

THE FINANCE ACT, 1982

No. 1 of 1982

Date of Assent: 13th May, 1982

*Date of Commencement: Section 2 (a) } —1st September,
Schedule } 1981*

Section 3 (1)—1st January, 1982

Rest—18th December, 1981

An Act of Parliament to amend certain laws relating to customs duty, export compensation and income tax

ENACTED by the Parliament of Kenya as follows:—

1. This Act may be cited as the Finance Act, 1982, and shall be deemed to have come into force as follows—

Short title and commencement.

(a) section 2 (a) and the Schedule on the 1st September, 1981;

(b) section 3 (1) on the 1st January, 1982;

(c) all other provisions on the 18th December, 1981.

2. The Customs and Excise Act is amended—

Amendments to Cap. 472.

(a) in the First Schedule thereto, by making the various amendments set out in Parts I and II of the Schedule to this Act in the ways specified therein; and the new rates of duty thereby imposed shall, except where an item is free of duty, be increased by adding ten per cent on to the stated percentage rate;

(b) in the Third Schedule thereto, by deleting item 15 of Part A and inserting the following—

15. Disabled and Physically Handicapped Persons

Materials, articles and equipment which the Commissioner is satisfied are specially designed for the use of disabled and physically handicapped persons, provided that the Treasury has given its approval in writing where the duty would exceed Sh. 10,000 on any one consignment.

Amendments to
Cap. 470.

3. (1) Section 15 (2) of the Income Tax Act is amended by adding the following new paragraph—

(r) an amount equal to one-third of the total gains and profits from employment of an individual who is not a citizen of Kenya and—

- (i) whose employer is a non resident company or partnership trading for profit;
- (ii) who is in Kenya solely for the performance of his duties in relation to his employer's regional office, which office has been approved for the purposes of this paragraph by the Commissioner;
- (iii) who is absent from Kenya for the performance of those duties for a period or periods amounting in the aggregate to one hundred and twenty days or more in that year of income; and
- (iv) whose gains and profits from that employment are not deductible in ascertaining the total income chargeable to tax under this Act of his employer or of any company or partnership which controls, or is controlled by, that employer; and in this sub-paragraph "control" has the meaning assigned to it in paragraph 32 of the Second Schedule.

(2) Section 21 of the Income Tax Act is amended—

(a) in the proviso to subsection (1), by inserting after "gross receipts" in the second and fourth lines respectively the words and commas ", other than gross investment receipts,";

(b) by inserting in subsection (3) the following new definition—

"gross investment receipts" means gross receipts in respect of interest, dividends, royalties, rents, other payments for rights granted for use or occupation of property, or gains of a kind referred to in paragraph (f) of subsection (2) of section 3.

(3) Section 37 (2) of the Income Tax Act is amended by deleting "four thousand shillings" and inserting "eight thousand shillings".

Amendment to
Cap. 482.

4. The Local Manufactures Export Compensation Act is amended in Part II of the Second Schedule thereto by deleting all references to tariff Nos. 57.04.011 and 57.04.012.

SCHEDULE

PART I

General amendments to the First Schedule of the Customs and Excise Act including adjustments of rates of duty

Tariff Heading	Tariff No.	Amendments to Text	Import Duty	Statistical Code	Unit of Quantity
33.06		Delete all references to tariff Nos. 33.06.006 and 33.06.007 and insert the following—			
	33.06.006	Shampoo	75%	553 0 06	Kg.
39.06		Delete all references to tariff No. 39.06.020 and insert the following—			
	39.06.021	EPCON plastic sheathing compound and EPCON coloured plastic core compound in granular form	10%	585 2 91	Kg.
	39.06.029	Other	30%	585 2 99	Kg.
85.08		Delete tariff Nos. 85.08.002, 85.08.003 and 85.08.009 and all references thereto and insert the following—			
	85.08.002	Sparking plugs and glow plugs, assembled	50%	778 3 12	Number
	85.08.003	Sparking plugs and glow plugs, partly assembled or unassembled	10%	778 3 13	Number
	85.08.004	Other	30%	778 3 14	Number
	85.08.009	Parts	20%	778 3 19	Kg.
85.23	85.23.001	Delete "insulated or" in the second line; delete "1.5 mm" in the sixth line and insert "2 mm".			
	85.23.002	Insert new tariff No. as follows— (Insulated wire, etc.) having conductors of plain, high conductivity copper or aluminium wire, lacquered, enamelled or anodised, but not sheathed, of which the overall greatest cross-sectional width is between 0.2 mm. and 2 mm. inclusive	100%	773 1 02	Kg.

ART II

Adjustment of rates of duty only

<i>Tariff Number</i>	<i>Tariff Description</i>	<i>Rate of Duty to be Deleted</i>	<i>New Rate of Duty</i>
21.07.003	Infant food mix	40%	10%
23.01.010	Flours and meals of meat or offals, unfit for human consumption	30%	Free
23.01.020	Flours and meals of fish, crustaceans or molluscs, unfit for human consumption	30%	Free
85.15.032	Unassembled monochrome television receivers including receivers incorporating sound recorders or reproducers	Each Sh. 50/- or 50%	Each Sh. 25/- or 30%
85.15.053	Unassembled portable radio broadcast receivers, including receivers incorporating sound recorders or reproducers	50%	30%
92.11.022	Other electric gramophones and record players, unassembled	50%	30%
92.11.032	Television image and sound recorders and reproducers, magnetic, partly assembled	80%	60%
92.11.033	Television image and sound recorders and reproducers, magnetic, unassembled	60%	30%