



**KWARA STATE INTERNAL REVENUE SERVICE
PRESUMPTIVE TAX REGULATIONS, 2023**

In exercising the authority vested in me under Section 5(2) Constitution of the Federal Republic of Nigeria 1999 (as amended) and all other enabling Laws and powers in that regard, I, ABDULRAHMAN, ABDULRAZAQ, Governor of Kwara State, do hereby make the following Regulations-

PART 1- OBJECTIVE AND SCOPE

1. Objective

The objective of these Regulations is to set out processes and procedures and provide standard guidelines for the implementation of the Presumptive Tax Regime in Kwara State.

2. Scope

These Regulations shall apply to taxpayers whose income cannot be ascertained for all practical purposes or whose records are not kept in a manner that would enable proper income assessment.

PART II – THOSE TO BE ADMINISTERED UNDER THE PRESUMPTIVE TAX REGIME

3. Those to be administered under the presumptive tax regime

Categories of Taxpayers to be administered under these Regulations shall include taxpayers, where for all practical purposes, their income cannot be ascertained, or records are not kept in such manner as would enable proper assessment of income. These taxpayers will be categorized according to the following bands: Micro, Small, and Medium Businesses based on their level of activities.

PART III – TAX REGISTRATION AND TAX RETURNS

4. Tax Registration

The presumptive tax regime shall be administered by the Kwara State Internal Revenue Service. Services on an annual basis using the Tax Registration Form in Schedule 1 and the Tax Returns Form in Schedule 2 of these Regulations on respective taxpayers within their jurisdiction.

5. Tax returns

Taxpayers operating under the Presumptive Tax Regime are to file returns on or before 90 days from the commencement of every year.

PART IV – TAX PAYMENT UNDER PRESUMPTIVE TAX REGIME

6. PAYMENT

- 1) The tax payable shall be in the trade, business, Vocational, and professions categories, as contained in an administrative tax table to be administered by the relevant tax authority.
- 2) The mode and procedures for tax payment shall be as prescribed by the relevant tax Authorities.

7. TAX CLEARANCE CERTIFICATE

The taxpayer shall be entitled to a tax clearance certificate upon payment of all taxes.

PART V – ADMINISTRATION OF PRESUMPTIVE TAX REGIME

8. Administration of Presumptive Tax Regime

- 1) It shall be the taxpayer's duty to file his returns annually. Still, the tax authorities shall engage the taxpayer to obtain relevant information on the nature and level of business carried out.
- 2) Under the outcome of (1) above, the tax authority shall determine the band the taxpayer should belong to.
- 3) Taxpayers shall be encouraged to keep records of their transactions.

9. Administrative Settlement

Any taxpayer who contends the band/assessment arrived at in Regulation may file an objection to the tax authority stating clearly the grounds of objection within 15 days of receiving the assessment.

10. Judicial Review

Where the taxpayer is not satisfied with the decision of the relevant tax Authority, such

person may appeal to the Tax Appeal Tribunal (TAT) or a Court of Competent Jurisdiction within 30 days of the receipt of the decision of the tax authority.

11. Bonus for prompt filing

A taxpayer who keeps up-to-date records and files a return under these Regulations within the specified period shall be granted a bonus of 1% of the tax payable.

PART VI – EXIT RULE

12. Exit rules

- 1) Except where it is almost impossible, taxpayers are encouraged to keep some form of records to exit from the Presumptive Tax Regime and be assessed on the Pay-As-You-Earn/Direct Assessment Principle.
- 2) A taxpayer under these Regulations may voluntarily exit, file the requisite tax returns, and be assessed under the Personal Income Tax Law in any tax year.
- 3) Where the tax authority discovers, based on available taxpayer records or any other valid record or information, that the taxpayer ought to be assessed under the Personal Income Tax Law, such taxpayer shall be assessed as appropriate.

PART VII – SANCTIONS AND PENALTIES

13. Sanctions and Penalties

- 1) Failure for non-payment of Presumptive Tax
A taxpayer under these Regulations who fails or neglects to pay the tax due shall be liable under section 76 of the Personal Income Tax Law (as amended).

PART VIII – INTERPRETATION AND CITATION

14. Interpretation

For these regulations:

- a) “Assessment Period” means one calendar year.
- b) “Informal Sector businesses” means where, for all practical purposes, the taxpayer's income cannot be ascertained, or records are not kept in such manners as would enable proper income assessment.
- c) “Person” means individuals engaged in businesses, trades, vocation, and professional services taxable under these Regulations.
- d) “Presumptive Tax” means personal income tax on individuals, chargeable under the Personal Income Tax Law where it is impossible or impracticable to keep accounting records.

- e) "Tax Authority" means Federal Inland Revenue Service and States Internal Revenue Service.
- f) "Returns" means documents the relevant tax authority uses to assess a taxpayer under these Regulations for an assessment period.
- g) "Taxpayer" means any individual or body of individuals (including any corporation sole, trustee, or executors) having any income that is chargeable to tax under the presumptive tax regime.

15. Citation

These regulations may be cited as the "Kwara State Presumptive Tax Regulations, 2023."

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of Kwara State to be affixed this **10th day of December in the year 2023**.


ABDULRAHMAN, ABDULRAZAQ,
EXECUTIVE GOVERNOR OF KWARA

EXPLANATORY MEMORANDUM

(This note does not form part of the above Regulations but is intended to explain its purpose)

These Regulations seek to administer persons under the presumptive tax regime in such terms and conditions as prescribed in these Regulations where, for all practical purposes, the taxpayer's income cannot be ascertained, or records are not kept in such a manner as would enable proper income assessment.

SCHEDULE 1

KWARA STATE GOVERNMENT

Kw Kwara State Internal Revenue Service (KWIRS)

PRESUMPTIVE TAX REGISTRATION FORM

Made Under Section 6 of the Personal Income Tax (Amendment) Law, 2011

Instructions: All information should be filled in ink and capital letters; no abbreviations are allowed. Entries should not spill to the neighboring block

- 1) Name of Taxpayer/Registered Name: _____
- 2) Nationality: _____
- 3) Residential Address: _____
- 4) GSM Number: _____
- 5) Business Type: _____
- 6) Business Name: _____
- 7) Registered Business Name: _____
- 8) Commencement Date: _____
- 9) Means of Identification: _____
- 10) Business Registration No.: _____
- 11) Taxpayer Identification No. (TIN): _____

Signature/Thumbprint

Date of Registration

SCHEDULE 2/

KWARA STATE GOVERNMENT
Kwara State Internal Revenue Service (KWIRS)
PRESUMPTIVE TAX RETURNS FORM

Made Under Section 6 of the Personal Income Tax (Amendment) Law, 2011

For self Employed individuals, Enterprises, and those engaged in trades (To be submitted at the relevant tax authority)

Instructions: All information should be filled in ink and capital letters; no abbreviations are allowed. Entries should not spill to neighboring block.

- 1) Name of Taxpayer/Registered Name: _____
- 2) Nationality: _____
- 3) Residential Address: _____
- 4) GSM Number: _____
- 5) Assessment Year: _____
- 6) Presumptive Tax Payable: _____
- 7) Presumptive Tax Paid: _____
- 8) Taxpayer Identification Number (TIN): _____
- 9) Nature of Business: _____

Signature/Thumbprint

Date

FOR OFFICE USE

PERIOD OF FILING	DUE DATE	DATE FILED	REMARKS

TAX AUTHORITY: _____ SIGNATURE: _____ DATE: _____

ADMINISTRATIVE DOCUMENT FOR THE GUIDANCE OF PRESUMPTIVE TAX

ADMINISTRATORS PRESUMPTIVE TAX TABLE

S/NO	TRADE/BUSINESS	MICRO BUSINESS	SMALL BUSINESS	MEDIUM BUSINESS
1	Boutiques and other clothes sellers-Adult and Children wear.	2,500.00	32,500.00	100,000.00
2	Fabricating, Welding, Bench Milling, Black Smith, Gold Smith.	2,500.00	27,500.00	100,000.00
3	Confectioneries and Bakeries	2,500.00	67,500.00	150,000.00
4	Barbers and Hair Dressing Saloon.	2,500.00	37,500.00	100,000.00
5	Service Providers – Business Centres and Typing Studio, Printers, Thrift Collectors, Video Clubs, Car Wash and Owners, Casino Operators, Cyber Café Operators, Drama Groups, Laundries, Dry Cleaners, Cinemas, Commercial Mobile Calls, Photographer/Photo Developers, Recreational Centre, Refuse Collectors, Rentals, Travel Agency.	2,500.00	60,000.00	150,000.00
6	Artisans – Masons, Vulcanizers, Iron Benders, Carpenters, Cobblers, Painters and Decorators, Plumbers.	2,500.00	45,000.00	100,000.00
7	Petrol, Kerosene and Lubricant Sellers	2,500.00	32,500.00	120,000.00
8	Tailoring, Interior Decorators, Fashion Designers and Garment Makers, Curtain Makers, Seamstress	2,500.00	82,500.00	150,000.00
9	Transport Workers – Taxi, Bus, Lorry, etc	2,500.00	45,000.00	120,000.00
10	General Trading/Enterprises – Retail and Wholesale, Land Speculators, Raw Food, Bookshops/Stationery Stores, Building Materials, Cement, Cooking Gas, Air Conditioners, Mattress/Foams, Doors, Electrical Parts and Fittings, Furniture/Furnishing Material, Gas Refilling, General Contractor, General Merchants and Distributors, Gift Shop, Entrepreneurs, Imitations Jewel, Jewel, Land Speculators, Leather Carpets, Licensed Merchants, Mobile Phone, Motor Cycle, Spare Parts, Patent Medicine, Photographic Materials,	2,500.00	60,000.00	140,000.00

	Plank, Plastic Rubbers, Plumbing Materials, Poultry Feeds, Raw Food, Rugs and Carpets, Sewing Machine, Timber Dealers, Tire, Wine and Beer License Operators, Yoghurt.			
11	Financial Services – Bureau De Change, Pool Agents and Promoters, Money Lenders.	2,500.00	50,000.00	140,000.00
12	Furniture and Cabinet Makers	2,500.00	50,000.00	150,000.00
13	Restaurant and Food Sellers	2,500.00	60,000.00	130,000.00
14	Property- Guest House, Lodging, Face to Face Building	2,500.00	50,000.00	140,000.00
15	Mechanics, Technicians, Electricians, Panel Beaters, Motorcycle, Bicycle, Keke NAPEP, Clock and Watch Repairers, and other Machine Repairers, Re-wirers, Battery Chargers.	2,500.00	43,500.00	100,000.00
16	Artisans, Design and Sign Writers, Hand Craft Makers, Graphic Arts	2,500.00	65,000.00	140,000.00
17	Professional Services- Opticians, Photo lab, Auctioneers, Draughtsman, Maternity Owners, Medicine Store Patent	2,500.00	55,000.00	120,000.00
18	Entertainment services, Musicians	2,500.00	53,500.00	120,000.00
19	Agriculture- Forestry, Fishing, Hunting, Butchers/Meat Sellers, Horticulture/Florist, Farm Settlers, Poultry, Piggery	2,500.00	40,000.00	130,000.00
20	Aluminum Fabrication and Products	2,500.00	38,750.00	100,000.00
21	Processors, Producers, and Manufacturers- Blocks, Culverts, Well Ring, Pure Water, Welders, Shoemakers, Cold Rooms, Palm Oil Millers, Grind Mills, Sawmill Proprietors	2,500.00	60,000.00	150,000.00
22	Transport Owners	2,500.00	50,000.00	150,000.00
23	All other trades/services covered by the regulation but not listed above	2,500.00	50,000.00	150,000.00

MICRO BUSINESSES: The tax levied on traders at the lowest rung of the ladder in a particular presumptive tax trade/business.

SMALL BUSINESSES: The tax levied on traders that will not ordinarily be regarded as very small, very big, and not formally registered, in a particular presumptive tax/business.

MEDIUM BUSINESS: The tax levied on traders that are very big but not formally registered in a particular presumptive tax trade/business.