



ANALYSIS

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| <p>Title</p> <p>1. Short title and commencement</p> | <p>2. Special Exemption in respect of Gifts of money to charitable Organisations</p> |
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1979-80, No. 9

An Act to amend the Income Tax Act 1972

(11 March 1980)

BE IT ENACTED By the Legislative Assembly of the Cook Islands in Session assembled, and by the authority of the same, as follows:

1. Short title and commencement - (1) This Act may be cited as the Income Tax Amendment Act 1979/80 and shall be read together with and be deemed part of the Income Tax Act 1972 (hereinafter referred to as "the principal Act").

(2) This Act shall apply with respect to the tax on income derived in the year that commenced on the 1st day of January, 1980 and in every subsequent year.

2. Special exemption in respect of gift of money to charitable organisations - The principal Act is hereby amended by inserting after Section 74, the following Section:

"74(A) Special exemption in respect of gifts of money to charitable organisations - (1) For the purpose of assessing Income Tax every taxpayer other than an absentee shall, subject to this section, be entitled to a deduction by way of special exemption from his assessable income of the amount of any gift (not being a testamentary gift) of money of the amount of \$2.00 or more made by him in the income year to any charitable organisation.

(2) For the purposes of this Section the term "gift"

includes a subscription paid to a society, institution, association, organisation trust, or fund only if the Collector is satisfied that that subscription does not confer any rights arising from membership in that or from any other society, institution, association, organisation, trust or fund.

(3) For the purposes of this Section the term "charitable organisation" includes a society, institution, association organisation or trust which is not carried out for the private pecuniary profit of any individual and the funds of which are in the opinion of the Collector applied wholly or principally to any charitable, religious, benevolent, philanthropical or cultural purpose within the Cook Islands. Where, in the opinion of the Collector, a society, institution, association, organisation, trust, or fund is a charitable organisation as defined in this paragraph, he shall refer the matter to the Minister for his approval.

(4) The Minister may by notice published in the Cook Islands Gazette declare that a society, institution, association, organisation is a charitable organisation for the purposes of this section of the Act."

This Act is administered in the Inland Revenue Department.