

LEGAL NOTICE NO. 106

REPUBLIC OF TRINIDAD AND TOBAGO

THE HOUSING ACT, CHAP. 33:01

REGULATIONS

MADE BY THE TRINIDAD AND TOBAGO HOUSING DEVELOPMENT CORPORATION WITH THE APPROVAL OF THE MINISTER UNDER SECTION 65(2) OF THE HOUSING ACT

THE HOUSING (REGISTRATION OF TRADERS AND LAND DEVELOPERS) REGULATIONS, 2016

1. These Regulations may be cited as the Housing (Registration of Traders and Land Developers) Regulations, 2016. Citation

2. In these Regulations—

Interpretation

“Board” means the Board of Inland Revenue;

“Corporation” means the Trinidad and Tobago Housing Development Corporation;

“initial sale” means the first sale by any party to any other party, of a dwelling house, subsequent to the completion and prior to occupation thereof for any purpose whatsoever;

“land developer” means a person registered under the provisions of regulation 4 as a developer of land for residential purposes;

“Minister” means the Minister with the responsibility for housing;

“Secretary” means the Secretary of the Corporation;

“registered trader” means a person or entity registered under regulation 4 as a trader in newly constructed dwelling houses; and

“residential house site” has the meaning assigned to it by the Housing (Income Tax Incentives) Regulations, 2016.

3. (1) Where a person desires to be registered—

(a) as a trader in newly constructed dwelling houses for the purpose of claiming an exemption under section 42(2)(c) of the Income Tax Act, he shall make an application to the Corporation on the form set out in the Schedule with an application fee of one hundred dollars; or

Application for registration as trader in dwelling houses or land developer
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Schedule

(b) as a land developer for the purpose of claiming an exemption under section 45C of the Income Tax Act, he shall make an application to the Corporation on the form set out in the Schedule with an application fee of one hundred dollars.

(2) An application under subregulation (1) shall, where applicable, be accompanied by—

- (a) a certificate of incorporation or articles of continuation; or
- (b) a document indicating registration as a sole trader;
- (c) a Value Added Tax clearance certificate;
- (d) a Board of Inland Revenue Clearance Certificate;
- (e) Notice of Directors;
- (f) Notice of Secretary; and
- (g) annual returns for the preceding year.

(3) Where an application under subregulation (1) is rejected, the application fee which was paid in respect of such application is non-refundable.

Registration of
traders and
land
developers

4. (1) The Corporation may direct the Secretary to register any person who has been, is, or intends to be a trader in newly constructed dwelling houses or any person who has been, is, or intends to be a land developer, where it is satisfied that the person is—

- (a) engaged in the construction of dwelling houses for sale; or
- (b) developing land for residential purposes for sale.

(2) Where the Secretary has been directed by the Corporation under subregulation (1) to register a person as a trader in newly constructed dwelling houses or a land developer, the Secretary shall register such person by entering the name of the person in a Register to be kept by him for that purpose.

Cancellation
of
registration

5. (1) Where a person is registered as a trader in newly constructed dwelling houses or a land developer, the Corporation may, in its discretion, direct the Secretary to cancel the registration and remove the name of the person from the Register.

(2) A cancellation under subregulation (1) may occur where—

- (a) false documents or information were submitted to the Corporation;
- (b) the person has been convicted of a fraud-related offence;
- (c) the person is in receivership or insolvent;

- (d) the person has been blacklisted or deregistered under any written law; or
- (e) a trader fails to continue to meet the requirements for registration under these Regulations.

(3) Notwithstanding the removal of the name of a person from the Register, where the construction of a dwelling house or residential housing site commenced prior to the removal of the name of the person from the Register, that person shall be deemed to be a registered trader or land developer for the purpose of claiming an exemption under section 42(2)(c) and 45c of the Income Tax Act.

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(4) For the purposes of claiming an exemption under subregulation (3), the Corporation shall certify that construction of a dwelling house or residential housing site had commenced prior to the date of the removal of the name of the person from the Register.

6. (1) Where a trader who is registered under these Regulations^{Annual} wishes to make a claim for a tax exemption under the Income Tax Act for^{documents} any given year, he shall submit the following documents to the Corporation to ensure continued compliance with the requirements of these Regulations:

- (a) Annual Returns;
- (b) Notice of Directors;
- (c) Valid BIR Certificate; and
- (d) Valid VAT Certificate.

(2) The Corporation may, where a registered trader submits documents under subregulation (1) request any additional documents from the trader that it deems necessary to determine continued compliance.

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SCHEDULE

(Regulation 3)

FORM

**APPLICATION FOR REGISTRATION AS A TRADER IN NEWLY
CONSTRUCTED DWELLING HOUSES
OR A LAND DEVELOPER**

1. Name of Applicant(s): _____
 Address: _____

 Occupation: _____
 B.I.R. File No.: _____
2. If Self-Employed:
 Name of Business: _____
 Type of Business: _____
 Address: _____

 Number of Years in business: _____
3. Are you a national of Trinidad and Tobago? Yes No
 Passport/Citizenship Registration Number: _____
 (Original must be produced)
 How long have you been a resident of Trinidad and Tobago?: _____
4. Companies (if applicant is a company):
 Name of Company: _____

Address: _____

Type of business: _____

Number of years in business: _____

List names and nationalities of all directors:

N.B.- Copies of Registration Certificate must be provided.

5. Technical Experience:

How long have you been constructing dwelling houses for sale?: _____

Particulars of dwelling houses so constructed within the past twelve (12) months:

Are you carrying on the trade or profession of a builder? Yes No

Address: _____

6. Financial Affairs:

Do you keep accounts in respect of such trade? Yes No

Name of Account(s): _____

Name and Address of Bankers: _____

Any credit facilities extended to you?: Yes No

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By whom?: _____

Amount: _____

7. Where do you propose to locate the dwelling house or land development?:

Type of Dwelling House(s): _____

Amount: _____

Estimated cost of construction : _____
(based on Bill of Quantities/builder's estimate or other similar document)

I certify that the statements made by me/us on this Form are in all respects true and correct.

Date

Signature of Applicant

Dated this 1st day of July, 2016.

N. K. GEORGE
*Chairman,
The Trinidad and Tobago Housing
Development Corporation*

Approved by the Minister this 15th day of July, 2016.

R. MITCHELL
*Minister of Housing
and Urban Development*