

(3) If a person is allowed more than one tax credit for a tax year, the credits are applied in the following order –

- (a) the foreign tax credit allowed under section 72;
- (b) the tax credit allowed under section 103; and
- (c) the tax credit allowed under section 101.

(4) In lieu of taxation under subsection (1), certain classes of income (including the income of certain classes of persons) may be subject to –

- (a) income tax as provided in section 11 or 12;
- (b) withholding of tax as a final tax as provided in section 102; or
- (c) separate assessment under Chapters III, IV, or V.

(5) Subject to the Petroleum (Exploration, Development and Production) Act, 2004, income arising out of or in Connection with petroleum operations is subject to income tax under this Act, subject to the modifications set out in the Second Schedule to this Act.

#### 11. Tax on certain payments to a non-resident person

(1) Subject to this Act, income tax is imposed on a non-resident person who receives a Gambian-source dividend, interest, royalty, or technical services fee.

(2) The income tax imposed under subsection (1) is fifteen *per cent* of the gross amount of the dividend, interest, royalty, or technical services fee received.

(3) This section does not apply to –

- (a) any dividend if the holding giving rise to the dividend is effectively connected with a permanent establishment in The Gambia of the non-resident person;
- (c) any interest if the debt claim giving rise to the interest is effectively connected with a permanent establishment in The Gambia of the non-resident person;
- (d) any royalty if the property or right giving rise to the royalty is effectively connected with a permanent establishment in The Gambia of the non-resident person;

(e) any technical services fee if the services giving rise to the fee are rendered through a permanent establishment in The Gambia of the non-resident person; or

(f) any dividend, interest, royalty, or technical services fee that is exempt from income tax under this Act.

(4) Any dividend, interest, royalty, or technical services fee described in paragraph (a), (b), (c), or (d) of subsection (3) is treated as income attributable to the permanent establishment and is taxable under section 10.

#### 12. Tax on shipping and air transport income of a non-resident person

(1) Subject to this Act, income tax is imposed on a non-resident person operating a ship or aircraft.

(2) The tax imposed under subsection (1) is three *per cent* of the gross amount derived by the non-resident person for the carriage of passengers, livestock, mail, or goods embarked in The Gambia.

(3) This section does not apply to any amount exempt from tax under this Act.

#### 13. General provisions relating to income tax imposed under sections 11 and 12

Subject to this Act, the tax imposed under sections 11 and 12 is a final tax on the income in respect of which it is imposed and –

- (a) the income is not included in gross income in computing the chargeable income of the person who derives it for any tax year;
- (b) no deduction is allowable under this Act for any expenditure incurred in deriving the income;
- (c) the taxable amount computed under sub-section (2) of section 11 or subsection (2) of section 12 is not reduced by any loss;
- (d) the tax payable by a person under section 11 or 12 is not reduced by any tax credits allowed under this Act; and
- (e) the liability of a person under section 11 or 12 is discharged to the extent that –