

L.N. 447 of 2013

**INCOME TAX ACT
(CAP. 123)**

**Double Taxation Relief (Taxes on Income) (Barbados)
(Amendment) Order, 2013**

IN exercise of the powers conferred by article 76 of the Income Tax Act, the Minister for Finance has made the following order:-

1. The title of this order is the Double Taxation Relief (Taxes on Income) (Barbados) (Amendment) Order, 2013 and this Order shall be read and construed as one with the Double Taxation Relief (Taxes on Income) (Barbados) Order, hereinafter referred to as "the principal order".

Citation.

S.L. 123.65

2. It is hereby declared:

Amendments to
have effect.

(a) that the amendments to the principal order, as specified in the Protocol set out in the Schedule to this order (hereinafter referred to as "the Protocol"), have been made with the Government of Barbados;

(b) that it is expedient that those amendments should have effect following the entry into force of the Protocol and in accordance with the relevant provisions of the Protocol;

(c) that the Protocol shall enter into force on such date as may be announced by notice in the Gazette.

B 5220

SCHEDULE

Article 2

PROTOCOL
BETWEEN
MALTA
AND
BARBADOS

AMENDING THE CONVENTION BETWEEN MALTA AND BARBADOS
FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION
OF FISCAL EVASION WITH RESPECT TO TAXES ON INCOME
SIGNED AT LONDON ON THE 5TH DAY OF DECEMBER 2001

The Government of Malta and the Government of Barbados,

Desiring to conclude a Protocol to amend the Convention between Malta and Barbados for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income, signed at London on the 5th day of December 2001 (hereinafter referred to as "the Convention");

Have agreed as follows:

Article 1

Article 25 of the Convention shall be deleted and replaced by the following:

"Article 25

EXCHANGE OF INFORMATION

1. The competent authorities of the Contracting States shall exchange such information as is foreseeably relevant for carrying out the provisions of this Convention or to the administration or enforcement of the domestic laws concerning taxes of every kind and description imposed on behalf of the Contracting States, or of their political subdivisions or local authorities, insofar as the taxation thereunder is not contrary to the Convention. The exchange of information is not restricted by Articles 1 and 2.

2. Any information received under paragraph 1 by a Contracting State shall be treated as secret in the same manner as information obtained under the domestic laws of that State and shall be disclosed only to persons or authorities (including courts and administrative bodies) concerned with the assessment or collection of, the enforcement or prosecution in respect of, the determination of appeals in relation to the taxes referred to in paragraph 1, or the oversight of the above. Such persons or authorities shall use the information only for such purposes. They may disclose the information in

public court proceedings or in judicial decisions.

3. In no case shall the provisions of paragraphs 1 and 2 be construed so as to impose on a Contracting State the obligation:

(a) to carry out administrative measures at variance with the laws and administrative practice of that or of the other Contracting State;

(b) to supply information which is not obtainable under the laws or in the normal course of the administration of that or of the other Contracting State;

(c) to supply information which would disclose any trade, business, industrial, commercial or professional secret or trade process, or information, the disclosure of which would be contrary to public policy (*ordre public*).

4. If information is requested by a Contracting State in accordance with this Article, the other Contracting State shall use its information gathering measures to obtain the requested information, even though that other State may not need such information for its own tax purposes. The obligation contained in the preceding sentence is subject to the limitations of paragraph 3 but in no case shall such limitations be construed to permit a Contracting State to decline to supply information solely because it has no domestic interest in such information.

5. In no case shall the provisions of paragraph 3 be construed to permit a Contracting State to decline to supply information solely because the information is held by a bank, other financial institution, nominee or person acting in an agency or a fiduciary capacity or because it relates to ownership interests in a person."

Article 2

1. Each of the Contracting States shall notify the other in writing, through diplomatic channels, of the completion of the procedures required by its law for the bringing into force of this Protocol.

2. The Protocol shall enter into force on the thirtieth day after the receipt of the later of the notifications referred to in paragraph 1 and shall thereupon have effect in respect of Article 25 (Exchange of Information) of the Convention, for requests made on or after the date of entry into force of this Protocol.

3. This Protocol shall remain in force for as long as the Convention remains in force.

B 5222

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed this Protocol.

DONE at New York this 25th of September 2013 in duplicate in the English language.

FOR THE GOVERNMENT
OF THE REPUBLIC OF MALTA:
George W. Vella

FOR THE GOVERNMENT
OF BARBADOS:
Maxine McClean

