



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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No. 335

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Government Notice

OFFICE OF THE PRIME MINISTER

No. 159

1991

PROMULGATION OF ACT OF THE NATIONAL ASSEMBLY

The following Act which has been passed by the National Assembly and signed by the President in terms of the Namibian Constitution is hereby published in terms of Article 56 of that Constitution.

No. 33 of 1991: Third Income Tax Amendment Act, 1991.

**THIRD INCOME TAX
AMENDMENT ACT, 1991****ACT**

To amend the Income Tax Act, 1981, so as to make provision for certain exemptions in respect of taxpayers who have become redundant as a consequence of an employer having effected a reduction in personnel or whose services are terminated as a result of the employer having ceased to carry on the trade in respect of which the taxpayer was employed; and to provide for incidental matters.

(Signed by the President on 12 December 1991)

BE IT ENACTED by the National Assembly of the Republic of Namibia, as follows:-

Amendment of section 16 of Act 24 of 1981, as amended by section 5 of Proclamation AG. 10 of 1985, section 5 of Act 8 of 1987 and section 5 of Act 12 of 1991.

1. Section 16 of the Income Tax Act, 1981 (hereinafter referred to as the principal Act), is hereby amended by the substitution for paragraph (o) of subsection (1) of the following paragraph:

“(o) so much of any amount (being a lump sum) referred to in paragraph (c) of the definition of “gross income” in section 1 or in section 13(3) as does not exceed thirty thousand rand less the sum of any other amounts which have been excluded from the taxpayer’s income by virtue of the exemption conferred by this paragraph whether in the current or any previous year of assessment: Provided that the exemption under this paragraph shall not apply in respect of any amount received by or accrued to any person upon or because of the termination or because of the impending termination of the services required to be rendered by him or her as the holder of any office or employment in respect of the relinquishment, termination, loss, repudiation,

**THIRD INCOME TAX
AMENDMENT ACT, 1991**

cancellation or variation of his or her office or employment or in respect of his or her appointment (or right or claim to be appointed) to any office or employment, unless -

- (i) such person has attained the age of fifty-five years [**in the case of a male or fifty years in the case of a female**]; or
- (ii) the Permanent Secretary is satisfied that the termination or impending termination of such person's services or the relinquishment, termination, loss, repudiation, cancellation or variation of his or her appointment (or right or claim to be appointed) to any office or employment is due to superannuation, ill-health or other infirmity; or
- (iii) in the case of a female, the Permanent Secretary is satisfied that she relinquished or terminated her office or service in order to marry; or
- (iv) the Permanent Secretary is satisfied that the termination of the taxpayer's services is due to the taxpayer having become redundant as a consequence of his or her employer having effected a reduction in personnel or due to his or her employer having ceased to carry on or intending to cease carrying on the trade in respect of which the taxpayer was employed;"

Short title and Commencement.

2. This Act shall be called the Third Income Tax Amendment Act, 1991, and the amendments effected to the principal Act by this Act shall be deemed to have come into operation on 1 March 1991.
