



ANALYSIS

Title	
1. ShortTitle	6. Tax year
2. Gross income	7. Cancellation of registration
3. Relief from tax	8. Erroneous returns
4. Purchases traceable	9. Addition to taxes
5. Purchasing agent	10. Statute of limitation

1991-92, No. 37

An Act to amend the Turnover Tax Act 1980

(22 April 1992)

BE IT ENACTED by the Parliament of the Cook Islands in Session assembled, and by the authority of the same as follows:

1. ShortTitle - This Act may be cited as the Turnover Tax Amendment Act 1991-92 and shall be read together with and deemed part of the Turnover Tax Act 1980 (hereinafter referred to as "the principal Act").

Price \$1.00

2. Gross income - (1) Subsection 4(1) of the principal Act is amended by adding at the end of line 13, immediately after the word "taxes", the words ", including any Turnover tax payable under this Act, whether or not separately detailed on the invoice, account, or other document."

(2) Any returns made or assessments issued prior to the coming into force of this Act, if made on the basis of subsection (1), are declared to have the same effect as if made or issued after the coming into force of this Act.

3. Relief from tax - The principal Act is amended by adding after section 44, the following new section:

"44A. Relief from tax - Sections 218, 219, and 220 of the Income Tax Act 1972 shall apply as if they were incorporated in and formed part of this Act. Any reference therein to "tax" shall be read as a reference to "turnover tax", and with all other necessary modifications."

4. Purchases traceable - The principal Act is amended by revoking subsection 5(1) and substituting thereto the following subsection:

"(1) A "wholesale purchaser" means a person making purchases at wholesale by any method unless required by the Collector to make payment by cheque or other traceable method as approved by the Collector."

5. Purchasing agent - The definition of Purchasing agent contained in section 2 of the principal Act is amended by deleting the word "form" from the fourth line of the definition and replacing it with the word "from".

6. Tax year - Line 7 of section 11 of the principal Act is amended by deleting the word "acocunting" and replacing it by the word "accounting".

7. Cancellation of registration - Line 1 of subsection 15(4) of the principal Act is amended by deleting the word "in" and replacing it by the word "if".

8. Erroneous returns - (1) Line 4 of subsection 41(1) of the principal Act is amended by deleting the word "of" where it appears the second time.
- (2) Line 6 of subsection 41(1) of the principal Act is amended by deleting the first occurrence of the word "correct".
- (3) Line 16 of subsection 41(1) of the principal Act is amended by deleting the word "it" and replacing it by the words "the Collector".
9. Addition to taxes - (1) Line 5 of subsection 44(a) of the principal Act is amended by adding the word "the" between the word "to" and the word "amount".
- (2) Line 1 of subsection 44(b) of the principal Act is amended by deleting the word "of" where it appears the second time and replacing it by the word "or".
10. Statute of limitation - The principal Act is amended by adding immediately after section 49, the following new section:
- "49A. Statute of limitation - No statute of limitation shall bar or affect any action or remedy for the recovery of tax under this Act."

This Act is administered by the Inland Revenue Department