

SAMOA

Arrangement of Provisions

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2002, No. 15

AN ACT to amend the Income Tax Act 1974 to provide for the taxation of commercial fishing and for other purposes. *[28th June 2002]*

BE IT ENACTED by the Legislative Assembly of Samoa in Parliament assembled as follows:-

1. Short title and commencement—(1) This Act may be cited as the Income Tax (Commercial Fishing) Amendment Act 2002 and, save for section 5, shall be read with and form part of the Income Tax Act 1974 (the principal Act).

(2) This Act shall commence on the 1st January 2003 other than section 4 which shall commence on 1st January 1998 and accordingly shall have retrospective effect.

2. Interpretation – Section 2 of the principal Act is amended by insertion of the following definition in its correct alphabetical order:

“commercial fishing” means the catching of fish, including shell fish and other seafood:

- (a) Using a fishing boat eight (8) metres or more in length; or
- (b) By a company or trust; or
- (c) By any partnership or joint venture in which one or more of the partners or joint venturers is a company or trust,

but does not include game fishing (the income from which is not exempt under section 7);”.

3. Removal of Exemption for Commercial Fishing–(1) Section 7(1) of the principal Act is amended by deleting paragraph (s) and substituting the following:

“(s) Income derived by the producer of primary production from the sale or other disposal of primary production other than commercial fishing;”

(2) Section 7(6)(c) of the principal Act is amended by the insertion of the following words after the word “seafood”:

“other than commercial fishing;”

4. Exemption for primary producers – Section 7 of the principal Act is amended by insertion of the following subsection -

“(8) Despite the provisions of subsection (1)(s), income derived by the producer of primary production from the sale or other disposal of primary production in the income years beginning on 1st January 1998 and ending 31st December 2002 shall be exempt from taxation.”

5. Source Deduction Payments-(1) The Third Schedule of the Income Tax Administration Act 1974 is amended by insertion of the following:

“9. Payments for work of any kind to the captain and crew (other than salary, wages or other benefits paid to employees) by the owner or operator of a commercial fishing venture or business, and such payments shall include the sharing of the catch.”

(2) The Second Schedule of the Income Tax Rates Act 1974 is amended by insertion of the following:

“16. Payments for work of any kind to the captain and crew (other than salary, wages or other benefits paid to employees) by the owner or operator of a commercial fishing venture or business, and such payments shall include the sharing of the catch: 10%.”
