BERMUDA

LAND TAX ACT 1967

1967 : 237

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SCHEDULE
LAND TAX ON PRIVATE DWELLINGS

[preamble and words of enactment omitted]

Interpretation

1 (1) In this Act—

"the Act" means the Land Valuation and Tax Act 1967.

"private dwelling" means a valuation unit which is used wholly or mainly as a private dwelling.

(2) For the avoidance of doubt it is hereby declared that no valuation unit which is used as or forms part of an hotel, cottage colony, guest house, lodging house, club or tourist accommodation for reward is a private dwelling.

(3) Subject to this section, this Act shall be construed as one with the Act, and expressions used in this Act shall, unless the context otherwise requires, have the same meaning as in the Act.

(4) Where by or pursuant to section 2 different rates of tax are in fact applied to different portions of the annual rental value of a valuation unit, then the word "rate", where used in the Act or elsewhere in this Act in relation to tax to be charged, levied and collected on that unit, shall, except where the context otherwise requires, be taken as referring to all those first-mentioned rates collectively.

Rate of tax

2 Subject to this Act, tax shall be charged, levied and collected on every valuation unit pursuant to the Act at the following rates:—

(a) where the valuation unit is a private dwelling, in respect of such portion of the annual rental value of the unit as falls within a band specified in the first column of the Schedule, the rate specified in the second column of the Schedule in relation to that band;

(b) in respect of any other valuation unit, the rate of 7% of the annual rental value of the unit.

[Section 2 amended by 1990:21 effective 1 July 1990; by 1991:13 effective 1 July 1991; by 2000:11 s.2 effective 1 July 2000; by 2004:41 s.2 effective 1 January 2005; by 2015 : 9 s. 2 effective 1 July 2015; by 2016 : 16 s. 2 effective 16 December 2015]

Exemptions

3 No tax shall be charged, levied or collected on any valuation unit—

(a) declared by the Minister of Finance by order published in the Gazette to be exempt from tax; or

(b) exempted from tax under any other statutory provision.

Special concessionary basis

3A (1) A person may make an application to the Tax Commissioner (on such form as may be provided for the purpose), requesting that, in relation to a valuation unit to which this section applies, tax shall be charged, levied and collected on the special concessionary basis in subsection (4).

(2) As respects any tax period, this section applies to any valuation unit in relation to which the Tax Commissioner is satisfied that the criteria specified in subsection (3) ("the qualifying criteria") are met during any part of that tax period.

(3) The qualifying criteria for a valuation unit are—

(a) that it is a private dwelling; and

(b) that it is actually occupied by an individual who—

(i) is the owner of that unit;

(ii) is sixty-five years of age or over; and

(iii) possesses Bermudian status.

(4) The special concessionary basis is as follows—

(a) where the annual rental value of the valuation unit does not exceed $45,500, no tax shall be charged, levied and collected; and

(b) where the annual rental value of the valuation unit exceeds $45,500, tax shall be arrived at by—

(i) first calculating the amount of the tax falling to be charged, levied and collected on the basis of the unit's full annual rental value; and

(ii) then deducting from that amount the tax falling to be charged, levied and collected on a private dwelling with an annual rental value of $45,500 which is not subject to the special concessionary basis in paragraph (a).

(5) The expression "owner" in subsection (3)(b)(i) has the same meaning as it has in the Act in that expression's application to an individual, and includes an individual whose ownership is that of a joint tenant or a tenant in common as mentioned in section 1(2) of the Act.

[Section 3A amended by 1999:27 s.2 effective 5 August 1999; subsection (4) amended by 2000:11 s.3 effective 1 July 2000; subsection (4) substituted by 2002:1 s.2 effective 1 July 2002; subsection (1) substituted, and (4) deleted, by 2004:41 s.3 effective 1 January 2005; subsection (1) and (2) amended, and subsection (4) inserted by 2012 : 7 s. 2 effective 1 July 2012; subsection (4) amended by 2016 : 16 s. 3 effective 16 December 2015]

3B *[Repealed]*

[Section 3B inserted by 1999:27 s.3 effective 5 August 1999; amended by 2000:11 s.4 effective 1 July 2000; and repealed by 2004:41 s.4 effective 1 January 2005]

Tax period applicable to exemption

4 (1) An order issued under section 3(b) may relate the exemption accorded thereby to such tax periods as may be specified therein and may be retrospective.

(2) The affirmative resolution procedure shall apply to an order made under section 3 (a).

Transitional

5 *[omitted]*

Date of classification

6 Where the tax in respect of a valuation unit depends on its classification, the normal purpose for which it is designed, constructed or used at the commencement of the relevant tax period shall determine its classification and no change of design, construction or user during that tax period shall affect the tax in respect thereof for that tax period.

Date of operation of Act

7 Subject to the provisions of section 9, the provisions of this Act shall have effect as from the 1st July, 1967, in relation to the tax period commencing on that date and each subsequent tax period.

Duration of Act

8 This Act shall continue in force indefinitely.

Transitional saving

9 Save as expressly herein provided nothing in this Act shall derogate from the provisions of the Land Valuation and Tax Act 1967 .

SCHEDULE

(section 2(a))

LAND TAX ON PRIVATE DWELLINGS

ANNUAL RENTAL VALUE BAND	$	RATE OF TAX %
1	0 - 11,000	0.8
2	11,001 - 22,000	1.8
3	22,001 - 33,000	3.5
4	33,001 - 44,000	6.5
5	44,001 - 90,000	12.0
6	90,001 - 120,000	25.0
7	120,001 +	47.0

[Schedule amended by 1990:21 effective 1 July 1990; by 1991:13 effective 1 July 1991; by 1992:25 effective 1 July 1992; by 1994:14 effective 1 July 1994; by 1996:3 effective 1 July 1996; by 1999:27 s.4 effective 5 August 1999; by 2000:11 s.5 effective 1 July 2000; by 2001:5 s.2 effective 1 July 2001; by 2004:41 s.5 effective 1 January 2005; amended by 2010 : 20 s. 2 effective 1 July 2010; amended by 2013 : 3 s. 2 effective 1 July 2013; repealed and replaced by 2016 : 16 s. 4 effective 16 December 2015]

[Assent Date: 28 July 1967]

[Amended by:

1968 : 368
1971 : 83
1971 : 116
1972 : 55
1974 : 47
1977 : 51
1980 : 14
1982 : 80
1983 : 40
1983 : 63
1985 : 8
1986 : 7
1987 : 23
1988 : 9
1989 : 11
1990 : 21
1991 : 13
1992 : 25
1994 : 14
1996 : 3
1999 : 27

2000 : 11
2001 : 5
2002 : 1
2004 : 41
2010 : 20
2012 : 7
2013 : 3
2015 : 9
2016 : 16]