

## Explanations and Instructions

1. The Sections of the Act relating to the Employers' Return as amended by the Income Tax Act are as follows:-

### Section 61

(2) Every employer shall, on or before the prescribed day in every year of assessment, prepare and submit to the Commissioner-General a return containing-

- (a) the names and places of residence of all those employed by him during the year immediately preceding except those who were not employed in any other employment and whose remunerations in the employment for the year did not exceed such amount or amounts as may be prescribed;
- (b) [Deleted by 2 of 1986]
- (c) the payments and allowances made to those persons in respect of that employment;
- (d) the amount of tax deducted or withheld from the emoluments of every person aforesaid.

(3) Where the employer is a body of persons, the manager or other principal officer shall be deemed to be the employer for the purposes of this section, and any director of a company or person engaged in the management of a company shall be deemed to be a person employed.

(4) Any person who refuses, fails, or neglects to perform any act required by this section shall be guilty of an offence.

2. Particular attention is directed to the interpretations to the terms below in keeping with Section 2 of the Income Tax Act, Chapter 81:01:

**"Remuneration"** "remuneration" means all salaries, wages, overtime, leave pay, sick bonus, stipend, commission, or other payment of any kind for services, director's fees, retiring allowances, compensation for the termination of any contract of employment or service, and any perquisites, including the annual value of any residence, quarters, board and lodging whether paid in money or otherwise, arising or occurring in or derived from or received in Guyana which are chargeable under this Act, but shall not include any salary or share of profits arising from a trade, business, profession or vocation carried on by a person either by himself or in partnership with any other person;

**"Employee"** means any person receiving remuneration and includes an officer, servant or person holding a position of employment;

**"Employer"** means any person paying remuneration (including the Government) and in relation to an officer means the person from whom the officer receives his remuneration;

3. A return on Form No. 1 (Income Tax Return) must be made by every employee named herein from whom tax was deducted.
4. The Declaration on Page 1 **MUST** be submitted if you are registered as an employer.
5. Kindly include on the Form 2A(a)-Return of Employers of Persons Employed by Them the following information with regard to employees for the current Year of Assessment:
- a) Line 6 – State the details of persons who have left your employment; persons who have been dismissed or re-trenched, the date thereof and the amount of salary earned and tax deducted.  
**(NEW)**
  - b) Line 8(E) – State the total applicable Statutory Deduction allowed to the employee.  
Line 8(F) – State the employee Gross National Insurance Scheme Employee's Contribution based on Gross Earnings.
  - c) Line 8(G)- State the total of Line 8(E and F).
  - d) Line 10 (H) – State the Total Income Tax Deducted.
6. Every Employee from whom Tax has been deducted **MUST** be returned in this form.
7. Employers must also provide a **7b slip** to all employees (current and past) for the current Year of Assessment with the details thereon for the submission of their Income Tax Return to the Commissioner-General.

GUYANA

THE INCOME TAX ACT, CHAPTER 81:01

YEAR OF ASSESSMENT ENDING DECEMBER 31, 20

RETURN TO BE MADE BY EMPLOYERS OF PERSONS EMPLOYED BY THEM IN THE PRECEDING YEAR ENDED DECEMBER 31, 20

To be delivered to the Commissioner-General 200-201 Camp Street, South Cummingsburg, Georgetown or Any Integrated Regional Tax Office

New Amsterdam 5 Strand, New Amsterdam, Berbice, Guyana.

Corriverton 8 Calcrin, Skeldon, Corriverton, Berbice, Guyana.

Parika 1983 Parika Highway, East Bank Essequibo, Guyana.

Anna Regina Anna Regina Office Complex, Essequibo Coast, Guyana.

Bartica 12 First Avenue. Bartica, Essequibo River, Guyana.

Lethen Multipurpose Complex Bon Success Tabatinga, Lethem, Guyana.

Linden Casaurina Drive, Wootaka, Linden, Guyana

ON OR BEFORE FEBRUARY 28, 20.....

Name of Employer .....

Address .....

DECLARATION

I, ..... declared that all the particulars contained in this returned are fully truly and correctly stated according to the best of my knowledge and belief.

.....Signature
In what capacity the
.....Return and Declaration
are made
.....Address
.....Date

SPECIAL NOTICE

- 1. Any Employer who refuses fails, or neglects to furnish a return of employees shall be guilty of an offence against the Income Tax Act and shall be liable on summary conviction to a fine of fifteen thousand dollars (\$15,000) in keeping with Section 109.
2. Any person who without reasonable excuse makes and delivers an incorrect return whether on his own behalf or on behalf of another person by omitting or understating any income of which he is required by the Income Tax Act, Chapter 81:01 shall be guilty of an offence and shall be liable to a fine of fifteen thousand dollars (\$15,000) or double the tax which has been undercharged in keeping with Section 110.
3. Any person who knowingly makes any false statement or aids, abets, assists, counsels, incites, or induces another by omitting or understating any income of which he is required by the Income Tax Act, Chapter 81:01 to make a return, shall be guilty of an offence and be liable to a fine of fifteen thousand dollars (\$15,000) or treble the amount of the tax which has been undercharged in consequence of such incorrect return, statement, or information, in keeping with Section 111.
4. See page 4 for explanations and instructions.