



MONTSERRAT

## CHAPTER 11.28

# BANK INTEREST LEVY ACT

### Revised Edition

showing the law as at 1 January 2013

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

### **BANK INTEREST LEVY ACT**

Act 17 of 1978 .. in force 1 January 1979

Amended by Acts: 10 of 1982 .. in force 1 June 1982

6 of 2006 .. in force 6 November 2006

9 of 2011 .. in force 27 September 2011 (S.R.O. 40/2011)

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**CHAPTER 11.28**

**BANK INTEREST LEVY ACT**

**ARRANGEMENT OF SECTIONS**

SECTION

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2. Interpretation
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4. Power to waive levy
5. Method of payment
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**CHAPTER 11.28**

**BANK INTEREST LEVY ACT**

*(Acts 17 of 1978, 10 of 1982, 6 of 2006 and 9 of 2011)*

AN ACT TO PROVIDE FOR THE IMPOSITION OF LEVY UPON BANK INTERESTS AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

**Commencement**

*[1 January 1979]*

**Short title**

1. This Act may be cited as the Bank Interest Levy Act.

**Interpretation**

2. In this Act—

“**Bank**” means any financial institution which is the holder of an “**A**” licence granted under the Banking Act and whose businesses includes the acceptance of deposits of money with-drawable by cheque; *(Inserted by Act 10 of 1982)*

“**Deposit Balances**” mean the credit balances in all interest bearing accounts including fixed and time deposit accounts;

“**Minister**” means the Minister of Finance;

“**Year of payment**” means each calendar year commencing with the year 1979.

### **Imposition of levy**

3. Every Bank shall pay on 1 July in each year a levy on one half of 1% of the average Deposit Balances which shall be computed for the purposes of this section as the average of such Deposit Balances at the end of each month in the calendar year immediately prior to the year of payment:

Provided that, within one month of the end of the year of payment the levy for that year shall be recalculated as the average of the Deposit Balances at the end of each month in the year of payment. If the recalculated levy is greater than the sum already paid as levy by the Bank for the year of payment a further sum representing the difference between the payment and the recalculated levy, shall become due and payable on or before the end of the month following the end of the year of payment.

### **Power to waive levy**

4. Whenever the Governor acting on the advice of Cabinet is satisfied that it is just and equitable to waive any levy which is due and payable whether before or after the commencement of this Act, he may by Order waive the said levy in full or part, subject to such terms and conditions as he may deem fit.

*(Inserted by Acts 6 of 2006 and 9 of 2011)*

### **Method of payment**

5. All sums levied under this Act shall be paid to the Accountant General on the dates due.

### **Recovery of levy**

6. All levy due under the provisions of the Act may be recovered by the Accountant General as a debt due to the Government of Montserrat and without prejudice to any other remedy may be recovered in a Court of competent jurisdiction as a civil debt.

*(Inserted by Act 6 of 2006)*

### **Offences**

7. (1) Any person who—

(a) fails or neglects to pay the levy imposed under the provisions of this Act; or

(b) fails to comply with any provisions of this Act,

is guilty of an offence and is liable on summary conviction to a fine of \$5,000 or to imprisonment for a term of three years, or to both.

(2) Where the offence is committed by a body corporate, any person who at the time of commission of the offence was a Director, Manager, Secretary or other similar officer of such body, or who purported to act in such capacity, shall be deemed to have committed that offence unless he proves that the contravention was without his consent or connivance and that he exercised all due diligence to prevent the commission of the offence.

*(Inserted by Act 6 of 2006)*

### **Regulations**

8. The Minister may make Regulations in respect of matters connected with or for the purposes of this Act.

### **Savings**

9. Nothing in this Act shall apply to the Government Savings Bank established under the Savings Bank Act.

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