

No. S 59

**INCOME TAX ACT
(CHAPTER 35)**

**INCOME TAX (RELIEF FROM DOUBLE TAXATION)
(BAHRAIN) (AMENDMENT) ORDER, 2014**

WHEREAS it is provided by section 41(1) of the Income Tax Act that if His Majesty the Sultan and Yang Di-Pertuan in Council by order declares that arrangements specified in the order have been made with the Government of any country or territory outside Brunei Darussalam with a view to affording relief from double taxation in relation to tax under that Act and any tax of a similar character imposed by the laws of that country or territory and that it is expedient that those arrangements should have effect, the arrangements shall have effect in relation to tax and other related matters under that Act notwithstanding anything in any written law.

WHEREAS by an agreement dated 14th day of January 2008 between the Government of His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam and the Government of the Kingdom of Bahrain, arrangements were made amongst other things for relief from double taxation.

AND WHEREAS by a Protocol dated 18th December 2012, further arrangements, as specified in the Schedule, were made to amend the agreement.

NOW THEREFORE it is hereby declared by His Majesty the Sultan and Yang Di-Pertuan in Council that —

(a) the arrangements specified in the Schedule have been made with the Government of the Kingdom of Bahrain; and

(b) it is expedient that those arrangements shall have effect notwithstanding anything in any written law.

SCHEDULE

ARTICLE 1

The text of Article 27 of the Agreement is deleted and replaced by the following —

“1. The competent authorities of the Contracting States shall exchange such information as is foreseeably relevant for carrying out the provisions of this Agreement 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 Agreement. 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 Contracting 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 the 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*);

(d) to obtain or provide information which would reveal confidential communications between a client and an attorney, solicitor or other admitted legal representative where such communications are:

- (i) produced for the purposes of seeking or providing legal advice; or
- (ii) produced for the purposes of use in existing or contemplated legal proceedings.

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 Contracting 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

This Protocol shall enter into force on the thirtieth day after the date of the receipt of the later of the two notifications through diplomatic channels by which either Contracting State notifies the other Contracting State that its internal legal requirements for the entry into force of this Protocol have been fulfilled.

ARTICLE 3

This Protocol, which shall form an integral part of the Agreement, shall remain in force as long as the Agreement remains in force and shall apply as long as the Agreement itself is applicable.

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

DONE in duplicate at Manama on this 18th day of December 2012 in the Malay, Arabic and English languages, all texts being equally authentic. In case of any divergence between the texts, the English text shall prevail.

THE GOVERNMENT OF
HIS MAJESTY THE SULTAN AND
YANG DI-PERTUAN
BRUNEI DARUSSALAM

THE GOVERNMENT OF
THE KINGDOM OF BAHRAIN.

Made this 19th. day of Zulhijjah, 1435 Hijriah corresponding to the 14th. day of October, 2014.

PEHIN ORANG KAYA PEKERMA JAYA
DATO PADUKA HAJI AWANG JUDIN BIN HAJI ASAR
Secretary to the Council of Ministers.