



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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No. 562

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Government Notice

OFFICE OF THE PRIME MINISTER

No. 197

1992

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. 31 of 1992: Sales Tax Amendment Act, 1992.

SALES TAX AMENDMENT ACT, 1992**EXPLANATORY NOTE:**

- _____ Words underlined with solid line indicate insertions in existing enactments.
- [] Words in bold type in square brackets indicate omissions from existing enactments.

ACT

To amend the Sales Tax Act, 1992, so as to amend certain definitions; to confer upon the Minister of Finance the power to authorize the granting of tax relief, by way of refund, in respect of goods and services acquired in Namibia in the implementation of technical assistance agreements entered into with Namibia; and to provide for incidental matters.

(Signed by the President on 16 December 1992)

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

Amendment of section 1
of Act 5 of 1992.

1. Section 1 of the Sales Tax Act, 1992 (hereinafter referred to as the principal Act), is hereby amended -

- (a) by the substitution for the definition of "rental agreement" of the following definition:

" 'rental agreement' means an agreement which is in terms of paragraph [9(a)] 8(a) of Schedule 4 deemed to be a rental agreement;" and

- (b) by the substitution for the definition of "rental consideration" of the following definition:

" 'rental consideration' means a rental consideration as defined in paragraph [9(b)] 8(b) of Schedule 4;"

Insertion of section 39A in
Act 5 of 1992.

2. The following section is hereby inserted after section 39 of the principal Act:

SALES TAX AMENDMENT ACT, 1992

"Tax relief allowable in respect of certain technical assistance agreements.

39A. (1) The Minister, in consultation with the Minister whose Ministry benefits from any technical assistance agreement entered into between the government of Namibia and any organization or the government of any country, may authorize by way of a refund, in respect of tax paid or borne by such organization or government in relation to -

- (i) any goods acquired under a sale;
- (ii) any leased property delivered under a financial lease;
- (iii) any rental consideration paid under a rental agreement; or
- (iv) any taxable service rendered,

in Namibia by or to such organization or government in terms of, and for the purpose of attaining the objects of, such technical assistance agreement entered into between the government of Namibia and such organization or government.

(2) Subsections (3) and (4) of section 39 shall apply *mutatis mutandis* to any relief granted under subsection (1)."

Amendment of Schedule 5 to Act 5 of 1992.

3. Schedule 5 to the principal Act is hereby amended by the substitution for subparagraph (a) of paragraph 1 of Part B of the following subparagraph:

"(a) Goods referred to in paragraph 1 of Part A of this Schedule under items 405.04, 406.00, 407.01, 407.02, 407.06, 412.02, 412.03, 412.04, 412.10, 412.11, 412.12, 460.17, 470.01, 470.02, 480.00 and 490.00 and Headings 49.11.60, 72.01.20 and 87.11 to the extent indicated."

Short title and commencement.

3. This Act shall be called the Sales Tax Amendment Act, 1992, and shall be deemed to have come into operation on 4 April 1992.