

THE UNITED REPUBLIC OF TANZANIA



No. 46 OF 1967

I ASSENT,

Julius K. Nyerere
President

27.. NOVEMBER, 1967

An Act to provide for the Levy and collection of an Annual Personal Tax and for matters relating thereto or connected therewith

[1ST JANUARY, 1968]

ENACTED by the Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY

1. This Act may be cited as the Personal Tax Act, 1967 and shall come into operation on the 1st January, 1968.

Short title
and
commence-
ment

2.(1) In this Act unless the context otherwise requires-
"Appeal Board" means the appropriate Appeal Board established by section 12;

Interpreta-
tion

"area" when used in relation to a collector, means the area for which he is the collector;

"certificate of exemption" means a certificate of exemption granted or deemed to have been granted under this Act;

"chargeable income" in respect of any Person means, subject to subsection (6) and to section 5, the aggregate amount of the income of such person accruing in or derived from Tanganyika in respect of-

(a) gains or profits from any trade, business, profession, vocation or employment, including the estimated annual value of any quarters, rations, board or residence or any other allowance (other than a subsistence or travelling allowance) granted in respect of employment or services, whether in money or otherwise;

(b) dividends, interests or discounters;

(c) any pension, allowance, charge or annuity;

(d) rents, royalties, premiums and any other, profit arising from property;

(e) any amount deemed to be chargeable income under this Act, after allowing the deduction of all outgoings and expenses wholly and exclusively incurred by such person in the Production of the income;

"child" includes a step-child, an adopted child and an illegitimate child;

"collector" means any person appointed to be a collector under this Act or any Internal Revenue officer who by virtue of subsection (2) of section 52 is a collector for his district or any part thereof and when used in relation to any district of Tanganyika means the person so appointed to be the collector thereof or the internal Revenue Officer who is the collector thereof by virtue of the said provisions;

"due date" in respect of any taxable person means the date by which the tax or an installment thereof is required to be paid by him under the provisions of this Act or any order made thereunder;

"Minister" means the Minister responsible for finance;

"person" means a natural person;

"single woman" means a woman who is not married or who is deemed to be a single woman for the purpose of this Act;

"tax" means the personal tax payable under this Act;

"tax authority" means a collector, tax agent or tax clerk;

"tax agent" means any person appointed to, be a tax agent under this Act;

"tax clerk" means any person appointed to be a tax clerk under this Act;

"tax office" means a place appointed by a collector under section 20 for the payment of tax;

"taxable person" means a person liable to tax under this Act;

"temporary visit" means a visit to Tanganyika not exceeding six months in duration;

"year" means a year beginning on the 1st January and ending on the 31st December.

(2) A woman shall be deemed to be a single woman for the purposes of this Act, notwithstanding that she is married, if-

(a) she and her husband are judicially separated, or separated by an act of law which has the same consequences as has a judicial separation, or separated by a deed of separation; or

(b) she and her husband are in fact separated in such circumstances that the separation is likely to be permanent.

(3) For the purposes of this Act, a woman who has gone through a ceremony of marriage with a man and who cohabits with that man as his wife, shall be deemed to be his wife notwithstanding that their marriage is a nullity, and a decree of nullity shall be deemed to be and shall have the same effect as a decree for the dissolution of marriage.

(4) Unless the context otherwise requires, references in this Act to returns of income, and books, documents, papers, information or particulars relating to, income, shall, in relation to a man who is married, include references to returns of, and books, documents, papers, information and particulars relating to the income of a wife which is aggregated with such man's income for the purpose of ascertaining his chargeable income.

(5) References in this Act-

- (a) to a technical assistance officer, are references to a person, other than a citizen of the United Republic, who is employed by the Government of the United Republic, the East African Community, a Corporation within the East African Community or such other employer as may be prescribed, under an agreement whereby his salary or any part thereof is paid by a foreign Government or technical assistance authority or whereby his employer is reimbursed by a foreign Government or technical assistance authority for his salary or any part thereof, or under any other agreement approved by the Minister as an agreement for technical assistance;
- (b) to a foreign Government are references to the Government of a state other than the United Republic and to the organs of such a Government;
- (c) to a technical assistance authority are references to such organizations as may be prescribed.

(6) For the purposes of this Act, "chargeable income" shall not include that part of the income of a technical assistance officer which is paid by a foreign Government or other technical assistance authority, or for which his employer is reimbursed by a foreign Government or other technical assistance authority.

3-(1) Where under any settlement any chargeable income is paid in any year during the life of the settlor to, or for the benefit of a child of the settlor under the age of 18 years, such income shall be deemed to, be the chargeable income of the settlor for that year.

**Income of
children**

(2) The chargeable income of a child who has not attained the age of eighteen years which is derived from his parent or guardian shall be deemed to be the chargeable income of that parent or guardian.

(3) For the purposes of subsection (1)-
"settlement" includes any disposition, trust, covenant, agreement, arrangement or transfer of assets;
"settlor" in relation to a settlement, includes any person by whom the settlement was made or entered into either directly or indirectly.

PART 11

IMPOSITION OF TAX

Imposition
of tax

4-(1) Subject to section 46 and to any exemption from liability under any other written law, there shall be charged, levied and paid in every year by every male person and every single woman in Tanganyika for any part of the year who is in receipt of a chargeable income exceeding two thousand shillings in Tanganyika in the year by reference to which the tax is assessable a tax, to, be known as personal tax, at the rates set out in the First schedule to this Act.

(2) For the purposes of this section, the following persons shall be deemed to be in Tanganyika-

- (a) a person who is drawing a salary in respect of his services in Tanganyika, during the period when he is drawing such salary other than a period of leave which immediately precedes his retirement from a salaried post; and
- (b) a citizen of the United Republic Who is in the service of the Government of the United Republic and is employed outside Tanganyika, during the period of such service.

(3) The tax payable by any taxable person in any year shall be assessed by reference to the chargeable income of such person for the immediately preceding year:

Provided that-

- (a) for the year in which a person commences to be liable to Pay tax and for the next succeeding year, he shall be assessed on the income which may reasonably be expected to accrue to him during each of the years respectively; and
- (b) for the year in which a person ceases to be liable to Pay tax, he shall be assessed on his chargeable income during that year.

Imposition
of tax on
married
persons

5_(1) For the Purposes of this Act, the chargeable income of a man who is married shall be deemed to be the aggregate of his chargeable income and that of his wife or wives and, with respect to any such case, references to chargeable income in this Act shall, unless the context otherwise requires, be construed as references to such aggregate:

Provided that-

- (a) the chargeable income of a woman deemed to be a single woman shall not be aggregated with that of her husband; and
- (b) the chargeable income of a wife shall not be aggregated with that of her husband during the year in which their marriage takes place.

(2) A single woman who marries shall not cease to, be liable for tax in the year of her marriage, or for any tax which may be unpaid in respect Of any previous year.

(3) A single woman shall not be liable for tax in any year for which any Man who is or was married to that woman is liable to pay tax assessed on an a aggregated chargeable income of which her chargeable income is a part.

6.-(1) Subject to section 8, every collector shall, as soon as practicable after the 1st January in each year, proceed to, assess all persons in his area whom he considers liable to pay the tax.

Collector to
make
assessment

(2) Before proceeding to assess any person, a collector may, if he considers it necessary or desirable, require that person to furnish him, in the prescribed form and within such time, not being less than fourteen days, as the collector may appoint, with a full and accurate return of income in respect of the preceding year together with such particulars and information as may be required for the purpose of assessing the chargeable income of such person.

(3) Where any person has furnished a return pursuant to a requirement of a collector under subsection (2), the collector may

- (a) accept the return and make an assessment accordingly; or
- (b) if he has reasonable grounds for thinking that the return is not a true and accurate return, refuse to accept the return and according to the best of his judgment determine the chargeable income of such person and make an assessment accordingly.

(4) A collector may require by notice in writing any person whom he considers may be a taxable person to attend before him at such time and date, not being within seven days, and at such place as he may appoint in order that such person may be examined as to the extent of his liability for tax.

(5) When requiring a taxable person to attend before him under subsection (4), the collector may at the same time require that person to bring with him all books, documents and other papers whatsoever relating to his income.

(6) A collector may, in addition or as an alternative to intimating any requirement under this section to individual persons, address such a requirement to any class or group of taxable persons and shall make such requirement known in any manner which he considers appropriate for drawing it to the notice of all persons who should have notice thereof. Evidence that any such requirement has been made known in the manner provided for by this subsection shall be *prima facie* evidence that every person to whom it applies has had notice thereof.

(7) Every person required to attend before a collector under this section shall be bound to answer truthfully and fully all questions pertinent to his examination as to the extent of his liability for tax.

(8) Any taxable person who fails to comply with any requirement made under this section or who refuses to answer or who fails to answer truthfully and fully any question pertinent to, his examination as to the extent of his liability for tax, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five hundred shillings or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

Service of
assessment

7-(1) A collector shall cause the assessment to be served on every person assessed.

(2) An assessment shall-

(a) set out the amount of tax assessed;

(b) set out the amount of chargeable income on which the tax is calculated; and

(c) be in the prescribed form.

Assessment
to remain
in force

8. (1) Every assessment made under section 6 which has not subsequently been varied, amended or annulled under this Act shall remain in force as an assessment under this Act in every year succeeding that in which it was made and shall be deemed to be an assessment for the amount of tax concerned served on the person to whom it relates on the first day of January in each succeeding year until replaced by a subsequent assessment made under this Act or until rescinded by a notice of rescission by a collector.

(2) Every assessment made under this Act which has been varied or amended shall as finally varied or amended remain in force in like manner to an assessment which has not been so varied or amended.

Power of
collector to
review
assessments
and amend
assessments

9,(1) Any person who is aggrieved by an assessment made on him may apply, by giving notice of objection in writing to the collector for the area concerned to review the same and every such objection shall be made within thirty days of the date of service of the assessment or by the 31st January in the case of an assessment deemed to have been served under section 8-

Provided that the collector may, on such grounds as appear to him to be sufficient, extend the period within which notice of an objection may be given.

(2) On receipt of a notice of objection under subsection (1), the collector may require the person giving notice to furnish such particulars and information as the collector may deem necessary with respect to the income of such person, and to produce all books or other documents in his custody or under his control relating thereto; and the collector may, in accordance with section 32, by notice in writing, require any person whom he thinks is able to give evidence in respect of the assessment to attend before him for examination in relation thereto.

(3) Where any person who has been assessed to tax has objected to the assessment pursuant to subsection (1) but has subsequently agreed with the collector in writing that he is liable for the amount assessed, such objection shall thereupon abate and the said assessment shall be deemed to be an assessment against which no objection has been lodged under this section.

(4) Where any person who has been assessed to tax has objected to the assessment and-

- (a) agrees with the collector as to the amount of tax for which he is liable, such amount being different from that assessed; or
- (b) does not agree the amount but the collector considers that the assessment should be amended,

the assessment shall be amended accordingly and the amended assessment shall be served in like manner as an assessment.

(5) A certificate purporting to be under the hand of the collector that any person has agreed with him as provided by paragraph (a) of subsection (4) shall be *prima facie* evidence of such agreement.

(6) If any person who under subsection (1) has applied to the collector for a review of an assessment made upon him fails to agree with the collector as to the amount of tax for which he is liable, the collector shall, unless he has amended the assessment cause such person to be notified of his refusal to amend, the assessment, and the right of appeal under this Act against the assessment made upon such person shall remain unimpaired.

(7) Where the collector considers that tax has been assessed from any person for a less amount, either in relation to the chargeable income assessed or to the amount of tax payable, than ought to have been assessed, the collector may, within three years from the service of the assessment, amend the assessment according to the best of his judgment and an amended assessment shall be served in like manner as an assessment.

10. Where no valid objection or appeal against an assessment has been lodged, or where such an objection has abated under subsection (3) of section 9, or where the amount of the assessment has been agreed to under paragraph (a) of subsection (4) of section 9, or where the amount of the assessment has been determined on appeal, the assessment, as made or agreed to or determined on appeal, as the case may be, shall be final and conclusive for all purposes of this Act as regards the amount of tax due by the person to whom the assessment relates during the period while such assessment is in force.

Assessments
or amended
assessment
to be final

11.(1) No assessment, notice or other proceedings purporting to be done or made in accordance with this Act shall be quashed, or deemed to be void or voidable for want of form, or be affected by reason of a mistake, defect or omission therein, if the same is in substance and effect in conformity with or according to the intent and meaning of this Act.

Errors in
notices, etc.

(2) The name of the person who is assessed to tax shall appear on every assessment but no assessment or other document mentioned in subsection (1) shall be impeached or affected by reason of any mistake therein as to the name or surname of such person if he is designated according to common intent and understanding.

(3) This section shall not be construed as being in derogation of the provisions of section 56.

PART III

APPEALS

Establish-
ment of
Appeal
Boards

12. (1) For the purposes of this Act, an Appeal Board is hereby established in every region.

(2) The Minister may, by notice published in the *Gazette*, prescribe the composition, constitution and procedure of every such Board.

(3) Appointments to the membership of an Appeal Board shall be made in accordance with the notice issued under subsection (2) but need not be published in the *Gazette*.

(4) A notice under subsection (2) may be made in respect of Appeal Boards generally, whether or not subject to exceptions, or in respect of one or more Boards and every notice shall make provision for the appointment of a Secretary to the Board and for his functions.

Right of
appeal to
Appeal
Board

13.-(1) Any person who, being aggrieved by an assessment made on him and having objected thereto in the manner provided by section 9, has failed to agree with the collector concerned in the manner provided in the said section 9, may, upon giving notice to the Appeal Board in writing within thirty days after the date on which he was notified of an amended assessment to which he objects or of the refusal of the collector to amend the assessment, appeal against such assessment to the Appeal Board established for the region in which he resides or is.

(2) Where a person has failed to give notice of appeal within the period specified in subsection (1), he may apply to the Appeal Board for leave to appeal and the Appeal Board shall grant such leave on being satisfied that owing to absence from Tanganyika, sickness or other reasonable cause he was prevented from giving notice of appeal within the relevant period and that there has been no unreasonable delay on his part.

Procedure
on appeal to
Appeal
Board

14. In every appeal to an Appeal Board under section 13, the following provisions shall apply-

- (a) every person appealing shall appear before the Appeal Board, either in person or, if the Appeal Board in its discretion so permits, by agent, on the day and at the time fixed for the hearing of the appeal:

Provided always that if it be proved to the satisfaction of the Appeal Board that owing to absence from Tanganyika, sickness or other reasonable cause, any person is prevented from attending at the hearing of his appeal on the day and at the time fixed for the purpose, the Appeal Board shall postpone the hearing of such appeal for such reasonable time as it thinks necessary:

Provided further that where the applicant does not attend before the Appeal Board, the Appeal Board shall nonetheless review the assessment and may summon the collector before it;

- (b) the collector shall have the right to appear, in person or by agent, and to be heard in respect of every appeal;
- (c) all appeals to the Appeal Board shall be heard in camera;

- (d) an Appeal Board may confirm reduce, increase, or annul the assessment; and notice of the Appeal Board's decision, the date thereof, and of any amendment to the assessment, shall be sent to the collector concerned who shall cause a copy thereof to be served upon the person appealing;
- (e) the onus of proving that the assessment appealed against is excessive shall be on the appellant;
- (f) subject to the procedure prescribed, and to the regulations made under section 58, an Appeal Board may regulate its own procedure;
- (g) where the decision of the Appeal Board results in any amendment to the assessment, the assessment shall be amended accordingly and the collector shall cause an amended assessment setting out the amendment and the amount of tax payable to be served on the person assessed.

PART IV

PAYMENT, COLLECTION AND RECOVERY OF TAX

15. Where notice of an objection or an appeal has been given, collection of tax, other than tax which is not in dispute, shall remain in abeyance until such objection or appeal is finally determined. Payment when objection or appeal pending
- 16.-(I) Subject to sections 15 and 17 and to any order made under section 17, the tax shall be payable in the following manner- payment of tax
- (a) tax payable by an employee of an employer to whom section 24 applies shall be payable in twelve equal monthly instalments the first of which shall be payable on the 31st January;
 - (b) tax payable by a person other than an employee of an employer to whom section 24 applies shall be payable in four instalments as follows-
 - (i) the first instalment shall be due and payable 30 days from the service on the taxable person of the assessment, save that in the case of an assessment deemed to have been served under section 8, the first instalment shall be payable by the 1st April;
 - (ii) the second instalment shall be payable by the 1st June;
 - (iii) the third instalment shall be payable by the 1st September;
 - (iv) the fourth instalment shall be payable by the 1st December.

(2) Where subsection (1) has become impossible of performance because the day for payment of the tax has already passed when the assessment is served upon the taxable person, the collector shall serve a notice in writing upon the taxable person nominating the due date for the instalments of tax which cannot be paid on the dates provided in subsection (1).

Special provisions as to due date of payment

17,(I) Any person who is not in Tanganyika on the 1st January in any year and who enters Tanganyika during that year and is liable to pay tax in respect of that year shall pay tax in the manner provided by section 16.

(2) Any person liable to pay tax for any year under this Act who intends to leave Tanganyika and is unable to satisfy the collector that he will return to Tanganyika before any instalment of tax becomes due or that satisfactory arrangements have been made for the payment of tax when due by such person, shall be liable to, pay all tax for which he is liable before leaving Tanganyika.

(3) Notwithstanding the provisions of this Act to the contrary, if he is satisfied that owing to the economic conditions of a particular class of persons or of a particular area or of a particular class of persons in a particular area it is desirable so to do, the Minister may by order vary section 16 in its application to such class or area and may in like manner substitute for the said section such other provisions relating to payment of the tax as he may consider fit and provide for the application of such substituted provisions to such class or area instead of the provisions of section 16.

(4) When any order is made under subsection (3) the tax for which persons affected thereby are liable, shall become payable and be paid in accordance therewith.

Penalty

18,(I) If any tax is not paid on the due date-

- (a) an additional sum equal to twenty-five per cent of the tax then payable shall thereupon become payable by way of penalty;
- (b) where any tax is not paid within thirty days from the due date an additional sum equal to thirty per cent of the tax then payable shall thereupon become payable by way of penalty in lieu of the penalty provided for by paragraph (a);
- (c) where any tax is not paid within ninety days from the due date an additional sum equal to forty per cent of the tax then payable shall thereupon become payable by way of penalty in lieu of the penalty provided for by paragraph (b);
- (d) where any tax is not paid within one hundred and eighty day from the due date, an additional sum equal to fifty per cent of the tax then payable shall thereupon become payable by way of penalty in lieu of the penalty provided for by paragraph (c);
- (e) where any tax is not paid within two hundred and seventy days from the due date, an additional sum equal to seventy per cent of the tax then payable shall thereupon become payable by way of penalty in lieu of the penalty provided for by paragraph (d),

and such penalty may be recovered by all means by which it might be recovered if it were tax and references to tax in this Act shall be construed accordingly.

(2) Notwithstanding subsection (1), liability for the payment of penalty shall not accrue where the taxpayer satisfies the collector that the default was due to causes beyond his control.

19. Where the payment of tax in whole or in part has remained in abeyance until the determination of an objection or an appeal, the due date or dates for the payment of the tax outstanding, as determined on such objection or appeal, shall be the date or dates upon which the tax is required to be paid under sections 16 and 17.

Collection of tax after determination of objection or appeal

20. (1) The collector may as regards his area or any part thereof appoint the place at which and the tax authority to whom the tax is to be paid by the taxable persons in the area or part thereof concerned. (2) Every taxable person, other than a person who has paid or is paying his tax by deduction at source under this Act, shall, on or before the due date, pay the amount of the tax for which he is liable in accordance with any appointment made under subsection (1) which applies to him.

Tax to be paid to tax authority in accordance with appointment

(3) Every appointment made by a collector under subsection (1) shall be made known in such manner as the collector may think necessary for bringing to the notice of all persons who should in his opinion have notice thereof and thereupon every taxable person in the area to which the appointment refers shall be deemed to have received notice of such appointment.

21. (1) Every person paying the tax shall, on being requested so to do by a tax authority, furnish such tax authority with such information as may be required by him in preparing a receipt.

Tax payers to provide certain information

(2) Any person paying the tax who fails to comply with a request made under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred shillings or to imprisonment for a term not exceeding one month or to both such fine and imprisonment.

22. (1) A tax authority receiving any tax shall give to the taxpayer paying it a receipt in the prescribed form.

Receipt to be given in prescribed form

(2) A tax authority to whom any person tenders the acknowledgements for full payment of the tax deducted in pursuance of section 24 shall thereupon give such person a receipt for the tax in the prescribed form.

(3) Any such tax authority who intentionally omits to give a receipt when required to do so by subsection (1) or (2), or in any manner delays or defers the giving of such a receipt, or gives such receipt for an amount other than that received or exhibited in the acknowledgements delivered up, or gives a receipt otherwise than in the prescribed form, shall be guilty of an offence against this Act and shall be liable on conviction to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(4) In any prosecution for an offence under subsection (3), proof of the commission of any of the acts charged shall be *prima facie* evidence of the intent of the defendant to commit such act.

Recovery of tax

23,--(I) The tax and any penalty payable under this Act shall be a debt due to the United Republic and if any tax is not paid by the due date may be sued for and recovered with full costs from the person charged, or the employer by whom the tax was deducted or was required to be deducted, as the case may be, by any collector, tax agent or tax clerk in his official name in any court of competent jurisdiction.

(2) In any suit for the recovery of any tax or penalty, a certificate under the hand of the collector stating the amount of tax or penalty certified as being due and payable by such person, shall be sufficient, evidence of the amount so due and shall be sufficient authority for the court to give judgment for such amount.

Deduction of tax from employees

24,(I) An employer, to whom this section applies, shall deduct from the salaries, wages and other moneys due by such employer to taxable persons, the tax due from the taxable persons employed by him in the manner provided, by section 16, and shall pay the amount thereof to the collector, or as he may direct, within seven days from the date of deduction.

(2) Every taxable person who is employed by an employer to whom this section applies shall notify his employer of every assessment served on him and shall permit him to record the details thereof.

(3) The collector may notify an employer to whom this section applies of assessments and their contents served on any of his employees

(4) An employer shall, upon deduction, issue to each taxable person concerned an acknowledgement of every instalment of tax deducted by him.

(5) If the employee has failed or neglected to notify the employer of an assessment served on him, or if the employee has not received an assessment and the collector has not notified the employer of an assessment served on an employee, the employer shall deduct tax at a rate appropriate to the chargeable income which would have accrued to such employee if he had been employed for the whole of the preceding year at the same remuneration (being all such remuneration constituting chargeable income) as that at which he is employed at the date on which the first deduction is made and he had no other chargeable income.

(6) Where any employee produces to the employer a valid receipt in the prescribed form acknowledging the payment of the tax by such employee for the current year, or a certificate of exemption, the employer shall report the matter to the collector and shall not deduct any sum by way of tax from the salary, wages or moneys due by him to such person after the date of the production of such receipt or certificate unless so directed by the collector and the collector shall not give any such direction unless the receipt or certificate relates to an amount of tax less than that due from such employee.

(7) Where an employer, who is required to deduct the tax or any instalment thereof under this section, fails or neglects to deduct the same from the salary, wages or moneys due to any taxable person employed by him, the employer shall be himself liable for the amount which but for his default should have been so deducted, and the collector may recover the same as a debt due to the United Republic together with full costs.

(8) An employer who, having made any deduction in accordance with this section, fails without reasonable cause to pay the amount thereof to the collector or in accordance with his directions, as the case may be, within seven days from the date of deduction shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding one thousand shillings and the amount of any deduction which he shall have made and not paid to the collector or in accordance with his directions or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(9) Any person who fraudulently alters or defaces any such acknowledgement as is referred to in subsection (4) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(10) Any employer, and any clerk or servant of an employer, engaged in the making of deductions for the purposes of this section, who intentionally omits to give any such acknowledgement as is referred to in subsection (4), or in any manner delays or defers the giving thereof, or gives such an acknowledgement for an amount other than that deducted, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding six months or to both such fine and imprisonment; and, in any prosecution for an offence under this subsection, proof of the commission of any of the acts charged shall be prima facie evidence of the intent of the defendant to commit such act:

Provided that an employer who employs a clerk or servant for the making of deductions under this section shall not be guilty of an offence under this subsection unless the act or omission which constitutes such offence was done or omitted on his express instructions.

(I 1) This section shall apply to-

- (a) employers of ten taxable persons or more, and **where in any year an employer ceases to employ ten persons or more this section shall not cease to apply to that employer until the expiration of that year; and**
- (b) an employer of less than ten taxable persons who consents in writing to the application of this section to him in any year as if he were an employer of ten taxable persons or more.

25. Every person who employs ten or more persons shall, at such times and in such manner as may be prescribed, furnish the collector for the area in which such employer carries on his business with a return of all the persons employed by him and of the salary, wages and other remuneration and allowances paid to such persons.

Employers to
make
periodic
returns

Power to
summon
defaulters

26.-(1) If it appears that any person makes default in the Payment of any tax or penalty due from him, any magistrate, having jurisdiction in the district or place. in which the person in default is for the time being staying or residing, may, and upon an application in writing by a collector shall, issue a summons directing such Person to attend before him at a time to be named in the summons to show cause why he should not be ordered to pay the amount due as a judgment debt.

(2) Where a summons to any person to show cause as mentioned in subsection (1) has been issued, the magistrate may, on the date named in the summons or on any other date to which the hearing may be adjourned, order him to Pay into court forthwith or within such time as may be determined by the magistrate, the amount of the unpaid tax and penalty, and costs, either in one sum or in instalments'

imprison-
ment for
failure to
obey order

27,-(J) If any person summoned in accordance with section 26 fails without lawful excuse to comply with the summons or if he make default in any payment into court ordered by the magistrate, the magistrate may commit such Person to prison for a term not exceeding six weeks or until payment of the sum ordered to be paid. if paid before the expiration of such term:

Provided that no such committal shall be ordered for default payment as aforesaid unless it be proved to the satisfaction of the magistrate that the person either has, or has had since the date of the order, the means to pay the sum in respect of which he has made default, and has refused or neglected, or refuses or neglects, to pay the same.

(2) proof of the means of any such person as is referred to in sub section (1) may be given in such manner as the magistrate thinks fit and for the purpose of proof, such person and any witnesses may summoned and their attendance enforced by the same processes as in cases in which the magistrate has jurisdiction in civil matters, and such debtor and witnesses may be examined on oath.

(3) Every order of committal under this section shall be issued obeyed and executed in like manner to committals by a court in the exercise of its jurisdiction in civil cases.

(4) Imprisonment under this section shall not operate as a satisfaction or extinguishment of the judgment debt.

(5) The amount of any tax or penalty due and unpaid, and the sum (if any) ordered to be paid for costs, may at any time be levied by the attachment of the property of the person concerned in like manner if the same were Payable under a decree of a civil court, and a magistrate is hereby empowered to issue such an attachment order, either of his own motion or on the application of a collector,

28. In the event of the person paying the whole amount ordered, pursuant to section 26, to be paid and the costs of or in connection with any attachment ordered, the magistrate shall remit to a collector the amount so paid after deducting therefrom such part thereof as may represent costs, and the collector on receipt of such sum shall issue to the taxable person who has paid such sum a receipt in the prescribed form.

Defaulter
paying

29. The collector may, by notice in writing, require any person who is the occupier of any premises to furnish him within a reasonable time, not being less than fourteen days from the date of the service of such notice, with a return containing-

Occupier's
return of
rent

- (a) the name and address of the owner or lessor of such premises; and
- (b) a full and true statement of the rent or any other consideration payable for the occupation thereof.

30. The collector may, by notice in writing, require any person who provides accommodation for any lodger or inmate to furnish him within a reasonable time, not being less than fourteen days from the date of service of such notice, with a return containing the name of every lodger or inmate who is at the date of the notice resident in his house, hotel or institution, and who has (except for temporary absences) been so resident throughout the three months prior to the date of such notice.

Return of
lodgers and
inmates

31. The collector may, by notice in writing, at any time require any person who is in receipt of chargeable income as the representative of or on behalf of, any other person who is chargeable with tax in respect thereof, or who would be so chargeable if he were a resident person, to furnish him within a reasonable time, not being less than fourteen days, from the date of service of such notice, with a return containing-

Return of
income
received on
account of
other persons

- (a) a full and true statement of such income; and
- (b) the name and address of the person to whom it belongs.

32.(I) For the purpose of obtaining full information in respect of the chargeable income of any person or class of persons, the collector may, by notice in writing, require that person or any other person or body of persons corporate or unincorporate-

Production
and preservation
of book,
attendance,
etc

- (a) to produce for examination by the collector, at such time and place as may be specified in such notice, any accounts, books of account and other documents which the collector may consider necessary;
- (b) to produce forthwith for retention by the collector for such period as may be reasonable for their examination any accounts, books of account and other documents which the collector may specify in such notice;
- (c) not to destroy, damage or deface, on or after service of such notice, any of the accounts, books of account and other documents so specified without permission of the collector in writing.

(2) The collector may, by notice in writing, require any person entitled to or in receipt of any chargeable income, whether on his own behalf or as representative of any other person, to attend at such time and place as may be specified in such notice and answer truthfully and fully any questions respecting his income or the income of any such other person or respecting any transactions or matters appearing to be relevant thereto.

(3) The collector may exercise the powers conferred on him by this section in relation to any year at any time prior to the expiry of three years after such year.

(4) The collector shall not exercise his powers under this section in relation to any agent, banker or other person, confidentially employed in the affairs of the Person in respect of the income of whom the collector is exercising such powers, unless he has first applied to the Appeal Board for the area in which the person on, whom the notice in writing is to be served resides and such Appeal Board has endorsed on such notice its approval to the service thereof; and in the case of a banker, the powers of the collector under this section shall be limited to the inspection of books or documents at the place at which they are kept and to the taking of copies of any relevant entries therein.

Return as to
fees,
commissions
etc

33.(I) The collector may, by notice in writing, require any person carrying on any business to furnish him within a reasonable time, not being less than fourteen days from the date of service of such notice, with a return of all payments made by such person of any kind specified in the notice, being

- (a) payments made in the course of the, business for services rendered or in anticipation of services to be rendered. by Persons not employed in such business; or
- (b) payments for services rendered, or in anticipation of services to be rendered, in connection with the formation, acquisition, development or disposal of the business or any part of it, by persons not employed in such business.

(2) A return made under this section shall give the names and addresses of all persons to whom payments were made, the amounts of the payments and such other particulars as may be specified in the notice.

(3) In this section-

- (a) "business" includes trade, profession or vocation;
- (b) "person" includes a body of persons corporate or unincorporate;
- (c) references to payments for services include references to payments in the nature of commission of any kind and references to payments m. respect of expenses incurred in connection with the rendering of services; and

(d) references to the making of payments include references to the giving of any form of valuable consideration,

and the requirement imposed by subsection (2) to State the amount of a payment shall, in relation to any consideration given otherwise than in the form of money, be construed as a requirement to, give particulars of the consideration.

34.(I) A tax inspector may require any person whom he has reason to believe to be a taxable person to produce the receipt granted to such person for the payment of the tax for the current year and each of the two preceding years, or a certificate of exemption, and the tax inspector may retain any receipt or certificate so produced for such time as may be necessary for the purpose of identifying the person named therein with the person producing the same: Obligation to produce receipt

Provided that a taxable person who is an employee and is paying tax by deductions made under section 16 (1) (a) by his employer from his wages, salary or other moneys, shall not be under any obligation to produce a receipt for the payment of tax in respect of the current year.

(2) For the purpose of exercising the powers vested in him by subsection (1), a tax inspector may enter, at any reasonable hour, upon any land or premises.

(3) Where a person from whom a receipt has been demanded under subsection (1) fails to produce a receipt or a certificate of exemption, the tax inspector may require him-

- (a) to furnish such information as may be necessary for the purpose of establishing his identity, place of residence, place of business or employment and for ascertaining whether he is liable or has paid tax;
- (b) where the person claims that he is paying tax by deduction pursuant to section 16, the employer to establish to his satisfaction whether such person's claim is valid.

(4) Any person who, being required as aforesaid to produce his receipt, produces a tax receipt or certificate of exemption granted to some other person, or who, having failed to produce his tax receipt or certificate of exemption, furnishes false particulars in regard to any information which may be required of him under paragraph (a) of subsection (3) or who fails to answer any relevant question put to him under the provisions of the said subsection or who, being an employer, wilfully fails to comply with paragraph (b) of subsection (3), shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five hundred shillings or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

(5) Evidence of failure to produce a receipt for the payment of the tax for any year upon such requirement being made under subsection (1) shall, in and for the purposes of any criminal proceedings, under or arising out of this Act, be *prima facie* evidence that the tax has not been paid and shall in any, proceedings for the recovery of tax be **evidence that such tax has not been paid,**

(6) In this section "tax inspector" means a collector, a police officer not below the rank of sub-inspector and any other police officer or tax agent or tax clerk authorized for the purposes of this section in writing by a collector.

Collection of
tax from
persons
leaving
Tanganyika

35. (1) Where the collector has reason to believe that any person who has been assessed to tax may leave Tanganyika within a short time without having paid such tax, then, notwithstanding anything in sections 16 and 17, he may, whether or not the due date for the payment of all such tax has arrived, by notice in writing served personally on the said person, require-

- (a) that payment of the whole or such part as remains unpaid, of the tax including any penalty which may be payable, be made within such time as may be specified in the notice; or
- (b) that security to his satisfaction be given for such payment.

(2) Where any notice has been served on any person under subsection (1), the amount of the tax assessed and required to be paid, shall, notwithstanding that a valid notice of objection to or appeal against the assessment has been given or is pending, be due and recoverable on the date specified in such notice.

(3) Where any person has failed to comply with a notice served on him under subsection (1), the collector may apply to a resident magistrate for the arrest of such person; and if the magistrate is satisfied, by affidavit or otherwise-

- (a) that an amount of tax is due by such person; and
- (b) that such person has failed to, comply with the said notice; and
- (c) that there is reason to believe that such person may leave Tanganyika within a short time,

the resident magistrate may issue a warrant to arrest such person and bring him before the magistrate to show cause why he should not pay such tax or give security therefor to the satisfaction of the collector:

Provided that such person shall not be arrested if he pays to the officer entrusted with the warrant the amount of the tax due.

(4) Where any person brought before a resident magistrate under subsection (3) fails to show cause as required by that subsection, the resident magistrate may order him either forthwith to pay the amount of tax due or forthwith to give security therefor to the satisfaction of the collector and, in default of compliance, to be committed to prison until either such tax due is paid or such security given:

Provided that-

- (a) no such person shall be detained in prison for a longer period than six weeks;
- (b) the detention in prison of any such person shall not release such person from his liability to pay such tax.

(5) In any proceedings under subsections (3) and (4), the production of a certificate signed by the collector giving the name and address of the person and the amount of tax due by him shall be sufficient evidence that such amount of tax is due by such person.

(6) The compliance by any person with a notice served on him under subsection (1) shall not prejudice in any way his right to object to or appeal against the assessment.

PART V

OFFENCES

36. (1) Any taxable person who neglects or fails to pay the tax for which he is liable within three months after the due date shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding five hundred shillings or to imprisonment for a term not exceeding three months or to both such fine and imprisonment, unless he proves to the satisfaction of the court that his failure so to do was due to poverty or other circumstances beyond his control.

Neglect or failure to pay tax within three months after due date

(2) Nothing contained in subsection (1) shall affect or be construed as affecting any right of recovery of the amount of tax concerned or any penalty due in respect thereof.

(3) Any tax authority may without a warrant arrest any person whom he suspects on reasonable grounds of having committed an offence under subsection (1).

(4) A tax authority making an arrest without a warrant under subsection (3) shall without delay cause the person so arrested to be brought before any court having jurisdiction to try the offence for which he has been arrested.

(5) Every person arrested under this section shall, until such time as he is brought before an appropriate court, be in lawful custody.

(6) Proceedings under this section may be taken in respect of any tax within three years after the due date therefor.

37-(I) Any person who, with intent to evade or to, assist any other person to evade tax-

Evasion of tax

- (a) misrepresent the income or chargeable income of himself or any other person;
- (b) makes any false statement or entry in any document made or required under this Act;
- (c) gives any false answer, whether orally or in writing, to any question or request for information asked for or made in accordance with this Act;
- (d) prepares or maintains, or authorizes the preparation, or maintenance of, any false books of account or other records, or falsifies, or authorizes the falsification of, any books of account or records; or

(e) makes use of any fraud or authorizes the use of any fraud, shall be guilty of an offence against this Act and shall be liable on conviction to a fine not exceeding four thousand shillings or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

(2) Whenever it is proved in any proceedings under this section that any false statement or entry is made in any return under this Act by or on behalf of any person or in any books of account or other records maintained by or on behalf of any person, that person shall be presumed, until the contrary is proved, to have made that false statement or entry with intent to evade tax.

Obstruction
of tax
authority

38. Any person who obstructs or hinders any tax authority in the discharge of his duties under this Act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five hundred shillings or to imprisonment for a term not exceeding three months or to both such fine and imprisonment

Penalty for
inciting a
person to
refuse to
pay tax

39. Any person who without lawful justification or excuse incites any person to refuse to pay any tax payable by him under this Act, shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

Unauthorized
collection of
tax

40. Any person who, not being authorized by or under this Act so, to do, collects or attempts to collect any tax under this Act, shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

Penalty for
failure to
comply with
notices, etc.

41. Any person who-

- (a) fails to furnish to the collector a full and true return in accordance with the requirements of a notice served on him under this Act; or
- (b) fails to furnish or produce for examination to, the collector any document which he is required to furnish under any notice served on him under this Act- or
- (c) destroys, damages or defaces any accounts or other documents in contravention of a notice served on him under subsection (1) of section 32; or
- (d) fails without reasonable cause to attend or fails to answer fully and truthfully Any questions when so required to do under subsection (2) of section 32,

shall be, guilty of an offence and on conviction shall be liable to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding six months or to both such fine and imprisonment:

Provided that, if any person charged with an offence under this section proves that he had reasonable excuse for such failure, destruction, damage or defacement, he shall not be guilty of the offence.

42. Any tax clerk or tax agent appointed under this Act who fails to deposit with the collector concerned any sum of money collected by him as tax, and any tax authority who-

Liabilities of tax authorities, etc.

- (a) knowingly and in bad faith demands from any person an amount of tax in excess of the tax due;
- (b) knowingly or recklessly renders false returns whether orally or in writing of the number of persons liable to, pay the tax, or the amount of tax collected or received by him; or
- (c) wilfully fails to carry out any duties imposed upon him as a tax authority by this Act,

shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

43 (1) Where, in any proceedings, criminal or civil, under or arising out of this Act, there is *prima facie* evidence of the service upon the defendant of an assessment, whether during the year in respect of which the proceedings are brought or during any previous year, the burden of proof that the defendant is not liable to pay the tax, or is exempt from the tax, or from any part thereof, or is not liable to any penalty in respect of such tax, shall lie on the defendant.

Provisions as to burden

(2) Where, in any proceedings under this Act in which a person is charged with the commission of an offence as a taxable person, there is *prima facie* evidence of the service upon the defendant of an assessment, whether during the year in respect of which the proceedings are brought or during any previous year, the burden of proof that the defendant is not a taxable person shall lie on the defendant.

44, (1) In any criminal proceedings under or arising out of this Act against a person who does not produce a valid receipt issued to him for the payment of the tax in any year, a certificate in the prescribed form signed by a collector certifying that he has examined the duplicate copies of all the tax receipts issued during the whole or any specified period of that year in the area or any part thereof for which he is the collector, and that from such examination it appears that no tax receipt was issued during such time or at such place to a person of the name and description of the person against whom proceedings are brought, shall be admissible as evidence that no tax receipt was issued to such person at such time and place as are stated therein.

Certificates by collectors

(2) A signature upon any certificate issued under this section, purporting to be the signature of a collector, shall be accepted as the signature of a collector until the contrary is shown.

45. Any person charged with any offence against this Act may be proceeded against, tried and punished in any place in which he may be or may be in custody for that offence as if the offence had been committed in such place; and the offence shall for all purposes incidental to, or consequential upon, the prosecution, trial or punishment thereof be deemed to have been committed in that place:

Place of trial

Provided that nothing in this section shall preclude the prosecution, trial and punishment of such person in any place in which, but for this section, such person might have been prosecuted, tried and punished.

PART VI

EXEMPTION AND REFUNDS

- Exemptions 46.(I) There shall be exempted from the payment of tax under this Act-
- (a) the President;
 - (b) any person on a temporary visit to Tanganyika for a period not exceeding six months who does not engage in any employment or business in Tanganyika;
 - (c) any person who has not attained the age of eighteen years.
- (2) The Minister may, by order published in the *Gazette*, exempt any person, or any class of persons, from payment of tax under this Act, either wholly or in part, and from all or any of the provisions of this Act on any ground which to him may seem sufficient and may grant such exemption subject to such terms and conditions, if any, as he may consider appropriate.
- Certificates of exemption 47. A collector, where satisfied that any person is exempt from the payment of tax by or under section 4 (2), shall issue to such person a certificate of exemption.
- Saving of certain certificates of exemption 48. Every certificate of exemption granted under section 45 of the Personal Tax Ordinance shall be deemed to have been granted under this Act, and shall be valid for such period as such certificate would have been valid but for the repeal of the said Ordinance.
- Revocation Of certificate of exemption 49. Where he is satisfied that the grounds on which a certificate of exemption has been granted or deemed to have been granted no longer exist, the Principal Secretary to the Treasury may cancel such certificate, and where a certificate is so cancelled the exemption of the person to whom it was granted shall cease on the thirty-first day of December of that year.
- Refund of tax 50. (1) If it is proved to the satisfaction of the Principal Secretary to the Treasury or a collector that any person has paid tax for any year, by deduction or otherwise, in excess of the amount with which he is properly taxable, such person shall be entitled to have the amount so paid in excess refunded:
- Provided that no such decision in favour of a refund shall be made **in respect** of any such excess more than three years after the excess was paid.
- (2) There shall be refunded to the taxable person who paid the same, or if he is dead to his personal representative, on his leaving Tanganyika with the intention of removing his residence therefrom so that he ceases to be a taxable person, or on his earlier death, such proportion of the tax paid by any technical assistance officer as the Minister may, by notice published in the *Gazette*, direct.

PART VII

ADMINISTRATION AND MISCELLANEOUS

51.-(1) The Principal Secretary to the Treasury shall be charged with the administration of this Act. Administration of Act

(2) The Principal Secretary to the Treasury may from time to time issue written instructions, either general or special, not inconsistent with this Act for the guidance of collectors, tax agents and tax clerks in the performance of their duties under this Act, and may direct or authorize any questions of doubt or difficulty in connection therewith to be referred to him for decision.

(3) A collector may give like instructions and directions to tax agents and tax clerks.

(4) Any such instruction, direction or decision shall be observed and given effect to by those to whom they apply, but shall not be binding on any court.

(5) All or any of the powers and duties conferred or imposed by this Act on a collector may be exercised or performed by the Principal Secretary to the Treasury.

52.-(1) The Principal Secretary to the Treasury, may by notice published in the *Gazette*, appoint for any area of Tanganyika, such person as he deems fit to be the collector for that area. Appointment of collectors, tax agents and tax clerks

(2) Where no such appointment is made for any area in Tanganyika, or any part of any such area, the Internal Revenue Officer of such area shall be the collector for such area or part thereof, as the case may be.

(3) The Principal Secretary to the Treasury, or any Regional Commissioner as respects his region, may from time to time appoint as tax agents such persons as he may deem necessary to assist in the collection of taxes under this Act and may, in making such appointments, specify the area for which any such person is appointed, and may, subject to this Act, enter into such agreements as he may deem necessary with any persons so appointed as to the performance of their functions and as to remuneration.

(4) A collector or tax agent may appoint tax clerks to assist him in the performance of his functions.

(5) A copy of any appointment made under subsection (3) or subsection (4) purporting to be certified under the hand of the person making such appointment shall, without prejudice to any other mode of proof, be sufficient proof in any court of such appointment.

(6) it shall not be necessary to publish any appointment made under the provisions of subsection (3) or subsection (4) in the *Gazette* but it shall be the duty of the person making the same to take such steps as seem to him to be desirable for making such appointment known to the persons likely to be affected thereby.

(7) In addition to the steps taken under subsection (6), the collector for the area concerned shall provide every tax agent and tax clerk engaged in the collection of tax in that area with a means of identification, identifying the Person concerned and the nature of his appointment; and a tax agent or tax clerk shall be obliged to produce for inspection such means of identification when called upon to do so by any person from whom the tax agent or tax clerk is endeavoring to collect tax.

Duty of
tax agents

53. It shall be the duty of every tax agent appointed under this Act to collect the tax in the area for which he is appointed under the direction of the collector for that area.

Service of
notices

54(1) Subject to any specific Provision to the contrary, in this Act, every notice, assessment, requirement or other document under this Act may be served personally by a tax authority or by being sent through registered post, or left-

- (a) where the Principal Secretary to the Treasury is the addressee, at the Treasury, Dar es Salaam;
- (b) where a collector is the addressee, at the office of the Internal Revenue Officer for the area;
- (c) where an Appeal Board is the addressee, at the office of the Secretary to the Board;
- (d) where any other person is the addressee, at the usual place or last known place of abode or business of such person.

(2) Where an assessment under this Act is served Personally on any person, the tax authority serving the assessment or causing the assessment to be served shall record or cause to be recorded in a book the name of such person, the amount of tax demanded from him, the number of the assessment served on him and the date of service.

(3) An entry in the book referred to in subsection (2) shall be admitted in evidence without proof of the making thereof and shall be prima facie evidence of the service on the person named of an assessment for the amount stated on the date specified therein.

(4) A book purporting to be a book kept under subsection (2) shall be Presumed to be such a book, unless the contrary is shown.

(5) In the event of any notice, assessment, requirement or other document under this Act, being served through the post the notice shall be deemed to have been served not later than the fourteenth day succeeding the day of Posting and for proof of such service it shall be sufficient to prove that the letter containing the notice was properly addressed to the person at the usual place or last known place of abode or business of such person and was posted.

55. All returns, additional information and resulting correspondence relating to any matter under this Act and payment of the tax may be sent free of postage when addressed to the Principal Secretary to the Treasury or a collector if marked with the words "Tanganyika Personal Tax"

Free postage

56.-(1) Notwithstanding any Provision of this Act to the contrary, where a collector is satisfied that by reason of the illiteracy of any person it would be inappropriate or impracticable to serve a Written notice or intimation, not being an assessment, required or provided

special provisions as to service of notices

for by this Act on such person, he may cause the substance of any such notice or intimation to be communicated to such person in such manner as he may consider fit

(2) A certificate in the prescribed form by any tax agent, tax clerk, village executive officer or messenger in the employment of a local authority that, in accordance with the instructions of a collector, the effect of any such notice or intimation has been communicated to such person shall be *prima facie* evidence that such communication was made on the date specified in the certificate.

(3) Any certificate purporting to be a certificate under subsection (2) and to be signed by a tax agent, tax clerk, village executive officer or messenger in the employment of a local authority shall, unless the contrary is proved, be received in evidence and be presumed to be such a certificate and so signed without further proof, unless the contrary is shown.

(4) Any communication made in accordance with this section shall be deemed to be service of the notice or intimation to which it refers.

57.-(1) Every person having any official duty under, or being employed in the administration of, this Act shall regard and deal with all documents, information, returns, assessment lists or copies of such lists relating to the income or items of income of any person as secret.

Official secretary

(2) Every person referred to in subsection (1) having possession of or control over any documents information, returns, assessment lists or copies of such lists relating to the income or items of income of any person, who at any time communicates such information or anything contained in such documents, returns, lists or copies, to any person-

(a) other than a person to whom he is authorized by this Act or the Minister to communicate it; or

(b) otherwise than for the purposes of this Act, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand shillings, or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

(3) No person appointed under, or employed in carrying out the provisions of, this Act shall be required to produce in court any return, document or assessment, or to divulge or communicate to any court any matter or thing coming under his notice in the performance of his duties under this Act, except as may be necessary for the purpose of carrying into effect the provisions of this Act or in order to bring or assist in the course of a prosecution for any offence under this Act, or any offence committed in relation to the tax.

(4) Notwithstanding anything contained in this section, the Principal Secretary to the Treasury shall permit the Controller and Auditor-General, or any officer duly authorized in that behalf, to have access to any records or documents as may be necessary for the performance of his official duties, and thereupon the Controller and Auditor-General, or any such officer, shall for the purposes of this section be deemed to be employed in carrying out the provisions of this Act.

Power to
make
regulations

58. The Minister may from time to time make regulations generally for the carrying out of the provisions of this Act and, in particular, but without prejudice to the generality of the foregoing, for all or any of the following purposes, that is to say-

- (a) prescribing the duties of all persons engaged or employed in the administration of this Act;
- (b) prescribing deductions which may be allowed in the ascertainment of chargeable income;
- (c) prescribing the forms of assessments, returns, claims, statements, appeals and notices under this Act and by whom the same shall be made and the time and mode of making and furnishing the same;
- (d) prescribing rules governing appeals to Appeal Boards which may provide for the admissibility of and methods of tendering evidence;
- (e) prescribing anything which under this Act is to be or may be prescribed.

Amendment
of
Magistrates'
Courts Act,
1963

59. The First Schedule to the Magistrates' Court Act, 1963 is amended by deleting the entry relating to "Cap. 355" and the "Personal Tax Ordinance" and substituting therefor the following-

111.	2.	3.
Acts 1967 No.	The Personal Tax Act, 1967	Sections 21, 22, 34, 36, 38, 39 and 41".

PART VIII

TRANSITIONAL AND REPEAL

Transitional
provision
relating to
personal tax

60.(1) The savings and transitional provisions contained in the Second Schedule to this Act shall have effect for the purposes of the transition from the provisions of the Personal Tax ordinance repealed by this Act to the provisions of this Act.

(2) If any difficulty should arise in bringing into operation any of the provisions of this Act, or in giving effect to the provisions thereof, the Minister may, by order published in the *Gazette*, make such provision as appears to him necessary for the purpose of removing such difficulty and may by such order amend, suspend or add to any of the provisions of the Second Schedule to this Act:

Provided that no order under this section shall be made later than 30th June, 1968.

Repeal
Cap. 355

61. Subject to, the Second Schedule to this Act, the Personal Tax Ordinance is repealed.

PART IX

DEVELOPMENT LEVY

62.-(1) The savings and transitional provisions contained in the Third Schedule to this Act shall have effect. Transitional provisions relating to development

(2) if any difficulty should arise in giving effect to the provisions of levy the Third Schedule to this Act, the Minister may, by order published in the *Gazette*, make such provision as appears to him necessary or expedient for the purpose of removing such difficulty and may by such order amend, suspend or add to any of the provisions of the said Schedule:

Provided that no order shall be made under this section later than the 30th June, 1968.

63. Subject to the Third Schedule to this Act, the Development Levy Act, 1965 is repealed. Repeal Acts, 1965 No. 42

FIRST SCHEDULE

(Section 4)

1. A person none of whose chargeable income accrues or is derived from agriculture shall pay personal tax at the following rate: -

- | | | |
|---|------------------|----------------|
| (a) where the person's chargeable income exceeds 2,000 shillings but does not | | 30 shillings; |
| (b) where the person's chargeable income exceeds 3,000 shillings but does not | | 60 shillings; |
| (c) where the person's chargeable income exceeds 3,492 shillings but does not exceed 3,900 shillings | | 96 shillings; |
| (d) where the person's chargeable income exceeds 3,900 shillings but does not | | 96 shillings, |
| together with a sum equal to ten per cent of the amount, to the nearest shilling, by which the chargeable income exceeds 3,900 shillings, or, if that amount is not itself divisible by five, together with a sum equal to ten per cent of the next lowest number of shillings divisible by five; | | |
| (e) where the person's chargeable income exceeds 4,320 shillings but does not exceed 10,200 shillings | | 138 shillings, |
| together with a sum equal to fifteen per cent of the amount, to the nearest shilling, by which the chargeable income exceeds 4,320 shillings, or, if that amount is not itself divisible by ten, together with a sum equal to fifteen per cent of the next lowest number of shillings divisible by ten; | | |
| (f) where the person's chargeable income exceeds 10,200 shillings but does not exceed 24,320 shillings ten per cent of the chargeable income reduced, if the chargeable income is not an amount of complete shillings, to the nearest complete shilling; | | |
| (g) where the Person's chargeable income exceeds 24,320 shillings | 2,432 shillings, | |
| together with a sum reached by calculating 4.5 per cent of the amount, to the nearest shilling, by which the chargeable income exceeds 24,320 shillings or, if that amount is not itself divisible by fifty, by calculating 4.5 per cent of the next lowest number of shillings divisible by fifty, and if the sum so reached does not consist of complete shillings only by reducing the sum to the nearest complete shilling. | | |

2. A person whose chargeable income accrues or is derived in whole from agriculture shall pay personal tax at the following rate:-

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| (a) where the person's chargeable income exceeds 2,000 shillings but does not exceed 3,000 shillings | | 25 shillings; |
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(b) where the person's chargeable income exceeds 3,000 shillings but does not exceed 4,000 shillings	50 shillings;
(c) where the person's chargeable income exceeds 4,000 shillings but does not exceed 5,000 shillings	90 shillings;
(d) where the person's chargeable income exceeds 5,000 shillings but does not exceed 6,000 shillings	140 shillings;
(e) where the person's chargeable income exceeds 6,000 shillings but does not exceed 8,000 shillings	275 shillings;
(f) where the person's chargeable income exceeds 8,000 shillings but does not exceed 10,000 shillings	375 shillings;
(g) where the person's chargeable income exceeds 10,000 shillings but does not exceed 12,000 shillings	500 shillings;
(h) where the person's chargeable income exceeds 12,000 shillings but does not exceed 14,000 shillings	650 shillings;
(i) where the person's chargeable income exceeds 14,000 shillings but does not exceed 16,000 shillings	750 shillings;
(o) where the person's chargeable income exceeds 16,000 shillings but does not exceed 18,000 shillings	900 shillings;
W where the person's chargeable income exceeds 18,000 shillings	1,000 shillings.

3. Subject to paragraph 5, a person the greater part of whose chargeable income accrues or is derived from agriculture shall pay personal tax in respect of the whole of his chargeable income at the rate set out in paragraph 2.

4. A person the greater part of whose chargeable income accrues or is derived from sources other than agriculture shall pay personal tax in respect of the whole of his chargeable income at the rate set out in paragraph 1.

5. Notwithstanding paragraph 3, a person whose chargeable income includes income of shs 10,000/- or more accruing or derived from sources other than agriculture shall pay personal tax in respect of the whole of his chargeable income at the rate set out in paragraph 1.

6. For the purposes of this Schedule, income shall be deemed to have accrued or derived from agriculture where it accrues or is derived by a grower or producer of agricultural products or livestock in respect of such products or livestock.

SECOND SCHEDULE

(Sections 60 and 61)

SAVINGS AND TRANSITIONAL PERSONAL TAX

1. The Personal Tax Ordinance, repealed section 61 (in this Schedule referred to as "the repealed enactment") shall, notwithstanding the repeal, continue to apply to personal tax imposed under that enactment in respect of the years up to and including the year 1967 as if such enactment had not been repealed:

Provided that as from the commencement of this Act, the procedural provisions contained in this Act shall apply as if such procedural provisions had been contained in the repealed enactment:

Provided further that no party to any objection or appeal pending on the commencement of this Act shall be prejudicially affected by this paragraph.

2.-(1) Subject to this Schedule, the continuity of the operation of the law relating to personal tax shall not be affected by the substitution of this Act for the repealed enactment, and accordingly:-

(a) so much of any enactment or document as refers, whether expressly or by implication, to, or to things done or to be done under or for the purposes of any provision of this Act shall, if and so far as the nature of the subject matter of the enactment or document permits, be construed as including, in relation to the times, years or periods, circumstances or purposes in relation to which the corresponding provision in the repealed enactment has or had effect, a reference to, or, as the case may be, to things done or to be done under or for the purposes of, that corresponding provision;

- (b) so much of any enactment or document as refers, whether expressly or by implication, to or to things done or to be done under or for the purposes of, any provision of the repealed enactment shall, if and so far as the nature of the subject matter of the enactment or document permits, be construed as including in relation to the times, years or periods, circumstances or purposes in relation to which the corresponding Provision of this Act has effect, a reference to, or, as the case may be, to things done or to be done under or for the purposes of, that corresponding provision.
- (2) The references in paragraphs (a) and (b) of sub-paragraph (2) to things done or to be done under any provision include in particular, and without prejudice to the generality of the references, references to charges to deductions, assessments notices, or returns made, granted, served or furnished, or to be made, granted, served or furnished, under that provision.

THIRD SCHEDULE

(Sections 62 and 63)

SAVINGS AND TRANSITIONAL - DEVELOPMENT

1. The Development Levy Act, 1965, repealed by section 63 (in this Schedule referred to as "the repealed enactment") shall, notwithstanding its repeal continue to apply to development levy chargeable, leviable and collectable under that enactment in respect of the financial Years up to and including the financial Year ending on the 31st August, 1967 as if the repealed enactment had not been repealed:

Provided that, as from the commencement of this Act, procedural provisions contained in this Act in relation to personal tax shall apply, with the necessary modifications, as if such procedural provisions had been contained in the repealed enactment:

Provided further that no party to any legal proceedings or appeal pending on the commencement of this Act shall be prejudicially effected by the provisions of this paragraph.

2.-(1) This Paragraph shall apply in respect of the financial year beginning on the 1st September, 1967.

(2) Notwithstanding its repeal by section 63, the repealed enactment shall continue to apply with any necessary modifications, to development levy chargeable, leviable and collectable on income periodical payments of a chargeable employee from Act, 1965 in respect of the period beginning on the 1st September 1967 and ending on and collectable on income which the levy is deductible in accordance with section 6 of the Development Levy the 31st December, 1967, as if that period was a financial year and as if the repealed enactment had not been repealed:

Provided that, as from the commencement of this Act, the procedural provisions contained in this Act shall apply with the necessary modifications as if such procedural provisions had been contained in the repealed enactment:

Provided further that no party to any objection or appeal pending on the commencement of this Act shall be prejudicially affected by this sub-paragraph.

(3) Notwithstanding its repeal by section 63, the repealed enactment shall continue to apply, with any necessary modifications to the charge, levy, collection and reassessment of development levy on accountable income in respect of the financial year commencing on the 1st September 1967 and ending on the 31st August, 1968 as if the repealed enactment had not been repealed except that, in lieu of the amount of development levy chargeable, leviable and collectable under section 5 of the repealed enactment, one-third only of that amount shall be chargeable, leviable and collectable:

Provided that the procedural provisions contained in this Act shall with the necessary modifications apply as if such procedural provisions had been contained in the repealed enactment:

Provided further that no party to any objection or appeal pending on the commencement of this Act shall be prejudicially affected by this sub-paragraph.

3. Notwithstanding the repeal of the repealed enactment, section 16 (1) (c) thereof shall continue to apply.

Passed in the National Assembly on the twenty-sixth day of October, 1967.


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Clerk to the National Assembly