

INCOME TAX (AMENDMENT) (NO. 2) ACT, 1976

No. 26



of 1976

ARRANGEMENT OF SECTIONS

SECTION

1. Short title and commencement
2. Amendment of section 32 of Cap. 52:01
3. Amendment of section 46 of principal Act
4. Amendment of section 86 of principal Act
5. Amendment of section 89 of principal Act
6. Amendment of section 94 of principal Act
7. Amendment of section 96 of principal Act
8. Amendment of section 110 of principal Act
9. Amendment of Third Schedule to principal Act
10. Amendment of Seventh Schedule to principal Act

An Act to amend the Income Tax Act

Date of Assent: 11.8.76

Date of Commencement: 1.7.76

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Income Tax (Amendment) (No. 2) Act, 1976, and shall be deemed to have come into operation on 1st July, 1976. Short title and commencement
2. Section 32 of the Income Tax Act (hereinafter referred to as "the principal Act") is amended — Amendment of section 32 of Cap. 52:01
 - (a) in subsection (1) thereof, by substituting for paragraph (a) the new paragraph following —
 - “(a) in the case of a resident, any dividends or interest accrued to him from the Rand Monetary Area; and”;
 - and

(b) in subsection (3) thereof, by substituting for the words “the currency area outside Botswana”, which appear therein, the words “the Rand Monetary Area”.

Amendment
of section 46
of principal
Act

3. Section 46 (2) of the principal Act is amended by substituting for the words “a resident”, which appear therein, the word “an”.

Amendment
of section 86
of principal
Act

4. Section 86 (4) of the principal Act is amended by substituting for paragraph (d) thereof the new paragraph following —

“(d) the reduction of the tax charged as provided for under section 60 or the amount set off under section 61 or 62;”.

Amendment
of section 89
of principal
Act

5. Section 89 (3) of the principal Act is amended by substituting for paragraph (d) thereof the new paragraph following —

“(d) the reduction of the tax charged as provided for under section 60 or the amount set off under section 61 or 62;”.

Amendment
of section 94
of principal
Act

6. Section 94 of the principal Act is amended —

(a) in subsection (1) thereof, by deleting the words “, and in such case the tax shall be due and payable accordingly”, which appear therein; and

(b) in subsection (2) thereof, by deleting the words “due and”, which appear therein.

Amendment
of section 96
of principal
Act

7. Section 96 (2) of the principal Act is amended by deleting the words “due and”, which appear therein.

Amendment
of section 110
of principal
Act

8. Section 110 of the principal Act is amended —

(a) in subsection (1) thereof, by inserting, immediately after the word “so”, which appears therein, the words “or where he is satisfied that such tax is irrecoverable”; and

(b) in subsection (3) thereof, by substituting for the words “two hundred and fifty rand”, which appear therein, the words “one thousand rand”.

Amendment
of Third
Schedule to
principal Act

9. Paragraph 7 of Part II of the Third Schedule to the principal Act is amended by inserting at the end thereof the new proviso following —

“Provided further that, where such plant and machinery used by a non-resident is used in Botswana for a period of less than 12 months in any tax year, the annual allowance in respect thereof shall be such amount as the Commissioner considers to be fair and reasonable having regard to the period of use of such plant and machinery in Botswana.”.

10. Paragraph 4 (3) of the Seventh Schedule to the principal Act is amended by deleting the words "In the case of a resident individual," which appear therein.

Amendment
of Seventh
Schedule to
principal Act

Passed by the National Assembly this 29th day of July, 1976.

I.P. GONTSE,
Clerk of the National Assembly.