

- (a) an ancestor, a descendant of any of the grandparents, or an adopted child, of the individual; or
- (b) an ancestor, a descendant of any of the grandparents, or an adopted child of a spouse of the individual; or
- (c) a spouse of the individual or of any person specified in paragraph (a) or (b).

(5) In applying paragraphs (b), (d), or (e) of subsection (3), holdings that are attributable to a person from an associate are not reattributed to another associate.

4. Fair market value

(1) For the purposes of this Act, the fair market value of any property, asset, service, benefit, or supply at a particular time is the amount the property, asset, service, benefit, or supply would ordinarily fetch in the open market at that time.

(2) If the fair market value of any property, asset, service, benefit, or supply cannot be determined under subsection (1), the fair market value is the amount determined by the Commissioner-General.

5. Resident individual

(1) Subject to subsections (2) and (3), an individual is a resident individual for a tax year if the individual –

- (a) resides in The Gambia at any time in the year;
- (b) is present in The Gambia for a period of, or periods amounting in aggregate to, one hundred and eighty-three days or more in the tax year; or
- (c) is an employee or official of the Government of The Gambia posted abroad at any time in the tax year.

(2) An individual who is a resident individual under subsection (1) for a tax year, in this section referred to as the "current tax year", but who was not a resident individual for the preceding tax year, is treated as a resident individual in the current tax year only for the period commencing on the day on which the individual was first present in The Gambia.

(3) An individual who is a resident individual for the current tax year, but who is not a resident individual for the following tax year, is treated as a resident individual in the current tax year only for the period ending on the last day on which the individual was present in The Gambia.

6. Resident company

A company is a resident company for a tax year if –

- (a) the company was incorporated or formed in The Gambia; or
- (b) the control and management of the company's business is exercised in The Gambia at any time in the year.

7. Resident partnership

A partnership is a resident partnership for a tax year if a partner of the partnership is a resident person at any time in the tax year.

8. Resident body of persons

A body of persons is a resident body of persons for a tax year if –

- (a) the body was formed in The Gambia; or
- (b) the control and management of the body's activities is exercised in The Gambia at any time in the year.

9. Resident trust

A trust is a resident trust for a tax year if –

- (a) the trust was settled or established in The Gambia; or
- (b) a trustee of the trust is a resident person at any time in the tax year.

CHAPTER II - INCOME TAX

PART I – IMPOSITION OF INCOME TAX

10. Tax on chargeable income First Schedule

(1) Subject to this Act, income tax is imposed for each tax year at the rate specified in the First Schedule on a person who has chargeable income for the year.

(2) The income tax imposed under subsection (1) is computed by applying the rate or rates of tax applicable to the person under this Act to the chargeable income of the person for the tax year, and any tax credits allowed to the person for the year are deducted from the resulting amount.