

BECHUANALAND PROTECTORATE.

No. 64 OF 1950.

(Promulgated 1st December, 1950.)

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

Entitled the Bechuanaland Protectorate Income Tax
(Further Amendment) Proclamation, 1950.

Whereas it is expedient to fix the rates of normal and super income tax to be levied in the Bechuanaland Protectorate in respect of the year of assessment ended on the thirtieth day of June, 1950, and to amend the law relating to income tax;

Now therefore under and by virtue of the powers in me vested, I do hereby declare, proclaim and make known as follows:—

Rates of Normal Tax and Super Tax.

1. In terms of sub-section (2) of section *five* and sub-section (3) of section *seventeen* respectively of the Bechuanaland Protectorate Income Tax (Consolidation) Proclamation, 1940, as amended (hereinafter referred to as "the principal law"), the rate of normal tax and super tax to be levied for the year of assessment ended the thirtieth day of June, 1950, shall be as follows:—

NORMAL TAX.

(A) In so far as normal tax is concerned in respect of the taxable income for the period from the first day of July, 1949, up to and including the thirtieth day of June, 1950:—

(a) In the case of public companies as defined in sub-section (2) of section *sixteen* of the principal law for each pound of such income, five shillings:

- (b) In the case of private companies as defined in sub-section (3) of section *sixteen* of the principal law, the rate to be levied shall be the rate applicable to unmarried persons in sub-paragraph (c) hereof;
- (c) In the case of persons other than those referred to in sub-paragraph (a), for each pound of taxable income not exceeding ten thousand pounds, eighteen pence increased by one one-thousandth of a penny for each pound of such income in excess of one pound, and for each pound of the taxable income over and above ten thousand pounds, twenty-eight pence;

Provided that for a married person the rate for each pound of the taxable income not exceeding ten thousand pounds shall be fifteen pence increased by one one-thousandth of a penny for each pound of such taxable income in excess of one pound, and for each pound of the taxable income over and above ten thousand pounds, twenty-five pence;

Provided further that the net amount arrived at by calculation in accordance with the provisions of this sub-paragraph, shall be subject, after the deduction of the rebates under sub-section (1) of section *seven* of the principal law, to a surcharge of forty *per centum* in the case of married persons and fifty *per centum* in the case of unmarried persons;

SUPER TAX.

(B) In so far as super tax is concerned, for each pound of the income subject to super tax not exceeding ten thousand pounds, two shillings increased by one four-hundredth of a penny for each pound of such income subject to super tax in excess of one pound, and for each pound of the income subject to super tax over and above ten thousand pounds, forty-nine pence;

Provided that there shall be added to the amount of tax calculated in accordance with the preceding provisions of this paragraph a sum equal to forty-five *per centum* in the case of married persons and fifty *per centum* in the case of unmarried persons of the net amount arrived at after deducting the rebate provided for in sub-section (1) of section *twenty-three* of the principal law from the amount of the tax so calculated;

Provided further that there shall be deducted from the amount of tax payable any amount of tax proved to have been paid by the taxpayer in the country of origin by deduction or otherwise of the dividends included in his income subject to super tax.

Amendment of Section 6 of Proclamation No. 7 of 1940, as amended by Section 2 of Proclamation No. 59 of 1941, and Section 2 of Proclamation No. 66 of 1948.

2. Section *six* of the principal law is hereby amended by the substitution for paragraph (b) in the definition of "gross income" in sub-section (1) of the following:—

"(b) Any amount, including any voluntary award, so received or accrued in respect of services rendered or to be rendered:—

Provided that any amount received by or accrued to an employee, upon and because of the termination of his services, by way of bonus, gratuity or compensation, shall be deemed to be received or to accrue in three successive equal annual instalments in such manner that the first instalment is calculated on the date of receipt or accrual of such amount and the subsequent instalments on the anniversary of that date, if—

- (i) the termination of the services of such employee is due to superannuation, marriage, ill health or infirmity; or
- (ii) the Collector is satisfied that the circumstances of the case warrant this concession: "

Amendment of Section 7 of Proclamation No. 7 of 1940, as amended by Section 3 of Proclamation No. 59 of 1941, Section 1 of Proclamation No. 14 of 1946, Section 2 of Proclamation No. 42 of 1946, and Section 2 of Proclamation No. 46 of 1947, Section 2 of Proclamation No. 61 of 1947, and Section 3 of Proclamation No. 66 of 1948.

3. Section *seven* of the principal law is hereby amended by the substitution for paragraph (a) of sub-section (1) of the following:—

"(a) ~~public and private companies as defined in section sixteen the sums of forty-five and fourteen pounds respectively:~~ *see Proc. 78/50.*"

Amendment of Section 16 of Proclamation No. 7 of 1940, as amended by Section 2 of Proclamation No. 39 of 1949.

4. Section *sixteen* of the principal law is hereby amended by the substitution for the words in brackets in sub-section (2), paragraph (b) of the following:—

"[not being a company whose articles of association—

- (A) restricts the right to transfer its shares; and
- (B) limits the number of its members (exclusive of persons who are in the employment of the company and of persons who having been formerly in the employment of the company were, while in such employment and have continued after the determination of such employment, to be members of the company) to fifty; and

(C) prohibits any invitation to the public to subscribe for any shares or debentures of the company.]”

Amendment of Section 18 of Proclamation No. 7 of 1940, as amended by Section 3 of Proclamation No. 39 of 1949.

5. Section *eighteen* of the principal law is hereby amended by the deletion of “(1)” and the word “public”.

Short Title and Commencement.

6. This Proclamation shall be cited as the Bechuana-land Protectorate Income Tax (Further Amendment) Proclamation, 1950, and shall be deemed to have first commenced and come into operation in respect of assessments for the year of assessment ended upon the thirtieth day of June, 1950.

GOD SAVE THE KING.

Given under my Hand and Seal at Pretoria this Twenty-seventh day of November, One thousand Nine hundred and Fifty.

R. E. TURNBULL,
High Commissioner's Deputy.