines necessary to assist in the collection of revenue. The Minister can determine who will supervise this Unit.