

**No. 24 of 2005**

**VIRGIN ISLANDS**  
**PAYROLL TAXES (AMENDMENT) ACT, 2005**  
**ARRANGEMENT OF SECTIONS**

*Section*

1. Short title.
2. Interpretation.
3. Section 13 amended.

**I Assent**

**THOMAS TOWNLEY MACAN**  
**Governor**  
**19<sup>th</sup> December, 2005**

**VIRGIN ISLANDS**

**No. 24 of 2005**

An Act to amend the Payroll Taxes Act, 2004 (No. 18 of 2004).

[Gazetted 22<sup>nd</sup> December, 2005]

ENACTED by the Legislature of the Virgin Islands as follows:

Short title.

**1.** This Act may be cited as the Payroll Taxes (Amendment) Act, 2005.

Interpretation.  
No. 18 of 2004

**2.** In this Act, “the principal Act” means the Payroll Taxes Act, 2004.

Section 13  
amended.

**3.** Section 13 of the principal Act is amended

(a) in subsection (1), by deleting the word “An” and substituting the words “Subject to subsections (5) to (11), an”;

(b) by adding after subsection (4), the following subsections:

“(5) A person who, on or after the coming into force of the Payroll Taxes (Amendment) Act, 2005, has, or becomes the employee of, more than one employer shall, within fourteen days of

(a) the coming into force of that Act, or

(b) becoming the employee of his second or any subsequent or additional employer,

submit to each of his employers and the Commissioner, a declaration in such form as the Commissioner shall approve and make available to members of the public.

(6) A person who

- (a) fails to comply with subsection (5),  
or
- (b) declares in a form mentioned in subsection (5) information which he knows, or ought reasonably to know, to be false,

commits an offence and is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding two thousand dollars, or both.

(7) The form approved by the Commissioner under subsection (5) shall require a person who has more than one employer to list the name and address of each of his employers, beginning with the employer with whom he has been employed the longest and giving priority to the remainder in accordance to the length of his employment with each of them, provided that where more than one employer qualifies as the employer with whom the person has been employed the longest, the person may indicate on the form any such employer as the employer with whom he has been employed the longest.

(8) The exemption provided for in subsection (1)(c) and item 2 of the Schedule shall only apply in the case of the employer of a person who has more than one employer if the employer is listed in the declaration made by the person under subsection (5) as the employer with whom the person has been employed the longest.

(9) The exemption provided for in subsection (1)(c) and item 2 of the Schedule shall not apply in the case of an employer of a person who has more than one employer if the employer is not listed in the declaration made by the person under subsection (5) as the employer with whom the person has been employed the longest and any such employer may deduct and retain from all of the salary or

Schedule

wages paid by him to that employee during a financial year, the percentage of remuneration specified in item 1 of the Schedule.

(10) For the purposes of subsection (9), section 7(2)(t) shall not apply.

(11) Notwithstanding any other provisions of this Act, a person to whom subsection (5) applies shall, for the purposes of the financial year commencing on 1<sup>st</sup> January, 2005 and ending on 31<sup>st</sup> December, 2005, be liable to pay tax at the rate of eight per cent of his remuneration and may, for that purpose, be required to file such returns, and be assessed in accordance with this Act as though he were a self-employed person, and for the removal of doubt, the first seven thousand, five hundred dollars of the remuneration of the person shall not, for the purposes of this subsection, be counted as part of his remuneration.

(12) For the removal of doubt, it is hereby declared that the provisions of this Act shall be construed and applied so as to ensure that, in the case of an individual who has more than one employer in a financial year, the exemption provided for in subsection (1)(c) and item 2 of the Schedule shall apply only to a maximum of seven thousand, five hundred dollars of the total salary and wages paid to that individual in that financial year and the Commissioner may, in civil proceedings in a summary court, recover from any such individual any amount paid to that individual in breach of this subsection.”.

Passed by the Legislative Council this 14<sup>th</sup> day of December, 2005.

V. INEZ ARCHIBALD,  
Speaker.

ALVA MC CALL,  
Ag. Clerk of the Legislative Council.