

THE INCOME TAX (AMENDMENT) ACT, 2019

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THE INCOME TAX (AMENDMENT) ACT, 2019

An Act to amend the Income Tax Act, Cap. 340 to provide for the definition of beneficial owner; to reduce the threshold required for exemption; to provide for withholding tax by a seller of a business or business asset; to provide for an offence and a penalty for failure to obtain a taxpayer identification number from a licensee; and for related matters.

DATE OF ASSENT:

Date of Commencement:

BE IT ENACTED by Parliament as follows:

1. Commencement

This Act shall come into force on 1st July, 2019.

2. Amendment of Income Tax Act, Cap. 340.

The Income Tax Act, in this Act referred to as the principal Act, is amended in section 2 by—

(a) inserting immediately after paragraph (e) the following —

“(ea) “beneficial owner” means a natural person who owns or has a controlling interest over a legal person other

than an individual and who exercises control over the management and policies of a legal person or legal arrangement, directly or indirectly whether through ownership or voting securities, by contract or otherwise;”

- (b) inserting immediately after paragraph (l) the following—
- “(la) “citizen” means—
- (a) a natural person who is a citizen of a Partner State of East African Community;
 - (b) a company or a body of persons incorporated under the laws of a Partner State of the East African Community in which at least fifty-one percent of the shares are held by a person who is a citizen of a Partner State of East African Community;”

3. Amendment of section 21 of principal Act

Section 21 of the principal Act is amended—

- (a) in subsection (1) by substituting for paragraph (ae) the following—
- “(ae) the income derived by a person from letting or leasing facilities whose investment capital is at least fifty million United States Dollars in the case of a foreigner or ten million United States Dollars in the case of a citizen in an industrial park or free zone for a period of ten years from the date of commencement of construction or in the case of an existing developer, from the date on which the existing developer makes an additional investment equivalent to fifty million United States Dollars in the case of a foreigner or ten million United States Dollars in the case of a citizen;”

- (b) in subsection (1) by substituting for paragraph (af) the following—
- “(af) the income of an operator in an industrial park or free zone or other person carrying on business outside the industrial park or free zone who carries on any of the businesses referred to in paragraph (ag) and whose investment capital is at least ten million United States Dollars in the case of a foreigner or one million United States Dollars in the case of a citizen for ten years from the date of commencement of business or, in the case of an existing operator, from the date on which the operator makes an additional investment equivalent to ten million United States Dollars in the case of a foreigner or one million United States Dollars in the case of a citizen;
- (c) in subsection (1) by inserting immediately after paragraph (af) the following—
- “(ag) income of an operator within an industrial park, free zone or an operator who owns a single factory or other business outside the industrial park or free zone whose minimum investment capital is ten million United States Dollars in the case of a foreigner or one million United States Dollars in the case of a citizen, who, subject to availability, uses at least fifty percent of locally sourced raw materials and employs at least sixty percent citizens and—
- (i) processes agricultural goods;
 - (ii) manufactures or assembles medical appliances, medical sundries or pharmaceuticals, building materials, automobile, house hold appliances;
 - (iii) manufactures furniture, pulp, paper, printing and publishing of instructional materials;

- (iv) establishes or operates vocational or technical institutes; or
- (v) carries on business in logistics and warehousing, information technology or commercial farming.”
- (ah) interest paid on infrastructure bond;”
- (d) in subsection (2) by inserting immediately after paragraph (c) the following—
 - “(d) infrastructure bond” means all listed bonds, notes or other similar securities used to raise funds for public infrastructure and other social services, if those bonds have a maturity period of at least ten years”

4. Amendment of section 25 of principal Act.

Section 25 of the principal Act is amended by substituting for subsection (3) the following—

“(3) The amount of deductible interest in respect of all debts owed by a taxpayer who is a member of a group, other than a financial institution or person carrying on insurance business, shall not exceed thirty per cent of the tax earnings before interest, depreciation and amortization.”

5. Amendment of section 88 of principal Act

Section 88 of the principal Act is amended in subsection (5) (a) by repealing the words “within the meaning accorded to that term by the relevant international agreement and”.

6. Amendment of section 118B of principal Act

Section 118B of the principal Act is amended—

- (a) by renumbering the current section as subsection (1); and
- (b) by inserting immediately after subsection (1) the following—

“(2) A resident person who purchases a business or business asset shall withhold tax at a rate specified in Part VIII of the Third Schedule.”

7. Repeal of section 118E of principal Act

Section 118E of the principal Act is repealed.

8. Amendment of section 119 of principal Act

Section 119 of the principal Act is amended in subsection (5) by inserting immediately after paragraph (g) the following—

“(h) agricultural supplies”

9. Amendment of section 135 of principal Act

Section 135 of the principal Act is amended by substituting for subsection (3), the following—

“(3) A local authority, Government institution or regulatory body shall not issue a licence or any form of authorization necessary for purposes of conducting any business in Uganda, to any person without a taxpayer identification number.”

10. Amendment of Third Schedule to principal Act

The Third Schedule to the principal Act is amended—

(a) in Part IV by substituting for paragraph 2 the following—

“2. The withholding tax rate for interest payments on government securities to a non-resident person under section 83—

- (a) is 20 percent for government securities whose period of maturity does not exceed ten years; and
- (b) 10 percent for government securities whose period of maturity is at least ten years.”;

- (b) in Part V by substituting for paragraph 3 the following—
- “3. The withholding tax rate for interest payments on government securities to a resident person under section 117 is—
- (a) 20 percent for government securities whose period of maturity does not exceed ten years; and
 - (b) 10 percent for government securities whose period of maturity is at least ten years.”;
- (c) In Part VIII by inserting after paragraph 2 the following—
- “3. The withholding tax rate for purposes of section 118B (2) is 6% of the gross payment.”

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