

**SAMOA**

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**2010, No. 7****AN ACT relating to the provision of certain taxation assistance  
to Yazaki EDS Samoa Limited and for related purposes.***[7<sup>th</sup> April 2010]*

**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 Yazaki Samoa Enterprise Act 2010.

(2) This Act is deemed to commence on 8 November 2009.

**2. Interpretation** - In this Act, unless the context otherwise  
requires:

“Commissioner” means the Commissioner of Inland Revenue  
appointed under section 4 of the Income Tax  
Administration Act 1974;

“income tax” has the same meaning as in the Income Tax Act 1974;

“income year” has the same meaning as in the Income Tax Administration Act 1974;

“Inland Revenue Acts” has the same meaning as in section 2(1) of the Income Tax Administration Act 1974;

“Minister” means the Minister for Revenue;

“the Company” means Yazaki EDS Samoa Limited.

**3. Act to bind the Government** - This Act binds the Government.

**4. Object of the Act** - The object of this Act is to provide taxation assistance to the Company to retain its enterprise in Samoa.

**5. Income taxation exemption** – The Company is exempt until 8 November 2015 from liability for income tax under the Inland Revenue Acts in respect of all income earned by the Company in carrying out its enterprise in Samoa.

**6. Value added goods and services tax exemption** - The Company is exempt until 8 November 2015 from liability for value added goods and services tax under the Value Added Goods and Services Tax Act 1992/1993 in respect of goods imported by the Company into Samoa as raw materials that are required by and will be used by the Company for manufacturing, producing, processing or assembling products for export from Samoa.

**7. Restriction on disposal of goods acquired exempt from tax** - No goods acquired by the Company exempted from any tax under the provisions of this Act may be sold, given away or otherwise disposed of by the Company except:

(a) in the case of raw materials after the further processing has been completed; or

(b) upon the Company paying value added goods and services tax in accordance with the Value Added Goods and Services Tax Act 1992/1993 on the value of the goods sold, given away or otherwise disposed of; or

- (c) after the expiration of five (5) years from the date of acquisition of the goods.

**8. Records and inspections-**(1) The Company must keep to the satisfaction of the Minister:

- (a) full records and accounts of all the Company transactions, assets, liabilities and funds;
- (b) full records and inventories of all items imported by the Company into Samoa;
- (c) full records and inventories of all products manufactured, produced, processed or assembled by the Company;
- (d) full records and inventories of all stocks of products held by the Company; and
- (e) full records of all products exported by the Company from Samoa.

(2) Any authorised officer is entitled at all times to enter and inspect the premises of the Company and to inspect and take copies of the records of the Company for the purpose of ascertaining whether the provisions of this Act are being complied with.

(3) A person who obstructs an authorised officer while that officer is carrying out or attempting to carry out an inspection authorised by subsection (2) commits an offence against this Act and is liable on conviction to imprisonment for a term not exceeding six (6) months or to a fine not exceeding 50 penalty units or to both.

(4) In this section, “authorised officer” means a person authorised in writing under the Income Tax Administration Act 1974 to inspect books and documents or to request information.

**9. Accounts and reports-**(1) Within six (6) months after the end of every financial year, the Company must submit to the Minister and to the Commissioner a copy of its audited accounts disclosing sufficient information to show whether or not the Company has complied with the provisions of this Act.

(2) The Company must submit with the audited accounts a written report on the conduct and progress of the Company during the financial year to which the accounts relate.

(3) The Company must answer all questions put to it by the Minister or the Commissioner relevant to the report and accounts.

**10. Repeal of Act** - This Act is repealed on the sixth anniversary of its commencement or on 9 November 2015, whichever occurs later.

**11. Transitional** - Notwithstanding section 10, the following provisions apply:

- (a) in the 2015 income year, the income earned by the Company in carrying out its enterprise in Samoa shall be apportioned between the part of the income year which precedes 8 November 2015 and the part which includes 8 November 2015 and following days, calculated in whole days, and only the income attributed to the period of the income year preceding 8 November 2015 shall be exempt from income tax;
- (b) from the commencement of this Act until 8 November 2015, the assets of the Company may be depreciated in such amount as would otherwise be allowed under the Inland Revenue Acts for wear and tear; and from 8 November 2015, the written down value of those assets shall be deemed to be the commencing values for computing future depreciation allowances for income tax purposes;
- (c) all losses incurred by the Company in carrying out its enterprises in Samoa from the commencement of this Act until 8 November 2015 shall be deemed to have occurred in the 2015 income year, and may be set off against income earned from 8 November 2015, in accordance with the Inland Revenue Acts.

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**The Yazaki Samoa Enterprise Act 2010  
is administered by the Ministry for Revenue.**

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