

the year in respect of insured risks in The Gambia less any amount recovered or recoverable under any contract of re-insurance, guarantee, security, or indemnity;

- (b) the amount of agency expenses incurred by the company in The Gambia in the year;
- (c) the balance of the company's reserve for unexpired risks in The Gambia at the percentage adopted by the company as at the end of the year; and
- (d) the total amount of any other expenditure incurred by the company in the year in deriving income included in the gross income of the company and allowable as a deduction in accordance with this Act.

(6) In this section, "short-term insurance" means any insurance other than life insurance.

## PART VI - INTERNATIONAL

### Sub-Part I - Geographic Source of Income

#### 70. Foreign-source income

(1) An amount is foreign-source income to the extent it is not Gambian-source income as set out in this section.

(2) An employment income is Gambian-source income to the extent to which the income –

- (a) is received from employment carried out in The Gambia, wherever paid; or
- (b) is paid by, or on behalf of, the Government of The Gambia, wherever the employment is carried out.

(3) A business income of a resident person is Gambian-source income to the extent to which the income is derived from any business carried on in The Gambia.

(4) A business income of a non-resident person is Gambian-source income to the extent to which it is directly or indirectly attributable to –

- (a) a permanent establishment of the non-resident person in The Gambia;
- (b) sales in The Gambia of goods or merchandise of the

same or similar kind as those sold by the person through a permanent establishment in The Gambia; or

- (c) any other business activity carried on in The Gambia of the same or similar kind as that carried on by the person through a permanent establishment in the Gambia.

(5) If the business of a non-resident person comprises the rendering of independent services (including professional services and the services of entertainers and sportspersons), the Gambian-source business income of the person includes (in addition to any amounts treated as Gambian-source income under subsection (4)

any remuneration derived by the person when the remuneration is paid by a resident person or borne by a permanent establishment in The Gambia of a non-resident person.

(6) Any gain from the disposal of an asset used in deriving business income referred to in subsection (3), (4), or (5) is Gambian-source income.

(7) A dividend is Gambian-source income if it is paid by a resident company or a resident partnership.

(8) An Interest is Gambian-source income if it is –

- (a) paid by a resident person, except when the interest is payable in respect of any debt used for the purposes of a business carried on by the person outside The Gambia through a permanent establishment; or
- (b) borne by a permanent establishment in The Gambia of a non-resident person.

(9) A royalty is Gambian-source income if it is –

- (a) paid by a resident person, except when the royalty is payable in respect of any right, property, or information used, or services utilised for the purposes of a business carried on by the person outside The Gambia through a permanent establishment; or
- (b) borne by a permanent establishment in The Gambia of a non-resident person.

(10) A rent is Gambian-source income if it is derived from the lease of immovable property in The Gambia, or from any other interest in or over immovable property in The Gambia.