

**SAMOA**

## Arrangement of Provisions

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**2003, No. 5**

**AN ACT to amend the Income Tax Act 1974, the Income Tax Administration Act 1974 and the Income Tax Rate Act 1974 concerning taxation of commercial fishing and for related purposes.** *[29 January 2003]*

**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 2003.

(2) The provisions of this Act shall be read with and form part of the Acts which they amend.

(3) This Act shall commence on the 1<sup>st</sup> January 2003.

(4) Notice of commencement of this Act shall be published in Samoan and English in the Savali and one other newspaper circulating in Samoa.

**2. Interpretation** – The definition of commercial fishing in section 2 of the Income Tax Act 1974 is amended by deleting the number “8” and substituting the number “11”.

**3. Source deduction payments** – The Third Schedule of the Income Tax Administration Act 1974 is amended by deletion of the following:

“9. Payment 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.”

**4. Withholding tax** – Clause 5 of the First Schedule of Income Tax Rate Act 1974 is amended by insertion of the following after paragraph (iv):

“(v) In the case of withholding income consisting of 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% thereof.”

**5. Liability for income tax on withholding income** – Section 40(1) of the Income Tax Act 1974 is amended by inserting the following after paragraph (d):

“(e) That consists of payments 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.”