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PUBLISHED BY AUTHORITY
GENERAL NOTICE NO. 29 OF 1991

THE LIQUOR LICENCES ACT, 1964
(Act No. 30 of 1964)

APPOINTMENT OF CHAIRMAN OF THE LIQUOR LICENCING BOARD
(Under Section 6)

In exercise of the powers conferred by section 6 of the Liquor Licences Act, 1964 the Minister for Interior and Immigration hereby appoints—

JOHN SIPHO MAGAGULA

to be Chairman of the Liquor Licencing Board with effect from 14th May, 1991. General Notice No. 24 of 1986 is hereby revoked.

E.J. MAVUSO
Principal Secretary

MBABANE,
14th May, 1991.
## SUPPLEMENT TO
THE
SWAZILAND GOVERNMENT
GAZETTE
EXTRAORDINARY

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<th>Vol. XXIX</th>
<th>MBABANE, Friday, May 17th., 1991</th>
<th>[No. 797</th>
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## PART A — BILLS

3. The Income Tax (Amendment) Bill, 1991

Published by Authority
The object of this Bill is to amend the Income Tax Order, 1975 so as:

(a) to remove the existing distinction between men and women in the payment of income tax and to provide for a uniform system of taxation for both men and women;

(b) to exclude *bonus shares* from the definition of *dividend* and to include as part of the definition of *gross income* the full value of debts which accrue in any year of assessment but which become payable after the end of that year;

(c) to provide for greater contributions to retirement annuity funds and to permit greater tax exemption for severance allowance;

(d) to abolish the existing allowable deductions in respect of medical expenses by tax payers;

(e) to provide for increase in the maximum allowable deductions in respect of contributions to pension funds;

(f) to restrict exemptions in respect of contract gratuities to contracts of employment for two years or more or for shorter period on grounds of ill-health or infirmity; and

(g) to provide for other matters consequential or incidental thereto.

A.F.M. THWALA
*Attorney-General*

An Act to amend the Income Tax Order, 1975 and to provide for other matters consequential or incidental thereto.

ENACTED by the King and the Parliament of Swaziland.

*Short title and commencement.*

1. (1) This Act may be cited as the Income Tax (Amendment) Act, 1991 and shall be read as one with the Income Tax Order, 1975 referred to in this Act as the "Order".

(2) Except as otherwise provided in sections 6 and 7 this Act shall be deemed to have come into force on 1st July, 1991.
Amendment of section 2 of the Order.

2. Section 2 of the Order is amended as follows:
   (a) by the deletion of the definition "wife's employment income"; and
   (b) by the deletion of the words "bonus shares", occurring in paragraph (b) of the
       definition "dividend".

Amendment of section 7 of the Order.

3. Section 7 of the Order is amended by inserting after paragraph (a) the following new
   paragraph:
   "(aa) the full value of any debt which accrues in the year of assessment but becomes
      payable after the end of that year of assessment;"

Amendment of section 8 of the Order.

4. Section 8 of the Order is amended as follows:
   (a) by the deletion of subsection (1)(a) and (b); and
   (b) by replacing subsection (1)(e)(i) with the following—
      "(i) the premium paid by a person during the year of assessment upon a policy
           under which that person, the spouse or child of that person is insured
           against death, accident or sickness".

Amendment of section 11 of the Order.

5. Section 11 of the Order is amended by the deletion of subsections (2) and (2)(bis).

Amendment of section 12 of the Order.

6. (1) Section 12 of the Order is amended as follows:
   (a) by inserting after subsection (1)(e) the following new paragraph:
       "(ee) so much of the total amount of dividends as does not exceed two thousand
       Emalangeni received by or accrued to or in favour of an individual in any
       year of assessment from any company or companies whether or not such
       company or companies are listed with the Swaziland Stock Exchange:

       Provided that any amount of dividends in excess of two thousand Emalangeni shall be
       charged to tax under section 6;"
   (b) by replacing subsection (1)(g) with the following:
       "(g) any amount received by or accrues to any employee on bona fide termination
           of employment by reason of a written agreement of employment or of any
           law in force in Swaziland by way of bonus or gratuity specified in such
           written agreement:

           Provided that the period of the agreement of employment is not less than two years or that
           the agreement of employment is terminated before the expiration of the specified period of
           the agreement on grounds of ill-health or infirmity of the employee:
Provided further that the employee does not enter into another agreement of employment with the same employer after the termination of the employee's employment; and

Provided further that such amount shall not exceed twenty-five per centum of the total amount of the actual salary received by the employee reckoned from the date of such written agreement in respect of and during the period of such employment."

(c) by replacing the words "twenty emalangeni" occurring in subsection (1)(i)(ii) the words forty emalangeni";

(d) by replacing subsection (3) with the following:

"(3) There shall be exempt from normal tax every person (excepting company) who is ordinarily resident in Swaziland whose taxable income does not exceed ten thousand Emalangeni in any year of assessment or if the period of assessment is less than a full year, an amount which bears to ten thousand Emalangeni the same ratio as the period assessed bears to one year."; and

(e) by the deletion of subsection (4).

(2) The provisions of paragraph (a) of subsection (1) of this section shall be deemed to have come into force on 1st July, 1990.

Amendment of section 14 of the Order.

7. (1) Section 14 of the Order is amended as follows:

(a) by replacing the words "one thousand two hundred emalangeni" occurring in the Proviso to subsection (1)(i) with the words "one thousand seven hundred and fifty emalangeni";

(b) by replacing subsection (1)(j) with the following:

"(j) so much of the total current contributions to any retirement annuity fund made during the year of assessment by any person as a member of the fund as does not in the case of the taxpayer exceed the greatest of—

(i) fifteen per centum of the taxable income accruing to the taxpayer in respect of trade carried out by the taxpayer; provided that the maximum allowable deductions in each case shall not exceed an amount of five thousand emalangeni; or

(ii) an amount of three thousand five hundred emalangeni less contributions made by the taxpayer to a pensions fund; or

(iii) an amount of one thousand seven hundred and fifty emalangeni;"

(c) by the deletion of paragraph (u) of subsection (1);

(d) by inserting after paragraph (v) of subsection (1) the following new paragraph—

"(v) any grant made to the University of Swaziland for the purpose of the University undertaking capital projects in the form of buildings, fittings, furniture as well as other items associated with capital assets needed for the development of the University;"

(2) The provisions of paragraph (d) of subsection (1) of this section shall be deemed to have come into force on 1st July, 1990.
Deletion of section 36 of the Order.
8. Section 36 of the Order is deleted.

Amendment of section 57 of the Order.
9. Section 57 of the Order is amended by replacing the words “twelve per centum” occurring in subsection (2) with the words “eighteen per centum”.

Amendment of paragraph 9 of Part II of Second Schedule to the Order.
10. Paragraph 9 of Part II of the Second Schedule is amended by replacing sub-paragraph (3) with the following:

“(3) The amount to be deducted or withheld in respect of employee’s tax from any lump sum to which the proviso to paragraph (b) of the definition of “gross income” applies or any other lump sum to which the employee is entitled by virtue of the employee’s agreement of employment, shall be ascertained by the employer from the Commissioner before paying out such lump sum, and the Commissioner’s determination of the amount to be so deducted or withheld shall be final.”

Replacement of Part II of the Third Schedule to the Order.
11. Part II of the Third Schedule to the Order is replaced with the following:

"PART II
RATES OF TAX IN THE CASE OF PERSONS OTHER THAN COMPANIES"

<table>
<thead>
<tr>
<th>Taxable Income Where taxable Income does not exceed</th>
<th>E</th>
<th>Rate of Tax</th>
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<tbody>
<tr>
<td>Exceeds does not exceed 10,000</td>
<td>0 per centum of taxable income.</td>
<td></td>
</tr>
<tr>
<td>Exceeds does not exceed 12,000</td>
<td>0 plus twelve percent the amount by which taxable income exceeds 10,000</td>
<td></td>
</tr>
<tr>
<td>Exceeds does not exceed 14,000</td>
<td>E240.00 plus sixteen percent of the amount by which taxable income exceeds 12,000.</td>
<td></td>
</tr>
<tr>
<td>Exceeds does not exceed 16,000</td>
<td>E560.00 plus sixteen percent of the amount by which taxable income exceeds 14,000.</td>
<td></td>
</tr>
<tr>
<td>Exceeds does not exceed 18,000</td>
<td>E880.00 plus twenty percent of the amount by which taxable income exceeds 16,000.</td>
<td></td>
</tr>
<tr>
<td>Exceeds does not exceed 20,000</td>
<td>E1,280.00 plus twenty percent of the amount by which taxable income exceeds 18,000.</td>
<td></td>
</tr>
<tr>
<td>Exceeds does not exceed 22,000</td>
<td>E1,680.00 plus twenty four percent of the amount by which taxable income exceeds 20,000.</td>
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Exceeds does not exceed
22,000 24,000 E2,160.00 plus twenty four percent of the amount by which taxable income exceeds 22,000.

Exceeds does not exceed
24,000 26,000 E2,640.00 plus thirty percent of the amount by which taxable income exceeds 24,000.

Exceeds does not exceed
26,000 28,000 E3,240.00 plus thirty percent of the amount by which taxable income exceeds 26,000.

Exceeds does not exceed
28,000 30,000 E3,840.00 plus thirty six percent of the amount by which taxable income exceeds 28,000.

Exceeds does not exceed
30,000 32,000 E4,560.00 plus thirty six percent of the amount by which taxable income exceeds 30,000.

Exceeds does not exceed
32,000 34,000 E5,280.00 plus thirty eight percent of the amount by which taxable income exceeds 32,000.

Exceeds does not exceed
34,000 36,000 E6,040.00 plus thirty eight percent of the amount by which taxable income exceeds 34,000.

Exceeds does not exceed
36,000 38,000 E6,800.00 plus thirty eight percent of the amount by which taxable income exceeds 36,000.

Exceeds does not exceed
38,000 40,000 E7,560.00 plus thirty eight percent of the amount by which taxable income exceeds 38,000.

Exceeds
40,000 42,000 E8,320.00 plus forty percent of the amount by which taxable income exceeds 40,000.

"The Government Printer, Mbabane"