

INCOME TAX ACT (AMENDMENT) DECREE 1990

A DECREE TO AMEND THE INCOME TAX ACT

In exercise of the powers vested in me as President and Commander-in-Chief of the Republic of Fiji and acting in accordance with the advice of the Prime Minister and the Cabinet, I hereby make the following Decree—

Short title and Interpretation

- 1.—(1) This Decree may be cited as the Income Tax Act (Amendment) Decree, 1990.
- (2) In this Decree the Income Tax Act is referred to as the principal Act.

Basic Tax

2. Section 6 of the principal Act is amended—

- (a) by substituting the words "three thousand dollars" for the words "two thousand five hundred dollars" in subparagraph (i) of paragraph (a) of subsection (1); and
- (b) by substituting the words "three thousand dollars" for the words "two thousand and five hundred dollars" wherever these words appear in paragraph (a) of subsection (2).

Normal Tax

3. Section 7 of the principal Act is amended by substituting the words "three thousand dollars" for the words "two thousand and five hundred dollars" wherever these words appear in paragraph (a) of subsection (1).

Non-resident Dividend Withholding Tax

4. Section 8 of the principal Act is amended by substituting the words "thirty per cent" for the words "fifteen per cent" wherever these words appear in subsection (1).

Incomes Not Taxable

5. Section 17 of the principal Act is amended by substituting the words "three thousand dollars" for the words "one thousand dollars" wherever these words appear in paragraph (50).

Allowance for Legally Separated Spouses, etc.

6. Section 25 of the principal Act is amended by inserting the following new subsections immediately after subsection 25(1):

"25(1)(A) Notwithstanding the provisions of proviso (b) of subsection (1) of section 43, in the case of a taxpayer who is legally separated from his or her spouse under an order of a court of competent jurisdiction and who has been granted legal control and custody of a dependent child or children an allowance of seven hundred and fifty dollars shall be deducted:

Provided that—

- (a) in the case of legally separated spouses who both have legal control and custody of a dependent child or children, the allowance of seven hundred and fifty dollars shall be allocated in equal proportion to each spouse;
- (b) the amount of this allowance shall be reduced by one dollar for every dollar of the spouse's total income which is not chargeable with tax other than that portion of the spouse's income from interest or dividend which is specifically exempted from tax under the provisions of this Act.

25(1)(B) In no case shall the allowance due under paragraphs 1(a) of section 25 and subsection 25(1)(A) exceed seven hundred and fifty dollars in any one year."

Income of a Married Woman

7. Section 43 of the principal Act is amended by deleting the fullstop after the word "person" in proviso (b) of subsection (1) and adding the following words immediately thereafter "subject to the provisions of subsection 25(1)(A)."

Rebates, Basic Tax and Normal Tax Rebate

8. Section 101 of the principal Act is repealed and replaced by the following—

"101. Save as is otherwise provided in this Act there shall, in the case of an individual, be deducted from the aggregate of tax payable under section 6 and section 7 a sum of seventy dollars which shall be called a general rebate".

Rates of Normal Tax

9. Paragraph A of the Fourth Schedule to the principal Act is repealed and replaced by the following schedule—

"FOURTH SCHEDULE
(Section 7)

RATES OF NORMAL TAX

A. INDIVIDUALS, ESTATES OF DECEASED PERSONS, TRUSTS AND SETTLEMENTS.

	\$	\$
When the chargeable income does not exceed	1,500	4% of each dollar of chargeable income
exceeds \$1,500 but does not exceed	3,000	60.00 plus 8% of each dollar of chargeable income in excess of \$1,500
exceeds \$3,000 but does not exceed	4,000	180.00 plus 14.4% of each dollar in excess of \$3,000
exceeds \$4,000 that does not exceed	5,500	324.00 plus 22% of each dollar in excess of \$4,000
exceeds \$5,500 but does not exceed	7,000	654.00 plus 26% of each dollar in excess of \$5,500
exceeds \$7,000 but does not exceed	9,000	1,044.00 plus 30% of each dollar in excess of \$7,000
exceeds \$9,000 but does not exceed	15,000	1,644.00 plus 34% of each dollar in excess of \$9,000
exceeds \$15,000 but does not exceed	25,000	3,684.00 plus 36% of each dollar in excess of \$15,000
exceeds \$25,000 but does not exceed	40,000	7,284.00 plus 38% of each dollar in excess of \$25,000
in excess of \$40,000		12,984.00 plus 40% in respect of any excess."

Commencement

10. This Decree shall be deemed to have come into force on the first day of January, 1990.

Dated this 20th day of March 1990.

PENAIA K. GANILAU
President and Commander-in-
Chief