

THE REPUBLIC OF KIRIBATI
(No. 19 of 1997)

I assent,

Berettenti
Assented: 29th December 1997

AN ACT TO AMEND THE INCOME TAX ACT 1990 (No. 9 of 1989)

Commencement:
1997

MADE by the Maneaba ni Maungatabu and assented to by the Beretitenti.

Short Title

1. This Act may be cited as the Income Tax (Amendment) (No.2) Act 1997.

Commencement

2. (1) Section 4 of this Act shall be deemed to have come into operation on the 1st day of July 1996.

(2) Sections 5, 6, 7 and 8 of this Act shall be deemed to have come into operation on the 1st day of January 1990.

Interpretation

3. In this Act unless the context otherwise requires:

“principal Act” means the Income Tax Act 1990 (No. 9 of 1989).

“Repealed Legislation” means the Income Tax Ordinance (Cap 44) and any regulations made under that Ordinance as referred to in Part XX of the principal Act.

Amendment of Section 83

4. Section 83 of the principal Act is amended in subsection (2) by repealing the word “(a)” appearing between the words “under subsection (1)” and “(b) and (c)’ in the second line.

Amendment of Section 100

5. Section 100 of the principal Act is amended in subsection (6) by:
 - (a) changing in paragraph (b) the word “sections” from the plural to the singular form; and
 - (b) repealing in paragraph (b) the words “and 105”.

Amendment of Section 108

6. Section 108 of the principal Act is amended in subsection (2) by repealing the word “sufficient” and, substituting the word “conclusive”.

Amendment of Section 135

7. Section 135 of the principal Act is amended in subsection (2) by inserting at the beginning of that subsection the words” Subject to section 138,”.

New Section 138 Added

8. After section 137 of the principal Act, the following section is added:

“Assessments under Repealed Legislation

138. Any Income Tax assessment and any Notice of Assessment made in accordance with section 100, and served in accordance with any Regulations made hereunder, in respect of income tax for any tax year prior to 1990 shall be deemed to be an assessment or a Notice of assessment, as the case maybe, made and served in accordance with the Repealed Legislation and any such assessment or Notice of Assessment shall in all respects be valid and apply as if it had been properly made and served by the Minister in accordance with the Repealed Legislation.”

THE INCOME TAX (AMENDMENT) ACT 1997

EXPLANATORY MEMORANDUM

Section 4 of this Act amends the Income Tax Act 1990 to allow any increases in the contributions required under the Provident Fund Ordinance (Cap 78A) in excess of the 5% referred to in section 83(2) to be tax deductible.

Section 5 of the Act amends section 100 of the Income Tax Act 1990 by removing the requirement to refer in the notice of assessment to the right of appeal from a decision of the Tax Tribunal to the High Court under section 105.

Sections 6 and 7 of this Act amend the Income Tax Act 1990 so that assessments of Income Tax and Notices of Assessment made in accordance with that Act , in relation to tax years before 1990 will be valid and have full effect for the purposes of the Income Tax Ordinance (Cap 44) which although repealed still applies to tax years prior to 1990 by virtue of Section 135(2) of the Income Tax Act 1990.

Michael N. Takabwe
Attorney General
2 October 1997