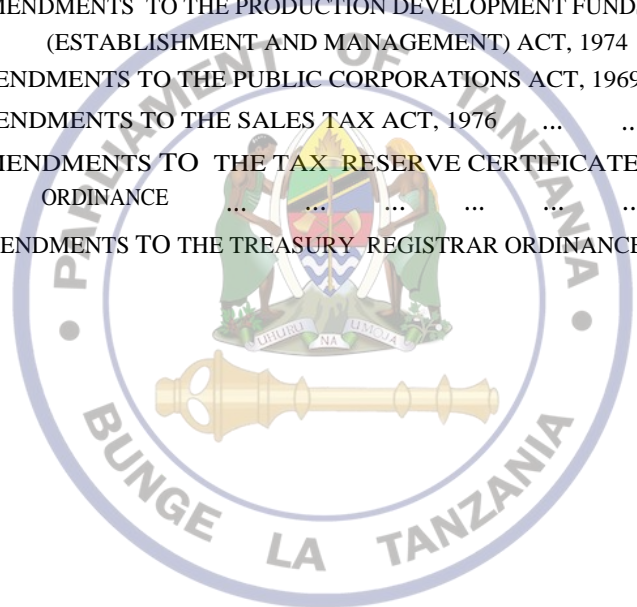


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THE UNITED REPUBLIC OF TANZANIA



No. 16 OF 1983

I ASSENT,

President

10TH September, 1983

An Act to impose and alter certain taxes and duties and to amend certain enactments relating to duties and taxes and for purposes connected therewith

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Finance (No. 2) Act, 1983.

short ties

PART I

AMENDMENTS TO THE CUSTOMS MANAGEMENT ACT

2. This Part shall be read as one with the East African Customs and Transfer Tax Management Act, in this Part referred to as "the Management Act" and shall be deemed to have come into operation on the day of June, 1983.

3. Section 15 of the Management Act is hereby amended-

- (a) in the introductory clause to subsection (1), by inserting immediately after the word "importation" the words "or retention";
- (b) in paragraph (b) of subsection (1), by inserting immediately after the word "importation" the words "or retention";
- (c) in paragraph (a) of subsection (2) by inserting immediately after the word "importation" the words "or retention";
- (d) by deleting subsection (3) and substituting for it the following-

"(3) Any order made under this section may specify goods, or any class of goods, either generally or in any particular

Construction and commencement cap 27 of community Laws, and Acts 1977 No 19 Amendment of section 15

		manner and may prohibit or restrict the importation thereof either from, or in all places or from or in any particular country or place."
Amended of section 85		Section 85 of the Management Act is hereby amended by adding immediately after subsection (2), the following new subsection- <p>"(3) For the purposes of this Part, the conveyance of goods by sea shall be deemed to include conveyance of goods by inland waters,"</p>
Repeal replacement of section 117	5.	Section 117 of the Management Act is hereby repealed and replaced by the following- <p>"Short levy, erroneous refund or rebate</p> <p>117.-(1) Subject to the following provisions of this section, where as duty or part of it has been short-levied or erroneously remitted, refunded, or rebate allowed in respect of it, the person who should have paid the amount short-levied or to whom the refund, remission or rebate has been erroneously allowed shall, on demand by the Commissioner-General, pay the amount short-levied or remitted, or repay the amount erroneously refunded or rebate allowed in respect of it as the case may be; and such amount shall be a debt due to the Government which may be recovered as civil debt by a suit at the instance of the Commissioner General</p> <p>(2) Where a demand is made for any amount pursuant to subsection (1), the amount shall be deemed to be due from the person liable to pay it on the date on which the demand note is served upon him, and if payment is not made within thirty days of the date of such service, a further duty of a sum equal to five percentum of the amount demanded shall be due and payable by that person by way of a penalty and a subsequent penalty of two percentum per each month for which he defaults to pay.</p> <p>(3) No amount of duty shall be recovered under this section after the expiration of thirty-six months from date of the short levy erroneous refund, remission or rebate as the case may be, unless that short-levy or erroneous refund, remission or rebate is considered to have been caused by fraud or negligence on the part of the person from whom it is proposed to recover the duty</p>
Addition of new section 162A	6	The Management Act is hereby amended by adding immediately after section 162, the following new section <p>162A. -(1) Where any uncustomed property or article or other thing liable to forfeiture under this Act has been seized whether as an exhibit in proceedings before any court or as abandoned or lost property and is forfeited to the United Republic pursuant to the provisions of any written law, the Commissioner-General may direct that that property or article be disposed of as goods liable to forfeiture in accordance with the provisions of the Act.</p>
		"Power order disposal of forfeited uncustomed goods

(2) Where the Commissioner-General makes a direction under subsection (1), any officer or authority having custody of the property or, article concerned shall deliver it to the Commissioner-General for disposition under this Act, notwithstanding the provision of any other written law providing the contrary .".

PART II

AMENDMENTS TO THE CUSTOMS TARIFF ACT, 1976

7. This Part shall be read as one with the Customs Tariff "Act, 1976, and shall be deemed to have come into operation on the 17th day June, 1983

Construction and commencement Act 1976 No 12
Insertion of new section 6A

8. The Customs Tariff Act 1976 is hereby amended by inserting immediately after section 6 the following new section

6A,(I) Where the amount of import duty or suspended duty payable by any person does- not exceed ten thousand shillings . and " the Commissioner-General is of the opinion that it is impossible, or-it would be unduly difficult or unreasonably expensive to assess or recover the duty, be may, s subject to, the, following provision of this section. elect to abandon the claim

"Power of Commissioner-General to forego claims for payment of duty

(2) The Commissioner-General shall submit to the Minister a report specifying all the facts, reason and circumstances pertaining to the abandonment or remission of duty pursuant to subsection (1) and the Minister may give such directions to the Commissioner-General as he deems fit which shall be final and binding and shall be-given effect to by the Commissioner-General.

(3) The refusal or failure of the Commissioner-General to elect to abandon any import duty or suspended duty under this section shall not be called into question in any court."

9. The First Schedule to the Customs Tariff Act 1976 is hereby amended in Chapters 15, 28, 33, 34, 71, 82, 85, 87, and 93 by substituting save where by word "same)" appears for the entries in the column headed "Tariff Heading" and the entries in the Column headed "Import Duty"- o 'site the following tariff, numbers the following respective new entries:-

Tariff No.	Tariff heading	Import Duty
12.01	Oil seeds and oleaginous fruit, whole or broken	20%
15.02	Fats of bovine cattle, sheep or goat unrendered, tendered or solvent-extracted Jacts including "premier jus" obtained from those unrendered fats	.60%
27.09	Petroleum oils and oils obtained from bituminous minerals, crude:	

<i>Traffic No.</i>	<i>Traffic Heading</i>	<i>Import Duty</i>
	(i) Where the OF value is or exceeds Shs. 2,083/20 per cubic Metre	Free.
	(ii) Where the CIF value does not exceed Shs. 2,083/20 per cubic metre...	100 per cent of the difference, in price between the basic price in (i) and the price in (ii).
	Provided that the import shall become due and payable prior to commencement of discharge.	
27.10	Petroleum oils and oils obtained from bituminous minerals, other than crude; preparations, not elsewhere specified or included, containing not less than seventy per cent by weight or petroleum oils, or of oils obtained from bituminous minerals, these oils being the basic constituents of the preparations: A Partly refined petroleum including topped crude: (i) Where the OF value is or exceeds Shs. 2,280/10 per cubic metre (ii) Where the OF value does not exceed Shs. 2,280/10 per cubic metre	Free. 100% of the difference in price between the basic price in (i) and price in (ii).
	B. Motor spirit, gasoline and other light oils and other products for similar uses: 1. Of not more than 85 Octane: (i) Where the CIF value is or exceeds Shs. 3,992/- per cubic metre (ii) Where the CIF value does not exceed Shs. 3,992/- per cubic metre	Free. 100% of the difference in price between the basic price in (i) and the price in (ii).
	2. Of more than 85 Octane: (i) Where the CIF value is or exceeds Shs. 5,232/- per cubic metre (ii) Where the CIF value does not exceed Shs. 5,232/- per cubic metre	Free. 100% of the difference in price between the basic price in (i) and the price in (ii).
	C. Kerosene, lamp oil and white spirit; 1 Aviation Kerosene: (i) Where the CIF value is or exceeds Shs. 3,226/- per cubic metre (ii) Where the CIF value does not exceed Shs. 3,220/- per cubic metre	Free 100 per cent of the difference in price between the price in (i) and the price in (ii)

Tariff No.	Tariff Heading	Import Duty
2.	other,	
(i)	Where the CIF value is or exceeds Shs. 3,205/- per cubic Metre ...	Free.
(ii)	Where the CIF value does not exceed Shs. 3,205/- per cubic metre ...	100 percent of the difference between the basic price in (i) and the price in (ii).
D.	Distillate Fuels (Gas Oil OR Diesel Oils suitable for use in internal combustion Engine):	
1.	Heavy, black for low speed marine and stationary engine.	
(i)	Where the CIF value is or exceed Shs. 3,038/- per cubic metre ...	Free
(ii)	Where the C& value does not exceed Shs. 3038/- per cubic metre ...	100 per cent Of the difference in Price between the basic; price in (i) and the price in (ii).
2.	Light, amber, for high speed engines:	
(i)	Where the CIF value is or exceeds Shs. 3,038/- per cubic metre ...	free
(ii)	Where the CIF value does not exceeds Shs. 3,038/- per cubic metre ...	100 per cent of the difference in price between the basic price in (i) and the Price in (ii).
E.	Residual Fuel Oils (Marine, Furnace and similar fuel oils, black) for burning in oil-fired boilers and furnaces:	
(i)	Where the CIF value is or exceeds Shs. 2,410/- per cubic metre ...	Free.
(ii)	Where the CIF value does not exceeds Shs. 2,470/- per cubic metre ...	100 per cent of the difference in price between the basic price in (i) and the price in 00.
F.	Transformer Oil;	
(i)	Where the CIF value is or exceeds Shs. 2,470/- per cubic metre ...	Free.
(ii)	Where the CIF value does not exceed Shs. 2,470/- per cubic metre ...	100 percent of the difference in price between the basic price in (i) and the price in (H).
	provided that the import duty payable under items (i), of 01 and B2, C1 and C2 D I and D2, E and F shall become. due. and .be payable prior to cubic metre discharge.	
G.	(1) Lubricating oil ...	per cubic meter Shs. 200/-
	(2) Lubricating grease ...	per kg. Cts. -/25.
H.	(same) ...	20 per cent.
1.	Other ...	20 per Cent.
27.17	Electric current	Free
28.01/58	Chemical elements, inorganic chemical pounds and other products in Notes I and 2 to this Chapter	60%
29.01/45	Organic compounds and other products mentioned in Note. I to this Chapter	60%
33.01	Essential oils (terpenless or not or not) concrete and absolutes, resinoids	100%

Tariff No.	Tariff Heading	Import Duty
33.02	Terpenic by-products of the deterpenation, of essential oils ...	100%
33.03	Concentrates of essential oils in fats, in fixed oils or, in waxes, or the like, obtained by gold absorption or by maceration ...	100%
33.04	Mixtures, of, two or more odoriferous substances (natural, or artificial) and mixtures (including alcoholic solutions) with a basis of one or more of these substances, of a kind used as raw materials in the perfumery, food, drink or other industries ...	100%
33.05	Aqueous distillates and aqueous solutions of essential oils, including such products suitable for medical uses ...	100%
33.06	Perfumery cosmetics and toilet preparations:	
	A. Toilet waters containing alcohol ...	per litre shs 100/- or 100%
	B. Other ...	100%
34.02	(same):	
	A. (same) ...	(same)
	B. (same) ...	60%
	C. (same) ...	60%
	D. (same) ...	(same).
71.14	Other articles of precious metal or rolled precious metal -	
	A. (same) ...	60%
	B. (same) ...	(same).
82.01	(same)	
	A. (same), ...	Free
82.09	Knives with cutting blades, serrated or not (including pruning knives), other than knives falling Within heading No. 82.06 ...	20%
85.15	(same):	
	A. Radio and radio cassette recorders ...	60%
	B. Industrial or for scientific use there- of ...	500%
	C. Parts for radio and Radio cassette recorders ...	20%
	D. Television apparatus for the observation and control of industrial operation and parts thereof ...	100%
	E - other ...	100%,
85.17	(same)	
	A. Fire alarm and detection system- ...	20%
	B. (same) ...	(same)
85.18	Electrical capacitors, fixed or variable,	
	A. industrial or for scientific use ...	20%
	B Suitable as parts of radio ...	20%
	C. Suitable as party of Television receiving sets or radio grams ...	500 %
	D. other ...	20%,
85.21,	(same):	
	A. Industry ...	20%
	B. Suitable as radio Parts ...	20%
	C. Suitable as Parts of television receiving sets or radio gram, ...	500%
	D. Other ...	20%
87.02	Motor vehicles for the conveyance of persons, goods materials (including sports motor vehicles, other than those of heading No. 87.01)	
	A. Passenger- carrying motor cars (including estate cars station wagons motor caravans minibuses, four-wheel drive saloon cars and the like) of an engine capacity; (1) not exceeding 1,200 cubic centimeters	20%

Tariff No	Tariff Heading	Import Duty
	(2) exceeding 1,200 cubic centimeters but not exceeding 1,500 cubic centimeter,	20%
	(3), exceeding 1,750 cubic centimeter but not exceeding 1,750 cubic centimeters	20%
	(4) exceeding 1,750 cubic centimeter but not exceeding 2,000 cubic centimeter	60%
	(5) exceeding 2,000 cubic centimeters but not exceeding 2,250 cubic centimetres,	60%
	(6) exceeding 2,250 cubic centimetres	120%
	(7) unassembled vehicles for assembly, into complete vehicles by a vehicles manufacturer approved in that behalf by the Minister	20%
B.	Ambulances and nearses	Free
C.	Dumpers	20%
D.	Load-carrying vehicles of a, tare weight of not less than 1 tonne, buses and coaches with seating for not less than 14 passengers, four-wheel drive vehicles .. excluding , four-wheel drive, saloon cars; and chassis, ~ therefor, whether, assembled or not	20%
E.	Other;-	20%,

PART III

AMENDMENT TO THE HOTEL LEVY ACT, 1972

10. This Part shall be read as one with the Hotel Levy Act, 1972, and shall be deemed to have come into operation on the 17th day June, 1983.

11. The Hotel Levy Act, 1972 is hereby amended by adding immediately after section 7, the following new section-

Power of commissioner to estimate levy payable

7A.- (1) Where, after inspection carried out pursuant to section 7, the Commissioner is satisfied that-

- (a) the owner of the hotel inspected does not keep a proper register of quests or other books of account and documents relating to the number of quests accommodated at the hotel during any period or the number, of days each such guest, was accommodated and the hotel charges paid by each such guest; and
- (b) the register or other books of accounts, or other documents maintained by-, the owner or the returns filed by him are incorrect-t inadequate - false or too scanty in any material particulars;

and that these factors together would not facilitate the ascertainment of the proper levy, payable by the owner, he may, according to the best of his judgment, estimate t the monthly hotel, accommodation, occupied, the monthly hotel charges and the monthly levy payable by, such owner.

(2) Where the Commissioner. determines the monthly levy payable by-any owner of an hotel under subsection (I), such levy shall be deemed to be the imposed by section 4 (1) and shall be payable by the owner concerned; save that

Construction and commencement Acts 1972 No. 23 Addition of new section 7A.

such determination or payment shall not affect any liability otherwise incurred by that person under this Act for non-payment of levy resulting from the circumstances revealed by the inspection referred to in subsection (1).

(3) Where any person is aggrieved by a decision of the Commissioner made in pursuance of this section, he may appeal to the High Court in accordance with the provisions of section 12 (3); save that no such appeal may be admitted for hearing unless the appellant has first paid the levy as determined by the Commissioner."

PART IV

AMENDMENT TO THE INCOME TAX ACT, 1973

Construction and commencement Act, 1973 No. 33

12. Except as is provided in section 13 and 16, this part shall be read as one with the Income Tax Act, 1973, in this part referred to as "the Principal Act", and shall be deemed to have come into operation on the 1st day of July, 1983.

Amendment of section 2

13.-(1) This section shall be deemed to have come into operation on the 5th day of February, 1977.

(2) Section 2 of the principal Act is hereby amended in subsection (1), by deleting paragraph (c) of the definition "parastatal organization" and substituting for it the following paragraph-

"(c) Chama Cha Mapinduzi, any organ of Chama Cha Mapinduzi, Mass Organization established pursuant to section 70 of the Constitution of Chama Cha Mapinduzi and every body of persons, corporate or unincorporated, which is established within or by Chama Cha Mapinduzi;"

Amendment of section 13

14. Section 13 of the Principal Act is hereby amended by-

(a) adding immediately after subsection (1) (b) the following proviso: -

"Provided that no interest held by any person in any premises shall be transferred, or registered without a certificate of clearance issued by the Commissioner in that behalf certifying that capital gains tax has been paid or is not payable",

(b) adding the following new subsections immediately after subsection (3)-

"4. For purposes of assessing capital gains tax, the valuation of premises shall be determined in accordance with the directions which the Minister may, by Order published in the *Gazette*, specify.

S. Notwithstanding the provisions of subsection (1), where Commissioner is of the opinion that the actual value of the interest sold by any person is higher than the one declared

by him, the Commissioner shall have the first option to purchase the interest within not more than ninety days from the date the seller submits his return for the purposes of capital gains tax assessment."

15. The Third Schedule to the Principal Act is hereby amended

(a) by deleting paragraph 5, which relates to rates of non-resident with holding tax, and substituting for it the following:

Amendment
of Third
Schedule

"5. The non-resident withholding tax rates shall be:-

Nature of Payment		Tax Rate
(a) Management or professional fee	30 %
(b) Royalty	30%
(c) Dividends	20 %
(d) Interest	20%
(e) Rent, Premium or like consideration	40%
(f) Pensions or retirement annuity	15 %

Provided that where the amount is payable to a non-resident who is a resident of a country with which the Government of the United Republic has arrangements for relief of double taxation whereby such pension or retirement annuity payable to such non-resident is such a country would be eligible for relief of double taxation then the whole of the pension or annuity shall be taxed at the rate of twelve and one-half percentum.

(b) by deleting paragraph 7, which relates to capital gains tax rate, and substituting for it the following-

"7. The capital gains tax rate shall be--

Capital Gains Amount	Tax Rate
Where amount does not exceed Shs. 1 00 000/- 20%
Where the amount exceeds Shs. 100,6001- but does not exceed Shs 500,00/- 30%
Where the amount exceeds Shs.. 500,00 0/- 45%

16-41) The provisions of this section shall apply to Offences in respect of any falling due or any return falling due for Submission on the 1st day of July, 1983.

Alteration
of quantum
of penalties

(2) The principal Act is hereby amended in certain provisions which relate to penalties for offences and defaults in payment of *fax* as follows-

- (a) in section 78 (1) (a), by deleting the words "two per cent" and substituting for them the words "two and one-half per cent"-,
- (b) in section 101-
 - (i) by deleting the words "five per cent" and the words five months" occurring in subsection (1) and substituting for them the words "fifteen per cent" and the words "six months";
 - (ii) by deleting the words "ten per cent" occurring in subsection (2) stituting for the words "one and one-half per cent";

- (q) in section 102, (1), by deleting- the words "one per cent" and substituting for the words "one and one-half per cent";
- (d) in the section 102A, by deleting the words "five thousand" and substituting for them the words "fifteen thousand";
- (e). in section 1-14 (1) by deleting. the words, "ten, thousand" 'and substituting, for them the words "fifty thousand";
- (f) in section 1.18-,
 - (i) in the penalty clause for offences' under, subsection (1) by deleting the words "fifty thousand shillings" and substituting for them the words "two-hundred and fifty thousand shillings"-
 - (ii) in the penalty clause for offences under subsection (2), by deleting, the words "twenty thousand shillings" and substituting for them the words, "one hundred., thousand shillings".

PART V

AMENDMENTS TO THE MOTOR VEHICLES (RESTRICTION ON ACQUISITIONS AND DISPOSITIONS) ACT, 1972

Construction and commencement Acts, 1972 No. 5

17. This Part shall be read as one with the Motor Vehicles (Restriction on Acquisitions) Act, 1972 in this Part referred to as "the principal Act" and shall be deemed to have come into operation on the 1st day of July, 1983

Amendment of section 2

18. Section 2 of the principal Act is hereby amended--

(a) in subsection (1), by inserting immediately after the definition "chattels transfer instrument", the following new definition "Commissioner" means the Principal Secretary to the Treasury";

(b) by deleting subsection (4) and substituting for it the following subsections--

"(4) Subject to subsection (5), a person shall for the purposes of paragraph (d), (e) or (f) of the definition "sale", be deemed to be using, a- motor vehicle for his own purposes if he uses it for his own purposes or in connection with his business or for any such purpose of his principal, agent employer or employee.

(5) Any reasonable use of the motor vehicle by any such person for the purpose of effectively taking its possession, or for its storage, or for its maintenance in good order and condition or in connection with transacting its sale or effecting its disposition in the manner permitted by this Act shall be lawful.

(6) Any-acquisition or disposition effected in any of the ways described in subsection (4) and for purposes specified in subsection (5). shall be deemed to, be unlawful and designed to defeat the objects of this Act- if the arrangement or agreement lasts more than three months and'-

- (a) it is effected without prior approval of and registration by the Commissioner.
- (b) being a non-resident, the owner, other than the person in control or possession of the motor vehicle, has left Tanganyika, upon the expiration of his term of tour or contract or service whichever first occurs;
- (c) being a citizen or resident of the Tanganyika, the owner is outside the Tanganyika for a term of tour or contract of service and has not caused the arrangement to be registered by the Commissioner."

19. The Principal Act is hereby amended by adding immediately after section 2, the following new section- Addition of section 2

Registration of agreement and arrangement by the commissioner

2A.-(1) No agreement or arrangement intended to last more than three months for the acquisition or disposition of a motor vehicle for the purposes specified in subsection (5) of section 2 shall be lawful unless it is approved and registered by the Commissioner under this section.

(2) Where any owner intends to enter into any agreement or arrangement to dispose of a motor vehicle for the purposes specified, in subsection (5), he shall apply to the Commissioner for approval and registration of the agreement or arrangement.

(3) Every application for approval and registration under this section shall be, in such form and manner as may be prescribed by the Commissioner.

(4) Upon receipt of an application made pursuant to subsection (3) he may in his discretion grant or reject the application and register the agreement or arrangements concerned; save that the Commissioner shall not approve or register it if he is satisfied that the agreement or arrangement is intended to defeat the objects of this Act or of the Motor Vehicles (Tax on Registration and Transfer), Act, 1972.

(5) Where the Commissioner has reasonable cause to believe that any agreement or arrangement has been entered in to contravention of this section or for any other unlawful purpose he may take in respect of any person concerned the measures provided for by section 20 of the Motor Vehicle (Tax on Registration and Transfer), Act, 1972".

20. Section 3 of the principal Act is hereby amended in subsection (l) Amendment of section 3

- (a) in paragraph (b), by deleting the words "of a carrying capacity of, three tonnes" and substituting for them the words "of a tare weight of not less than one tonne";
- (b) by deleting the full stop at the end of paragraph (m) and substituting for it a colon;
- (c) by adding immediately after paragraph (m), the following proviso:

"Provided that any motor vehicle falling under paragraph (b) shall, when owned or in possession of-

(i) a non-resident or an international organization or institution;

(ii), a religious or charitable organization or institution;

or

(iii) any other person or body of persons specified, by the Minister by notice published in the Gazette, be purchased or sold in Tanganyika in such manner as the Minister shall direct: -

Provided further that in the case of Motor Vehicles owned by persons other than those enumerated in sub-paragraphs (i), (ii) and (iii) of paragraph (b), the Minister, may from time to time issue directions as to the manner of their purchase and disposition."

Addition of
new section
15A^{15A}

21. The principal Act is hereby amended by adding immediately after section 15, the following new section-

Power of
the Commis-
sioner

15A. (1) For the purposes of the better and efficient administration of this Act, the Commissioner may exercise in relation to this Act any of the powers vested in the Commissioner under the Motor Vehicles (Tax on Registration and Transfer) Act, 1972.

(2) Without prejudice to the generality of the powers conferred by subsection (1), the Commissioner may, for the purposes of enforcing the observance of the provisions of this Act, exercise the powers vested in the Commissioner by sections 16, 17 and 20 of the Motor Vehicles (Tax on Registration and Transfer) Act, 1972.

PART VI

AMENDMENTS TO THE MOTOR VEHICLES (TAX ON REGISTRATION AND TRANSFER) 1972

Construction
and corn-
mencement

22. This Part shall be read as one with the Motor Vehicles (Tax on Registration and Transfer) Act, 1972, in this Part referred to as "the principal Act" and shall be deemed to have come into operation on the 1st day of July, 1983.

Addition of
now section
15A

23. The principal Act is hereby amended by adding immediately after section 15, the following new section-

"Forfei-
ture

15A.(1) Where any person is convicted of an offence under this Act involving wilful non-payment or evasion of tax, the court convicting him shall, in addition to any other penalty it may impose under this Act, order that the motor vehicle the tax in relation to which was not paid or was evaded be--forfeited to the United Republic.

(2) Every motor vehicle forfeited under this section shall become the property of the United Republic and shall be disposed of in a manner as the Minister directs".

24. Section 20 of the principal Act is hereby amended by deleting subsection (1) and substituting for it the following-

Amendment
of section 20

"(1) The Commissioner may, where he is satisfied that any person has committed an offence under this Act, by order compound the offence by requiring that person to make payment of such sum of money as the Commissioner may specify in the order:

Provided that

- (a) such sum of money shall not be more than one hundred per cent of the minimum fine provided for the offence, and shall be in addition to the whole of the amount of any tax or penalty due from such person;
- (b) the order in question shall specify the offence which the person concerned committed;
- (c) the Commissioner shall give to the person from whom he receives such sum of money a receipt for it;
- (d) the power conferred by this section shall only be exercised where the person admits in writing that he has committed the offence, and requests the Commissioner to deal with the offence under this section."

PART VII

AMENDMENTS TO THE POST OFFICE SAVINGS BANK ORDINANCE

25. This Part shall be read as one with the Post Office Savings Bank Ordinance and shall be deemed to have come into operation on the 30th December, 1977

Construction
and com-
mencement
cap. 87

26. Section 13 of the Post Office Savings Bank Ordinance is hereby repealed and replaced by the following—

Repeal and
replacement
of section 13

"Accounts
and Audit

13,-(1) As soon as possible after the close of every financial year, the accounts, including the balance sheet and the profit and loss account of the Savings Bank in respect of that financial year shall be submitted to the Tanzania Audit Corporation and shall be audited by it as soon as practicable after they are submitted, and in any case not later than six months after the close of the financial year of the Savings Bank.

(2) The annual accounts shall include a statement of monies received, and repaid by the Savings Bank separately for each savings facility, including a statement of the amount of interest credited to each facility.

(3) As soon as the accounts of the Savings Bank have been audited, and in any case not later than seven months after the close of the financial year of the Savings Bank, the Board shall submit, to the Minister a copy of the audited statement, of accounts together with a copy of the report on the accounts made by the auditors.

(4) The Minister shall as soon as, practicable after he has received them, and in any case not later than eight months after the close of the financial year or such longer period as the National Assembly may, by resolution approve in that behalf, lay before the National Assembly-

- (a) a copy of the balance sheet and profit and loss statement of the Savings Bank,
- (b) a copy of the auditors' report on the audited accounts of the Savings Bank; and
- (c) a copy of the report of the Tanzania Posts and Telecommunications Corporation's Board relating to, the activities: of the Savings Bank during that financial year.."

PART VIII

AMENDMENTS TO THE PRODUCTION DEVELOPMENT FUNDS (ESTABLISHMENT AND MANAGEMENT) ACT, 1974

Construction and commencement Act, 1974 No. 21 Amendment of section 4

27. This Part shall be read as one with the Production Development Funds (Establishment and Management) Act, 1974, and shall be deemed to have come into operation on the 1st day of July, 1983.

28. Section 4 of the Production Development Funds (Establishment and Management) Act, 1974, is hereby amended, by deleting paragraph (c.) and substituting for it the following-

- "(p) such sums as may in any manner become payable to the fund as a result of operations of the fund or sums which may be released by the Treasury Registrar from the allocation of public revenue specified in relation to, the fund in the fourth column of the Schedule to this Act and deposited in the fund account required to be opened for the purpose of the fund under section 5(1)."

PART IX

AMENDMENT TO THE PUBLIC CORPORATION ACT, 1969

Construction and commencement Acts, 1969

Amendment of section 2

29. This Part shall be read as one with the Public Corporations Act, 1969, in this Part referred to, as the principal Act". and, shall be deemed to have come into operation on the 1st day of July, 1983

30. Section 2 of the principal Act is hereby amended by inserting in the appropriate alphabetical position, the following definitions-

"parent Minister" in relation to a public or statutory corporation means the Minister for the time being responsible under the direction of the President for the principal business in which the co-operation in question is engaged;-

"Treasury Registrar" means the person holding the office of Treasury Registrar, appointed under section 2 of the Treasury Registrar Ordinance;

31. Section 4 of the principal Act is hereby repealed and replaced, by the following-

Repeal and replacement of section 4

Functions
share capital
and capital
holding

4.-(1) Every order made under section 3 establishing a public corporation shall specify—

- (a) the functions of the corporation;
- (b) the authorised share capital of the corporation and the division and par value of each share; .
- (c) the initial paid up capital, of the corporation and
- (d) except where the President directs otherwise, that all of the share, capital of the corporation shall be held by the Treasury Registrar;
- (e) that no further share capital shall be issued by the corporation and allocated to the Treasury Registrar, save with the approval of the Minister for Finance.

(2) The provisions of his sections shall apply to such statutory corporation as the Minister for Finance may, by order published in the *Gazette*, specify from time to time.

(3) As soon, as, practicable after the commencement of this Act or of any order made under subsection (2), as the case may be the Treasury Registrar shall determine the appropriate authorized share capital and the initial paid up capital of every corporation to which this Act or order applies and, upon approval of the determination by the Minister for Finance, shall require the corporation to issue share certificates in respect of capital, subscribed by the Government.

(4) Upon receipt of the shares issued to him pursuant to subsection (3), the Treasury Registrar shall forthwith enter each of them in the appropriate investment register, and shall reflect the amount, in the annual statement of investment for the financial year in which the share is received."

32. The principal Act is hereby amended by adding immediately after section 4, the following new section-

Addition of new section 4A

"Functions
and powers
of Registrar
in relation
to corpora-
tions
cap. 418

4A.(1) The Treasury Registrar shall discharge such functions in relation to, corporations established under this Act as he is required to discharge by section 6A of the Treasury Registrar Ordinance in relation to Property or interest in property which is vested in him by Or under any written law.

(2) The Treasury Registrar shall exercise in relation to public corporations whose paid up capital is vested in him under section 4, the powers conferred by section 6B of the Treasury Registrar ordinance.

Cap. 418

Addition of
new sections
9A and 9B

33. The principal Act is hereby amended by adding, immediately after section 9., the following new sections-

"Restriction
on appropri-
ation of
surplus

9A--(I) Save with the approval of the Minister for Finance signified by a certificate in that behalf under the hand of the Treasury Registrar, no public corporation or statutory corporation to which section 4 applies, shall in any financial year appropriate. any of its profit or surplus funds for that year, whether for investment or for any other Purpose.

(2) Every public corporation and every statutory corporation which section 4 applies, shall within one month from the close of its financial year, or any longer period as the Treasury Registrar may permit, submit to the Treasury Registrar-

(a) its provisional balance sheet and profit and loss account for that year;

(b) its proposed plans for the investment of profits or surplus expected to be generated in that financial year giving reasons for such investment and the estimates of returns expected, to accrue from such investment.

(3) Every public corporation, and every statutory corporation which section 4 applies, shall within one month from the close of its financial year, or such longer period as the Treasury Registrar may permit, submit to the Treasury Registrar-

(a) copies of duly audited or draft balance sheet and profit and loss accounts in respect of that financial year;

(b) a detailed analysis of the use of cash flow during that financial year showing in particular

(~) the amount utilized for reduction of any loan, whether by overdraft or otherwise advanced to the corporation by the National Bank of Commerce;

(ii) the amount utilized for payment or reduction of debts owed Or owing by the Corporation;

(iii) the amount proposed, for investment in any authorized investment;

(v) the amount set aside as working capital for the ensuing year;

(vi) the net surplus or amount set for payment as dividends.

(4) Notwithstanding the preceding provision of this section, the Minister may, in relation to any corporation or

category of corporations by order Published in the *Gazette*, specify proportions of any profits or surpluses which may be appropriated by it or each of them, for the purpose or purposes specified, in the order."

Power to
direct
payment to
Government

9B. -(1) The Minister for Finance may, by writing under his hand, direct any public corporation, and any statutory corporation to which section 4 applies, to pay to the Government or to the Treasury Registrar as the case may be as dividends, loan or contribution, such portion of its net profits or surpluses in any financial year as may be specified in such direction.

(2) Notwithstanding any written law to the contrary, any direction given under subsection (1) shall be binding on and be complied with by the public or statutory corporation to which it is addressed.

(3) Where in his opinion it is in the national interest to do so, the Minister for Finance, may, by order under his hand, direct any public corporation, or a statutory corporation, to which section 4 applies, to invest any part of its not profits or surplus funds in such authorized investments as he may specify."

PART X

AMENDMENTS TO THE SALES TAX ACT, 1976

34. This Part shall be read as one with the Sales Tax Act, 1976, in this Part referred to as "the principal Act", and shall be deemed to have come into Operation on the 17th June, 1983.

Construction
and com-
mencement
Act 1976
No 13
Amendment
a long title

35. The long title of the principal Act is hereby amended by inserting immediately after the word " goods" the words "and services"

36. Section 2 (1) of the principal Act is hereby amended-

Amendment
of section 2

(a) in the definition "sale" —

(i) by inserting the words "or service" immediately after the word "article" in the first line;

GO in paragraph (a) by deleting the passage "the article I delivered" and substituting for it the passage "the article or service is delivered or rendered"

(b) by adding after the definition scheduled article" is the following-
"scheduled service" means any service upon which tax is payable under this Act;"

(c) in the definition "taxable value" by inserting immediately after the word "article" the words "or service"

- Amendment of section 3 **37.** Section 3 of the principal Act is hereby amended by, deleting subsection, (1) and (2) and substituting for them, respectively the following-
- "Imposition of tax **3.**-(1) There shall be charged, levied and collected a tax, to be known as sales tax, in respect of the articles specified in the First Schedule, and services specified in the Second schedule, at the rates respectively specified in relation thereto.
- (2) The Minister may, by order published in the *Gazette*, amend, vary or replace the First or the Second Schedule."
- Amendment of section 4 **38.** Section 4 of the principal Act is hereby amended,-
- (a) in subsection (1) by substituting a semi-colon for the fullstop at the end of paragraph (d), and adding the following new paragraph-
- "(e) any scheduled service, by the person rendering that service, at the time immediately after the service is rendered "or services", when the bill or invoice for service is prepared";.
- (b) in subsection (2) by "inserting immediately after the word "article" and after the words 'class of. article' the, Words "or service" and "or services" respectively
- Amendment of section 6 **39.** Section 6 of the Principal Act is hereby amended.-
- (a) by renumbering the present contents of the section as subsection (1),
- (b) by adding, after subsection,(1) the following subsection -
- " (2) The, Commissioner may, where he is satisfied that it would be beneficial to the public interest to do so, provide for the collection of tax, in instalments.in advance of the due date."
- Amendment of section 10 **40.** Section 10 of the principal Act is hereby amended by adding immediately after subsection (2), the following subsections-
- "(3) In addition to the registration of any person as a registered dealer, the commissioner may cause to be inspected and registered as such every premises in, which a person applying for registration as a dealer under this section purposes to manufacture or manufactures scheduled articles, or to store or stores scheduled articles prior to sale or disposal.
- (4) The Commissioner may require any person dealing in scheduled articles to particularly designate stock rooms or warehouse where scheduled articles in respect of which sales tax has not been paid are to be stocked or stored;
- (5) The Commissioner may make rules regulating access and movement of persons to and within such rooms or warehouses, and all dealers in scheduled,, Articles shall comply with them."

- 41.** Section 1,8 of the principal Act is hereby amended Amendment
of section 18
- (a) by renumbering subsections (q, (2), (3),, " ,(4) as subsections (2). (3) (4) and (5), respectively;
- (b) by inserting the following new subsection. as subsection (1),
- "(1) Every person proposing to carry on the business of a manufacturer of scheduled articles or a supplier of scheduled services and every manufacturer of scheduled) articles or supplier of schedules services shall give notice of not less than fifteen days to the Commissioner of his intention to commence manufacturing supplying service Or, as the case may be to cease manufacturing supplying services or close the enterprise manufacturing or supplying or services scheduled articles or services. °."
- 42.** Section 22 of the principal Act is amended - Amendment
of section 22
- "(d) m respect any - scheduled service rendered in Tanga. nyika, be the Sum of money which the Person rendering the service would normally . require to, .be , Paid , for the service tendered, including any such additional charges which may normally be imposed by the person rendering such service.
- 43.** Section 24 of principal Act is hereby amended m subsection (1) by inserting immediately after the word "article" appearing in the line, the words "or service', Amendment
of section 24
- 44.** Section 28 of the principal Act is hereby amended m. subsection (1) by deleting, paragraph (a) and substituting for, it the, following- Amendment
of section 28
- (a) the tax payable in respect of any scheduled article or service, or class of scheduled articles or services;"
- 45.** Section 29 of the principal Act is hereby amended- Amendment
of section 29
- (a) by deleting the introductory passage Of subsection (1) and substituting for it the following passage_
- "(1)" Where a scheduled article or service has been manufactured or tendered in Tanganyika, the Commissioner may remit or refund the tax or any part of it in respect of (such article or service If it is Proved to his -satisfaction-.,;
- (b) by deleting paragraph (b) and substituting for the following-
- "(b) that the tax was overpaid in error and the seller or Person rendering the service has not received from the Purchaser of the article or service any sum on account of such overpayment or that the seller or person rendering the service has refunded to the purchases any such sum received by him.-
- 46.** Section 38 of the principal Act is hereby amended in subsection (1) by deleting the words "twelve months" and substituting for them the words "thirty'-six months- Amendment
of section 38
- 47.** Section 47, of the Principal Act is hereby amended in subsection (I),--- Amendment
of section 47

- (a) by deleting paragraph (d) and substituting for it the following-
 "(d) whether any article or service is a scheduled article or service;"
- (b) by deleting paragraph (9) and substituting for it the following-
 "(g) the determination or assessment of the taxable value of any scheduled article or service;"

Amendment
of section 57

48. Section of the principal Act is hereby amended by adding immediately after subsection (Z), the following new subsection-

"(3) Where any scheduled, article in respect of which sales tax has not been paid is seized or placed under the custody of any authority, whether as an exhibit in proceedings before any court or as abandoned or lost property, and is forfeited to the United Republic pursuant to the provisions of any written law, the commissioner may direct that the scheduled article be disposed of in the same manner as goods liable to forfeiture under the Management Act⁹¹;

(4) Where the Commissioner makes a direction under subsection (1) any officer or authority having custody of the schedule article shall deliver it to the Commissioner for disposition under this Act, notwithstanding the provisions of any other written law providing the contrary."

Amendment
of section 59

49. Section 58 & the principal Act is hereby amended in paragraph (b) of subsection (1) by inserting immediately after the word "article" wherever it occurs in the paragraph the words "or service"

Repeal and
replacement
of section

50. Section 70 of the principal Act is hereby repealed and replaced by the following-

"Effect of
imposition of
or alteration
in the rate
of tax on
contracts

70. Where any contract has been entered into, for the sale, delivery or rendering of any scheduled article or service and at the time of such contract-

- (a) the article or service was not subject to tax;
- (b) was subject to tax and the agreed price includes such tax,

after such contract has been entered into, tax as is imposed on such article or service by this Act or by any amendment to the First or the Second Schedule, or the rate of tax is altered and such imposition of tax or alteration in the rate of tax takes effect before the person liable to pay tax delivers the article or renders the service to the purchaser, then in the absence of express written provision in the contract to the contrary the contract shall have effect as follows-

- (a) in the event of an imposition of tax the seller or person rendering the service may, after payment of the tax, add to the agreed price the amount for tax payable on the scheduled article or service.
- (b) in the event of an alteration-
- (i) in the alteration results in an increase of the rate of the existing tax the seller or person rendering the service, after payment of the tax payable in respect of the scheduled article, may add, the difference caused by the alteration to the agreed price,
 - (ii) if the alteration results in the reduction of the existing rate of tax, or in the abolition of the existing tax, the purchaser may deduct the difference caused by the alteration or abolition from the agreed price;
 - (iii) if the alteration is finally adopted the agreed price shall be adjusted so as to allow for any resultant refund or payment of tax."

51.-(1) The First Schedule to the principal Act is hereby amended to the extent that in respect of any articles describe in the column headed "Tariff Heading" in the Table set out below this section opposite the tariff numbers in the column headed "Tariff No." in that Table there shall be substituted for the of tax specified in relation to those articles in the column headed "sales tax Rate" in the First Schedule the rates respectively specified in relation to these articles in the column headed "Sales Tax Rate" in the Table,

Amendment
of first
schedule

(2) The passage "*(same)*" wherever it appears in the Table below means that, except as specifically amended by this section, the Tariff Heading or the Sales Tax shall continue the same as it was immediately before the coming into operation of this Part.

Tariff No.	Tariff Heading	Sales Tax Rate
15.02	(same):	
	A. Tallow (including 'premier jus")	... 25 %
	B. (same)	... (same)
15.03	(same)	... 25%
15.04	(same)	... 25 %
15.05	(same)	... 25%
15.06	(some)	... 25%

Tariff No.	Tariff Heading, ...	Sales Tax Rate
15.08	(same)	
	A. (same)	25 %
	B. (same)	25%
15.09	(same)	25%
15.10	(same)	25%
15.11	(same)	25%
15.15	(same)	25%
15.16	(same)	25%
15.17	(same)	25%
17.04	(same)	50%
19.01	(same)	25%
19.08	(same)	
	A. (same)	
	(1) (same)	25%
	(2) (same)	25%
	(3) (same):	
	(a) (same)	25%
	(b) (same)	25%
	B. (same)	25 %
	C. (same)	
	(1) (same)	25%
	(2) (same)	25%
22.08	(same):	
	A. (same)	25 %
	B. (same)	25%
27-10	(same):	Free
	A. (same)	
	B. (same)	
	(1) of not more than 85 Octane	Shs. 4553/20 per cubic metre at 20°C
	(2) of more than 85 Octane	Shs. 5551140 per cubic metre at 20°C
	C. (same):	
	(1) Aviation Kerosene	Shs. " 500/ per cubic metre at 20°C
	(2) other	Shs. 185/ per cubic metre at 20°C
	D. (same):	
	(1) (same)	Shs. 700/ per cubic metre at 20 °C
	(2) (same)	Shs 7001 per cubic metre at 20°C
	E. (same)	Shs. 700/ per cubic metre at 20°C
	F. (same)	Shs. 700/- per-cubic metre at 20°C

Tariff No.	Tariff Heading	Sales Tax Rate
G. (same).		
(1) (same)	Shs. 300/- per cubic metre
(2) (same)	Cents-/75 per kg.
H. (same)	Free
I Other	25%
27.12 (same):		
A. (same)	25%
B. (same)	25%
27.13 (same)	
27.14 (same)	25%
27.15 (same)	25 %
27.17 (same)	5 %
23.05 (same)	25%
32.06 (same):		
A. (same)	25%
B. (same)	25%
32.07 (same)	25 %
32.08 (same)	25 %
33.01 (same):		
A. (same)	25%
B. (same)	25%
33.02 (same):		
A. (same)	25%
B. (same)	25%
33.03 (same):		
A. (same)	25 %
B. (same)	25%
33.04 (same):		
A. (same)	25%
B. (same)	25%
33.05 (same):		
A. (same)	25%
B. (same)	25%
33.06 (same):		
A. (same)	(same)
R. (same)	(same)
C. (same)	100%
D. (same)	100%
E. (same)	100%
F. (same)	100%
34.04 (same):		
A. (same)	50 %
B. (same)	50 %
35.01 (same)	25 %
35.02 (same)	25%
35.03 (same):		
A. (same)	25 %
B. (same)	25%
35.04 (same)	25%
35.05 (same)	25%
36.07 (same):		
A. (same)	(same)
B. (same)	50%
36.08 (same):		
A. (same)	(same)
B. (same)	50%

Tariff No	Tariff Heading	gales Tax Rate
37.04	(same)	25%
37.05	(same)	25%
37.07	(same):	
	A. (same)	25%
	B. (same)	25%
39.07	(same):	
	A. (same)	(same)
	B. (same)	(same)
	C. (same)	(same)
	D. (same)	75%
	E. (same)	(same)
	F. (same)	(same)
	G. (same)	75%
40.11	(same):	
	A. (same):	
	(I) (a) Retread tyres	25%
40.13	(same):	
	A. (same)	75%
	B. (same)	75%
	C. (same)	75%
	D. (same)	75%
42.02	(same)	25%
42-03	Articles of apparel and clothing accessories of leather or of composition leather	75%
42.05	Other articles of leather or of composition leat ber	50%.
43.01	(same)	25%
43.02	(same)	25%
48.12	Floor covering prepared on a base of paper or paperboard, whether or not cut to size, with or without a coating of linoleum compound	(same)
48-13	Carbon and other copying papers (including duplicater stencils) and transfer papers, cut to size, whether or not put up in boxes	(same)
48.16	Boxes, bags and other packing containers of paper or paper board	(same)
48.17	Box files, letter trays, storage boxes and similar articles, of pap r or paper board, of a kind commonly used in offices shops and the like	(same)
49.08	Transfer (Decalcomanias)	(same)
49.10	Calendars of any kind, of paper or paperboard, including calender blocks	(same)
49.11	(same):	
	A. (same)	25 %.
	B. (same)	25%
	C. (same)	25%
	D. Other	25%
63.02	(same):	
	A. (same)	(same)
	B. (same)	50%
68.13	Fabricated asbestos and articles thereof	Free
68.14	Friction materials -	
	A. (same)	(same)
	B. Other	50%
70.19	(Same).	
	A. (same)	75%
	B. (same)	75%

Tariff No.	Tariff Heading	Sale Tax Rate
70.21 (Same):		
A. (same)	...	25%
B. (same)	...	25%
C. (same)	...	(same)
71.02 (same)		
A. (same)	...	(same)
B. (same)	...	100%
71.16 Imitation Jewelry:		
A Beads and necklaces of beads	...	75 %
B. Other	...	75%
73.35 (same):		
(same)	...	(same)
D Other	...	50 %
73.36 (same):		
A. (same):		
(1) Complete	...	50%
(2) Parts thereof	...	50 %
B. Other	...	50%
74.04 (same):		
A. (same)	...	(same)
B. (same)	...	25%
74.17 (same) -		
A. (1) (same)	...	50 %
(2) (same)	...	(same)
(3) (same)	...	(same)
B. (same)	...	(same)
74.18 (same):		
A. (same)	...	25%
B. (same)	...	(same)
74.19 (same):		
A. (same)	...	25%
B. (same)	...	(same)
75.06 (same):		
B. (1) (same)	...	(same)
A. (same)	...	25%
75.16 (same):		
A. (same)	...	(same)
B. (1) (same):		
(a) (same)	...	25 %
(b) (same)	...	25%
(2) (same)	...	(same)
C. (same)	—	(same)
82.06 (same):		
A. (same)	...	(same)
B. (same)	...	25%
83.02 (same)		
A. (same)	...	50%
B. (same)	...	50%
C. (same)	...	(same)
D. (same)	...	(same)
83.07 (same):		
A. Street lamps, other than street lighting equipments, imported solely for use by a local authority	...	25%
84.10 (same):		
A. (same)	...	50 %
B. (same)	...	(same)
C. (same)	...	50%

Tariff No.	Tariff Heading	Sales Tax Rate
85.15 (same):	A. Radio receiving sets	50%
	B. Television receiving sets and radio grams	100%
	C. Parts of radio	50%
	D. Television and for the observation and control. of industry operations and parts thereof	Free
	Other	50%
85.18 (same)	-	
	A. Industrial or for scientific use	25%,-
	B. Suitable for use as parts of radio telev-, sion receiving or radio grams:	
	(1) Suitable for use as parts of radio,	50%
	(2) Suitable for use as parts of televi- sion sets or radiogram	100%
	C. Other	25%
85.21 (same)	A. Industrial	25%
	B. Suitable for use as part of radio or television receiving sets or radiograms,:	
	(1) suitable for use as parts of radio	100%
	(2) Suitable for use as parts of television receiving sets or radiogram	25%
	C. Other	25%
87.02 (same)	A. Passenger carrying motor cars (including estate cars, station wagons, motor caravans, mini-buses, four wheel drive saloon cars and the like	
	(1) If sales tax has not Previously been paid in Tanzania- Where the, maximum cylinder capacity of, the vehicle-	
	(i) does not exceed 1200 cc	150%
	(ii) exceeds 1200 cc but does not, exceed 2000ccc	200%
	(iii) exceed 2000 cc but does not exceed 2250 c c	200%
	,00 exceeds 2250 c c	200%

Provided that:

- (1) In the case of a used motor vehicle the value for purpose of assessing sales tax shall be deemed to be the following percentages of the aggregate of the c.i.f., value and fixed entry and Import duties which would have been its taxable value if registered when new. If the period of use prior to the date on which the liability to sales tax arose is (a) less than one-Year-90% of new value.
- (b) exceeds one year but does not exceed two-years-75% of new value

Tariff No.	Tariff Heading	Sales Tax Rate
	(c) exceeds two years but does not exceed five years- 60% of new value	
	(d) exceeds five years but does not exceed eight years-40 % of new value.	
	(e) exceeds eight years- 20% of new value.	
	(11) In the case of a vehicle registered, in Tanzania prior to June 13, 1974, and in respect of which registration tax under the Motor Vehicles (Tax on Registration and Transfer) Act, 1972, has been deemed to have been paid, such payment shall be deemed to constitute payment of sales tax in Tanzania	
(2) Other	...	Free
	B. Ambulances and hearses	Free
	C Dumpers	25%
	D. Load-carrying vehicles of a tare weight of not less than 1 tonne, buses and coaches with a seating capacity of not less than 14 passengers, four-wheel drive vehicles excluding four-wheel drive saloon cars; and chassis therefor, whether assembled or not	25%
	E. (same)	(same)
	E. Load carrying vehicles of a tare weight of less than one tonne	50%
90.01 (same)	A. (same)	(same)
	B. (same)	50%
90.02 (same):	A. (same)	(same)
	B. (same)	50%
90.03 (same):	A. (same):	(same)
	B. (same)	50%
92.11 (same):	A. Video tape recorders and reproducers, image and sound recorders and reproducers	100%
	B Sound recorders and reproducers, musical system -	50%
	C. Other	50%
92.12 (same):	A. Videotapes	100%
	B Gramophone records	50%
	C * Other	50%
94.04 (same):	A. (same)	25%
	B	(same)

Addition of new Second Schedule

52. The Principal Act is hereby - amended by adding immediately after, the First Schedule the following Schedule-

"SECOND SCHEDULE

(Section 3(l))

Tax on Service

Service No.	Description of Service	Sales tax Rate
1	Telephone: Service	5%

53. The principal Act is hereby amended by renumbering the Second Schedule as the Third Schedule.

Redesignation of second Schedule

54. The Third Schedule to the principal Act is hereby amended Part B by deleting sub-item (2) of item 1, which relates to Kerosene aviation spirit and similar fuels, and substituting for it the following-

Amendment of Third Schedule

"(2) Kerosene and aviation spirit imported or purchased before clearance through Customs solely for use in aircraft engines by any airline engaged in International traffic under an air service agreement between the Government of the United Republic and any foreign Government,

PART XI

AMENDMENTS TO THE TAX RESERVE CERTIFICATES ORDINANCE

55. This Part shall be read as one with the Tax Reserve Certificates Ordinance, in this Part referred to as 'the Ordinance', and shall be deemed to have come into operation on the 1st day of July, 1983.

Construction and amendment cap 374

56. Section 2 of the Ordinance is hereby amended by deleting the definitions "Act", "Commissioner" and "Member" and substituting for them respectively the following definitions-

Amendment of section 2

""the Act" means the Income Tax Act, 1973;"

Acts 1973 No 33

""the Commissioner" means the commissioner for Income Tax appointed under section 129 of the Act;"

"Minister" means the Minister for the time being responsible for finance;"

57. The Ordinance is hereby amended generally by deleting the word "Member", wherever it occurs; in the Ordinance and substituting for it, in each case the word "Minister"

General replacement

58. Section 9 of the Ordinance is hereby repeated and replaced by the following-

Repeal and replacement of section 9

"9,(1) Save with the prior written approval of the Minister, no person may, at any one time, hold a certificate or several certificates of, or adding up to a, value of more than fifty million shillings.

(2) Where a person wishes to purchase a certificate of a value exceeding fifty million shillings, or a certificate which if bought in addition to the other certificate, or certificates he already holds would render him a holder of certificates of a value exceeding fifty million shillings, he shall apply in writing in that behalf to the Minister.

(3) An application made to the Accountant- General under section 4, pointing out the fact the certificate applied for if granted would render the applicant- a holder of certificates of a value exceeding fifty million shillings shall be deemed to be proper application to the Minister for the purposes of this section

(4) Where it appears to the Accountant- General that an application made for the purposes of section 4 does not comply with subsection (3) of this section 4 does not granted contravene the provision of subsection (1) he shall forthwith refer the matter to the Minister whose decision on it shall be final and shall be complied with by the applicant as well as the Accountant-General

(5) A decision by the Minister upon an application made under subsection (2) of this section shall be final, and shall be complied with by the applicant as well as the Accountant-General."

PART XII

AMENDMENT TO THE TREASURY REGISTRAR ORDINANCE

Construction and commencement

59. This Part shall be read as one with the Treasury Registrar Ordinance, in this Part referred to as "the Ordinance" and shall be deemed to have come into operation on the applicant as well as the.

Repeal and replacement of section 6

Section 6 of the Ordinance is hereby repealed and replaced by the following-

Corporation to hold property in trust

Acts 1969 No.17

6.-(1) All investments and other property vested in the Treasury Registrar including investment comprised in the paid up capital of a public corporation or a statutory corporation pursuant to section 4 of the Public Corporations Act, 1969, shall be held by the Treasury Registrar in trust for the President and for the purposes of the Government of the United Republic

(2) The Minister may give the Treasury Registrar directions as to the disposal of investments or other property held by him and of the interest produce of their proceeds and the Treasury Registrar shall give effect to each such direction. -

(3) Save as is provided in subsection (2) nothing contained in this section in any other written law relating to trusts or trustees shall be construed as requiring the Treasury Registrar to realize any property held in trust for the President and to invest its proceeds in trustee securities, or as rendering the Treasury Registrar liable for retaining any

such, property or for not investing the proceeds of its sale or any moneys held upon such trust in investment from time to time authorized for trustees.

61. The Ordinance is hereby amended by adding immediately after section 6 the following new section-

Addition of
new section
6A and 6B

"Functions
Register in
relation to
corporations

6A. (41) The Treasury Registrar shall keep or cause to be kept under permanent review the business and affairs of all persons and bodies of persons in respect of which the Treasury Registrar holds any property or any interest in the property, pursuant to this ordinance

(2) Without prejudice to the generality of subsection (1), and in furtherance of that provision the Treasury Registrar shall in particular-

- (a) render advice to the Government relating to the establishment of public or statutory corporations and the vesting of any business or property in any such organizations;
- (b) review the financial performance of public and statutory corporations with a view to recommending measures aimed at amalgamation, disestablishment or improvement of the performance;
- (c) consider, recommend or approve corporate and annual plans or public statutory corporations, or other bodies in which the Treasury Registrar has an interest before their submission to the Government for incorporation in the overall economic development plans of the Government or for funding;
- (d) set financial targets and other performance criteria to be pursued by any public statutory corporation; ...
- (e) evaluate from time to time the performance and effectiveness of boards and management committees of public and statutory corporations and recommend to the Government remedial or improvement measures, designed to ensure the proper and more efficient utilization of finances and assets of those corporations.

(3) Every chief executive officer as well as the Board or Management Committee and the Parent Ministry of every public or statutory corporation shall when so required by him furnish the Treasury Registrar with any information or report in such form and within such time as may be specified in the requirement, and, for the purposes of facilitating the performance by the Treasury Registrar of his functions under this section.

Ads, 1969
No. 17

(4) For the avoidance of doubt, in this section all reference to corporations is a reference to public and statutory corporations to which section 4 of the Public Corporations Act, 1969, applies; and the provisions of this section relate to the Treasury Registrar in its capacity of a corporation sole, but nothing in them shall be construed as authorising it to disregard any enactment or rule of law."

"Power in
relation to
corporations

6B. (1) For the purposes of securing the proper management of the property and other investments vested' in it, the Treasury Registrar shall closely monitor the supervision and control of the financial affairs of all public and statutory corporations and may, in particular-

- (a) cause a special examination to be made of the expenditure of the funds of any public or statutory corporation;
- (b) require any corporation to make specific adjustments of expenditure;
- (c) cause or facilitate the conduct of inquiries into the conduct and performance of functions by officers having control of or access to the funds or employed in the maintenance of the accounts, of any public or statutory corporation;
- (d) direct or approve the adoption, application or amendment of financial regulations so as to ensure the proper accounting of incomes and expenditure of corporation
- (e) recommend to the Minister measures designed to —
 - (j) minimise unproductive expenditure of 'funds of public and statutory corporations,
 - (ii) averting loss of funds resulting from negligence, lack of care, theft, dishonesty or otherwise

(2) The Minister may, by regulations, published, in the Gazette , *provide* the procedure for ensuring the smooth and effective exercise by the Treasury Registrar of the powers of control and supervision conferred by this section.

(3) For the avoidance of doubt, in this section all reference to corporations is reference to public and statutory corporations to which section 4 of the Public Corporation Act, 1969, applies; and the powers conferred by this section to the Treasury Registrar in relation to corporations shall be in addition to and not in derogation of, any powers conferred on it by or under any other written law."

PART XIII

AMENDMENT OF THE STAMP DUTY ACT, 1972

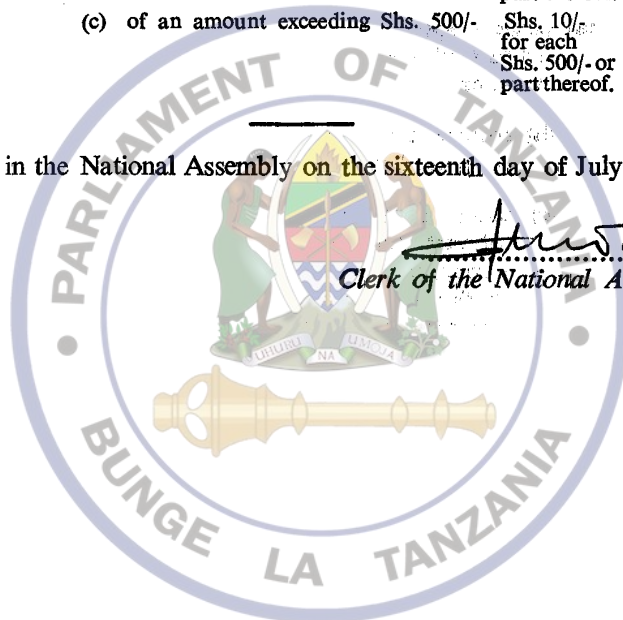
62. The Schedule to the Stamp Duty Act, 1972 is hereby amended by deleting the whole words under Article 51 and substituting the following—

Amendment
of Schedule
Acts, 1972
No. 20

“51. (same):

- | | |
|---|---|
| (a) of an amount not exceeding Shs. 99/99 | Nil |
| (b) of an amount exceeding Shs. 99/99
but not exceeding shs. 500/- | 1/- for
each
shs. 100/-
or
part thereof. |
| (c) of an amount exceeding Shs. 500/- | Shs. 10/-
for each
Shs. 500/- or
part thereof. |

Passed in the National Assembly on the sixteenth day of July, 1983.



[Signature]
Clerk of the National Assembly