

GOVERNMENT OF ZAMBIA

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**ACT**

**No. 49 of 2010**

Date of Assent: 7th December, 2010

**An Act to amend the Income Tax Act**

[10th December, 2010

ENACTED by the Parliament of Zambia.

Enactment

1. (1) This Act may be cited as the Income Tax (Amendment) Act, 2010, and shall be read as one with the Income Tax Act, in this Act referred to as the principal Act.

Short title  
and  
commence-  
ment  
Cap. 323

(2) This Act shall come into operation on 1st April, 2011, and subject to any provisions to the contrary, shall have effect in relation to the charge of tax for the charge year ending on 31st March, 2012, and in relation to each subsequent charge year.

2. Section *two* of the principal Act is amended by the insertion in the appropriate places of the following new definitions:

Amendment  
of section 2

“ electronic communications network ” has the meaning assigned to it in the Information and Communication Technologies Act, 2009;

Act No. 15  
of 2009

“ electronic communications service ” has the meaning assigned to it in the Information and Communication Technologies Act, 2009; and

Act No. 15  
of 2009

“ licensee ” has the meaning assigned to it in the Information and Communication Technologies Act, 2009;.

Act No. 15  
of 2009

3. Section *twenty-one* of the principal Act is amended in subsection (5) by the deletion of the words “twenty-five million kwacha” and the substitution therefor of the words “thirty-five million kwacha”.

Amendment  
of section  
21

Repeal of  
section 43C

4. The principal Act is amended by the repeal of section *forty-three C*.

Amendment  
of section 56

5. Section *fifty-six* of the principal Act is amended by—  
(a) the deletion of subsection (2); and  
(b) the re-numbering of subsections (3), (4), (5) and (6) as (2), (3), (4) and (5) respectively.

Amendment  
of section  
100

6. (1) Section *one hundred* of the principal Act is amended by the deletion of subsection (1) and the substitution therefor of the following subsection:

(1) A person who negligently, fraudulently or through wilful default—

(a) fails to furnish a return of income in accordance with the requirements of subsection (2) of section *forty-six*;

(b) fails to furnish a provisional return of income and tax in accordance with the requirements of section *forty-six A*;

(c) makes an incorrect return by omitting or understating any income of which the person is required by this Act to make a return;

(d) gives any incorrect information in relation to any matter affecting the person's own liability to tax or the liability to tax of any other person; or

(e) submits any incorrect balance sheet, account, or other document;

shall pay a penalty equal to—

(i) in relation to a person liable to pay mineral royalty under the Mines and Minerals Development Act, 2008—

(A) in the case of negligence, one point five percent of the gross value or norm value;

(B) in the case of fraud, four point five percent of the gross value or norm value; and

(C) in the case of wilful default, three percent of the gross value or norm value;

omitted or understated, in consequence of such failure, incorrect return, information or submission; and