



KENYA REVENUE
AUTHORITY

ISO 9001:2000 CERTIFIED

DOMESTIC TAXES DEPARTMENT

TECHNICAL CIRCULAR NO. 26

DISTRIBUTION : GENERAL

DATE : 13th April, 2010

RE: TAX EXEMPTION TO PERSONS WITH DISABILITIES

Section 35 of the **Persons with Disabilities Act, 2003** was amended vide the Finance Act 2009 to provide for the Minister to prescribe the procedure for application for and grant of exemption to persons with disabilities. The Order has now been gazetted under Legal Notice No. 36 dated 10th March 2010.

The main content of these Regulations are as follows:-

- i. The eligible person must apply to the Commissioner, through the Council, in a prescribed form (Form1).
- ii. Such a person must be registered with the National Council for Persons with Disabilities (the Council).
- iii. The Council, having vetted the person, shall issue a Certificate of Recommendation in a prescribed form (Form2).
- iv. The applicant must submit Form1 and Form2 to the Commissioner for purposes of being considered for exemption.
- v. The Commissioner may, in addition to the prescribed forms, require the applicant to furnish any other information, including requiring the person to appear for an interview.
- vi. Where the applicant qualifies for the exemption, the Commissioner **shall** issue him with a certificate within **thirty (30) days** of receipt of the recommendation from the Council.

Tulipe Ushuru Tujitegeme!

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- vii. Similarly, where exemption is denied, the Commissioner must notify the applicant within thirty (30) days from date of receipt of the application. The person may appeal to the Minister against the decision of the Commissioner.
- viii. For a qualifying person, the first **one hundred and fifty thousand shillings (150,000/=)** of the **total income per month** is exempt from tax. In addition, such person is allowed to deduct from his chargeable income, any expenses in respect of 'home care' and 'personal care' subject to a maximum of fifty thousand shillings (50,000/=) per month. The above terms are defined under Paragraph 5(2) of the Regulations. The threshold is applicable to any income that is chargeable to tax.
- ix. Exemption shall be valid for three (3) years after which the person is required to make a new application.
- x. Although the Exemption Order is effective from the date of publication of the Legal Notice i.e. 26th March, 2010, the effective date of the exemption to the person with disability will be the date of exemption certificate issued by the Commissioner.

Members of Staff are therefore required to familiarize themselves with the Order, which was sent to you earlier, and advise the taxpayers accordingly. Further, all applications for exemption received by the stations must be expeditiously forwarded to Head Office, Policy Unit Technical for consideration.

C. W. Bwire (Mrs.)