

"stock-in-trade" has the meaning given to it in section 50 (8);

"tax treaty" has the meaning given to it in section 76 (5);

"tax year" has the meaning given to it in section 46;

"taxable business income" means business income included in gross income;

"technical service fees" means an amount, however described, whether periodical or lump sum, paid as consideration for the rendering of a managerial, technical or consultancy service, including the service of technical and other personnel, but does not include employment income;

"total turnover", in relation to a person for a tax year, means the gross revenue (including the gross proceeds from the disposal of an asset used in a business) received or receivable by the person in the tax year, but does not include amounts exempt from income tax, capital gains liable for tax under Chapter III, or residential rent liable for tax under Chapter IV;

"trust" means an arrangement under which there is a trustee in relation to property;

"trustee" means –

- (a) a person appointed or constituted as trustee by an act of parties, by a will, or by an order or a declaration of a court, or by operation of the law;
- (b) an executor, administrator, a tutor, or curator;
- (c) a liquidator or judicial manager;
- (d) any person having, either in a private or official capacity, the possession, direction, control, or management of any property of a person under a legal disability; or
- (e) any person who manages assets under a private foundation or other similar arrangement.

"value added tax" means the tax imposed under section 142;

### 3. Associates

(1) Subject to subsection (2), two persons are associates if the relationship between them is such that one may reasonably be expected to act in accordance with the intentions of the other, or both persons may reasonably be expected to act in accordance with the intentions of a third person.

(2) Two persons are not associates solely by reason of the fact that one person is an employee of the other or both persons are employees of a third person.

(3) Without limiting the generality of subsection (1), the following are treated as associates –

- (a) an individual and a relative of the individual, except if the Commissioner-General is satisfied that neither person may reasonably be expected to act in accordance with the intentions of the other;
- (b) a partner in a partnership and the partnership, if the partner, either alone or together with an associate or associates under another application of this section, controls fifty *per cent* or more of the rights to income or capital of the partnership;
- (c) a trust and a person who benefits or may benefit under the trust;
- (d) a shareholder in a company and the company, if the shareholder, either alone or together with an associate or associates under another application of this section, controls either directly or through one or more interposed persons–
  - (i) fifty *per cent* or more of the voting power in the company;
  - (ii) fifty *per cent* or more of the rights to dividends, or
  - (iii) fifty *per cent* or more of the rights to capital, and
- (e) two companies, if a person, either alone or together with an associate or associates under another application of this section, controls either directly or through one or more interposed persons–
  - (i) fifty *per cent* or more of the voting power in both companies,
  - (ii) fifty *per cent* or more of the rights to dividends in both companies, or
  - (iii) fifty *per cent* or more of the rights to capital in both companies.

(4) In this section, "relative", in relation to an individual, means–