

**SAMOA**

## Arrangement of Provisions

1. Short title and commencement
2. Exempt income

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**2005, No.17****AN ACT to amend the Income Tax Act 1974.***[28<sup>th</sup> June 2005]*

**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 Amendment Act 2005 and shall be read with and form part of the Income Tax Act 1974 (the Principal Act).

(2) This Act shall commence on the date of assent by the Head of State.

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

**2. Exempt Income-** Section 7(1) of the Principal Act is amended by inserting the following after paragraph (a b):

“(a c) Income derived in Samoa by a non-resident shareholder in a company established under the

Companies Act 1955 or the Companies Act 2001, as the case may be, where:

(i) The company is nominated in writing by the Attorney General to the Minister of Finance (and in doing so the Attorney General shall exercise this power once only); and

(ii) The Minister of Finance continues to be satisfied that the non-resident shareholder's income in Samoa is taxable in another country; and

(iii) Despite the other provisions in this paragraph and this Act, the Minister of Finance, acting on the written advice of the Chief Executive Officer of the Ministry of Finance, may exempt the company nominated under subparagraph (i) from taxation under this Act up to a maximum period of three years if the Minister is satisfied that the exemption will materially assist the company to contribute to the development of Samoa”.

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**The Income Tax Amendment 2005 is administered in the  
Ministry for Revenue**

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by authority of the Legislative Assembly.**