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NOTICE

The Bill following hereunder shall be presented before the House of Representatives under the certificate of agency for the first, second and third readings which will start its session on 10th May of 2017, and is gazetted for the public notice incorporating together with its objects and reasons.

ZANZIBAR
20th April, 2017

(Dr. ABDULHAMID Y. MZEE)
*Secretary to the Revolutionary
Council and Chief Secretary*

A BILL

for

**AN ACT TO PROVIDE FOR BETTER PROVISIONS
RELATING TO STAMP DUTY AND OTHER MATTERS
RELATED THEREWITH AND TO REPEAL THE STAMP
DUTY ACT NO. 6 OF 1996.**

ENACTED by the House of the Representatives of Zanzibar

**PART ONE
PRELIMINARY PROVISIONS**

Short title
and
Commencement.

1. This Act may be cited as the Stamp Duty Act, 2017 and shall come into operation upon being assented to by the President.

Interpretation.

2. In this Act unless the context otherwise requires:

“acknowledgement” means a note of acknowledgement whereby any debt or demand or any part thereof is either acknowledged to have been created or is discharged or satisfied as the case may be;

“affixed” in relation to an adhesive stamp, means securely fixed by means of an adhesive paste;

“applicant” means a person who applies for an agreement of composition under this Act and includes his personal representatives, assigns and attorneys;

“arms length” means an internationally accepted and preferred basis for determining the transfer price of a transaction between associated persons.

“attested” means countersigned by the Competent Authority in the prescribed manner in token of due payment of the stamp duty;

“authorized officer” means any officer authorized under the provisions of this Act, by the Commissioner or any other authority empowered to do so, to carry out any function under the provisions of this Act;

“banker” and “bank” include any corporation, society, partnership or person carrying on the business of banking in Zanzibar;

“Bill of Exchange” includes a draft, order, cheque, letter of credit and any other document entitling or purporting to entitle any person whether named therein or not to payment

by any other person of, or to draw upon any other person for, any sum of money;

“Bill of Lading” includes any receipt given in lieu thereof from the master, mate, owner or agent of any vessel and is not to be stamped after the execution thereof.

“business” includes any activity carried on with a view to profit or gain and also includes trade, commerce, or manufacture of goods;

“certificate of no objection” means a certificate issued by the Commissioner under this Act to certify the value of any property intended to be sold;

“chargeable” means chargeable to stamp duty under this Act or chargeable under any other law in force in Zanzibar at the relevant time before the commencement of this Act;

“charging rates” means the rate imposed under section 3 of the Act;

“charter-party” includes any agreement or contract for the charter of any vessel or aircraft or any memorandum, letter or other writing between the captain, master, owner or agent of any vessel and any other person for, or relating to the freight or conveyance beyond Zanzibar of any money, goods or effects on board of such vessel;

“cheque” means a bill of exchange drawn on a specified banking establishment and is payable on demand and not otherwise;

“Commissioner” means the Commissioner for Zanzibar Revenue Board or any person to whom the Commissioner has delegated any of the functions under this Act;

“Conveyance” includes a conveyance on sale and every instrument by which property whether movable or immovable is transferred by voluntary disposition and which is not

specifically provided for by the Schedule under this Act; and also a decree or order for or having the effect of an order for foreclosure;

“competent authority” means the officer appointed by the Government to exercise the powers of Competent Authority under this Act, by whatever designation;

“company” includes a company incorporated in Zanzibar or if incorporated outside Zanzibar, registered with the Executive Director of Business and Property Registration Agency Zanzibar;

“Court” means a court of law having jurisdiction over the area where the taxpayer or the person concerned normally resides or carries on his business or profession;

“defaulting taxable person” means a taxable person who fails to pay the stamp duty chargeable under this Act, within the prescribed time and in the prescribed manner;

“designated appellate authority” means an appellate tax authority as established by an Act of the House of Representatives;

“duly stamped” means that the instrument bears an adhesive or impressed stamp of not less than the proper amount and that such stamp has been cancelled and attested in the prescribed manner;

“duty” means any duty leviable by means of stamps under this Act or any other enactment;

“date of acquisition” means, in the case of the acquisition of property by way of a transaction, the date on which the transaction was entered into, irrespective of whether the transaction was conditional or not or was entered into for the benefit of a company already registered or on behalf of a company still to be registered and, in the case of the acquisition of property otherwise than by way of a transaction, the date upon which the person who so acquired the property became entitled to claim it;

“executed” and “execution” when used with reference to instruments means signed and signature respectively;

“Government” means the Revolutionary Government of Zanzibar and includes its parastatals;

“importer” means the importer of exempt supplies charged under this Act;

“instrument” includes every document by which any right or liability is or purports to be created, transferred, limited, extended, extinguished or recorded;

“interim policy of insurance” means any instrument issued within Zanzibar which purports to cover any risk under a contract of insurance pending the receipt from outside Zanzibar of a final policy covering the same risk;

“Lease” means a lease of immovable property and also includes:

- (a) a certificate of occupancy;
- (b) a grant for a term of the right to use and enjoy any easement, profit a’ prendre, or incorporeal right;
- (c) any instrument by which tolls of any description are let;
- (d) any writing on an application for a lease intended to signify that the application is granted;

“material” includes material of every description upon which words or figures can be expressed;

“Minister” means the Minister for the time being responsible for Finance;

“Mortgage Deed” includes every instrument whereby for the purpose of securing money advanced, or to be advanced, by way of loan, or an existing or future debt, or the performance of an agreement, one person transfers or creates to, or in

favour of another, a right over, or in respect of specified property, and for the purpose of this Act includes a charge under the laws relating to Land Registration;

“Power of Attorney” includes any instrument empowering a specific person to act for and in the name of the person executing it;

“Promissory note” includes a note promising the payment of any sum of money out of any particular fund which may or may not be available, or upon any condition or contingency which may or may not be performed or happen;

“Periodical gross turnover” means the total amount of money received or receivable by the taxpayer in consideration of sale of goods or services during a specified period determined under the provisions of this Act;

“place of business or profession” includes any building or premises where any activity relating to the business or profession as the case may be is carried out including maintenance of books of accounts, documents and records;

“policy of insurance” includes any writing whereby a contract of insurance is made, issued, agreed to be made; which purports to cover any risk for any property or service under a contract of insurance in Zanzibar;

“policy of life insurance” means a policy upon any life or lives or upon any event or contingency relating to or depending upon any life or lives, except a policy of insurance against accident to a person or in respect of any injury, incapacity, sickness or the like, or a policy whereby a sum is payable to cover any compensation or damage due under any enactment relating to workers’ compensation or employer’s liability or under the common law, in respect of the death or illness of or injury to an employee;

“profession” includes any vocation carried on with a view to earn living or gains;

“property” means immovable and movable property of every kind and includes right in such property;

“Public officer” includes any officer appointed by the Government to perform public duties as assigned to him by law or instructions, and also includes any arbitrator or other person having by law or consent of parties authority to receive evidence;

“receipt” or “bill of sale” in relation to a transaction of business or profession and includes any note, memorandum, or writing whereby any money, bill of exchange, cheque, or promissory note is acknowledged to have been received or any goods or services are described to have been provided on credit as the case may be;

“quarter” means the period between 1st January to 31st March or 1st April to 30th June or 1st July to 30th September or 1st October to 31st December of a financial or calendar year;

“sale” includes exchange and any other modes of transfer of goods and services by one person to the other for consideration;

“specific rate” means the specified rate under this Act in which the taxable person shall not be liable to pay the value added tax;

“stamped” in relation to an instrument or any material, means the instrument or material which is impressed with a stamp to the proper value by means of a stamp or has an adhesive stamp of the proper value affixed thereto;

“stamp duty” includes any sum payable by way of duty, penalty, fine or any other sum chargeable under this Act;

“person” includes a person who is responsible to pay stamp duty or who is subjected to any proceedings under the provisions of this Act, and includes his personal representatives, assigns and attorneys;

“public interest” means general welfare of the public that warrants recognition and protection;

“taxable supply” means the goods or services chargeable under this Act.

“unstamped” means not duly stamped as required by this Act or any other enactment;

“write”, “written”, “writing” includes every mode in which words or figures can be impressed upon material.

PART TWO IMPOSITION OF DUTY AND ADMINISTRATION

Imposition
of duty

3.-(1) Subject to the provisions of this Act, there shall be imposed and collected a duty to be known as the stamp duty.

(2) The stamp duty under subsection (1) of this section shall be imposed and collected:

- (a) on the supply of goods and services in Zanzibar by a taxable person in the course of or furtherance to business carried on by that taxable person;
- (b) on the supply of goods and services exempted under the Second Schedule of the Value Added Tax Act No. 4 of 1998;
- (c) for all instruments specified under the First Schedule to this Act, unless the instrument specified are exempted from payment of duty; or
- (d) for small taxable persons and on specific items as specified in the Second and Third Schedule to this Act.

(3) Stamp duty shall:

- (a) subject to section 3(2)(a) and (b), be at the rate of 3 per centum charged on taxable value;

(b) in relation to instruments specified in paragraph (c) of section 3 (2), be at the rate specified in the First Schedule;

(c) in relation to small taxable persons and on specific items specified in paragraph (d) be at the rate specified in Second and Third Schedules.

(4) Notwithstanding the provisions of this Act, the Minister may, after consultation with the Commissioner and considering the public interest, by order published in the Gazette, categorise particular types of goods or services for which a specific rate other than the rate specified under subsection (3) of this section, be applicable as stamp duty.

(5) The Minister may, by order published in the Gazette, amend, replace and vary the rates of stamp duty referred to in sub section (3) (b) of this section.

(6) Where the charge of any supply of goods or services provided under subsection (2) (b) of this section is imposed and charged under the Petroleum Levy Act and the Port Service Charge Act, the charge of such goods or supply shall be in accordance with such respective law.

4. Notwithstanding the provisions of the relevant law relating to transfer of any property or instrument of ownership, no transfer of any property or instrument of ownership in Zanzibar shall be affected by any person until the Commissioner has issued a certificate of no objection.
Administration

Certificate
of no
objection.

5.-(1) The stamp duties chargeable under this Act and any other enactment shall be under management of this Act.

(2) The Minister may, in consultation with the Commissioner, by order published in the Gazette, appoint a person or class of persons as an agent or authorized officer for the purpose of this Act, in respect of all instruments or other matters specified in this Act.

(3) The Minister may, in consultation with the Commissioner, cancel the appointment under subsection (2) of this section.

(4) A person appointed under this section shall be responsible to receive a sum of money in respect of a duty; or collects a duty by means of a stamp and pay the amount due to the Commissioner.

(5) Subject to the provisions of section 4 of the Tax Administration and Procedures Act, the Commissioner or any person appointed under sub section (2) of this section shall, for the purpose of collection of duty, ascertain the market value of any property or instrument to be chargeable with duty.

(6) A person appointed who improperly withholds or retains money received or fails to collect duty under this section commits an offence.

PART THREE

GENERAL PROVISIONS APPLICABLE TO INSTRUMENTS

Instruments chargeable with duty.

6. The following instruments shall be chargeable with duty in accordance with the First Schedule:

- (a) every instrument mentioned in the First Schedule which, not having been previously executed by a person, is executed in Zanzibar and relates to property situated, or to anything done or to be done in Zanzibar;
- (b) instrument or document drawn or made outside Zanzibar and accepted or paid, or presented for acceptance or payment, or endorsed, transferred or otherwise negotiated, in Zanzibar; and
- (c) every instrument, other than a bill of exchange, cheque or promissory note, mentioned in the First Schedule, which, not having been previously executed by any person, is executed outside Zanzibar, relates to property situated, or to anything done or to be done, in Zanzibar and is received in Zanzibar.

7.-(1) The persons specified in the third column of the First Schedule shall be liable to pay stamp duty for the instrument identified therein. Person liable to pay.

(2) Where a duty or penalty has been paid under this Act by a person in respect of an instrument, and, by agreement or any other enactment in force at the time the instrument was executed, some other person was bound to bear the expense of providing the proper stamp for the instrument, the first-mentioned person shall be entitled to recover from that other person the amount of the duty or penalty paid.

(3) Nothing in this section contained shall prohibit any agreement between the parties as to the distribution between themselves of liability to pay the amount of duty chargeable.

(4) Save as otherwise provided in this Act or any other applicable law, any person liable to pay duty for any instrument liable to duty or who fails to stamp the same as required by this Act, or in any manner makes use of an unstamped instrument, is liable to pay double the duty payable and shall in addition to a fine not exceeding Five Hundred Thousand Shillings.

8.-(1) The payment of any duty shall, save as is otherwise in this Act, specially provided be denoted by means of an adhesive stamp or impressive stamp to the instrument chargeable and defaced in terms of this Act. Denoting.

(2) Where duty is required to be paid or indicated by means of an adhesive stamp, such stamp shall be a revenue stamp issued under this Act for the payment of stamp duty, which, at the time the duty is to be paid or indicated, is a valid revenue stamp.

(3) Every adhesive stamp used to denote the payment of stamp duty under this Act shall be cancelled forthwith by the person affixing it in such manner as to render it incapable of being used again for any revenue purpose.

(4) Where the duty to which an instrument is liable makes it necessary to affix thereto a large number of stamps, a special receipt

may be issued for the duty instead of the affixing of stamps, and upon the issue of such receipt the revenue officer or authorized officer shall endorse upon the instrument a certificate of the due payment of the said duty, which certificate shall contain a reference to the number and date of the receipt issued and shall set forth the amount paid as such duty.

(5) Each stamp impressed on an instrument, other than an instrument stored electronically or in cellulose material shall contain figures denoting the actual date on which that stamp was impressed.

(6) The Minister may, by notice in writing, declare that the duty on any instrument or class of instruments be denoted by either impressed stamps or adhesive stamps and payment of the duty shall, as the case may be, be denoted accordingly.

How
instruments
written and
stamped.

9.-(1) An instrument chargeable with stamp duty shall be so written that the stamp may appear on the face of the instrument and cannot be used for or applied to any other instrument.

(2) An instrument chargeable with stamp duty containing or relating to several distinct matters shall be separately and distinctly charged, as if it was a separate instrument, with stamp duty in respect of each of the matters.

(3) An instrument chargeable with stamp duty shall be separately and distinctly stamped with the stamp duty chargeable thereon.

(4) Subject to the provisions of section 8, an instrument made for any consideration by reference to which it is chargeable with stamp duty, and also for any further or other valuable consideration or considerations, shall be separately and distinctly charged, as if it were a separate instrument, with stamp duty in respect of each of the considerations.

Penalty in
relation to
adhesive
stamps.

10.-(1) A person who by any writing in any manner defaces an adhesive stamp before it is used for the purpose of denoting stamp duty

is guilty of an offence and shall be liable to a fine of not less than One Hundred Thousand Shillings but not exceeding Five Hundred Thousand Shillings.

(2) If a person :

- (a) fraudulently removes or causes to be removed from any instrument any adhesive stamp, or affixes to any other instrument or uses for any other purpose any adhesive stamp which has been so removed with intent that the stamp may be used again; or
- (b) sells, or offers for sale, or utters, any adhesive stamp which has been so removed, or utters any instrument, having thereon any adhesive stamp which has to his knowledge been so removed,

is guilty of an offence and shall be liable, in addition to any other fine or penalty to which he is liable, to a fine of not less than One Hundred Thousand Shillings but not exceeding Five Hundred Thousand Shillings.

11.-(1) The Minister may, by order published in the Gazette, make provisions for the payment of the duty on any of the instruments specified in the First Schedule by means of a franking machine. Franking of certain instruments.

(2) Every impression indicating the payment of duty made by a franking machine used under licences under this section shall contain the true date of the making of such impression.

(3) The franking of any of the instruments under sub section (1) of this section, by any duly authorized person as provided for in this section, if done in accordance with the terms of this section and of the licence, shall have the same effect as cancelling an adhesive stamp on the date and to the value indicated by such franking.

12.-(1).All the facts and circumstances affecting the liability of any instrument to duty or the amount of the duty with which any instrument is chargeable are to be fully and truly set forth in the instrument, and the Examination and impounding of instruments.

authorized officer may require such evidence to be furnished as may be reasonably necessary to prove that all such facts and circumstances are truly set forth.

(2) The authorized officer may impound an instrument which does not fully and truly set forth all the facts and circumstances affecting the liability of that instrument to duty or the amount of the duty with which such instrument is chargeable.

(3) Where an instrument brought to the authorized officer under this Act is, in the opinion of the authorized officer:

- (a) one of a description is chargeable with duty and that officer determines that the duty is already fully stamped; or
- (b) the duty determined by that officer or such sum as, with the duty already paid, the payment is equal to the duty determined,

that officer shall certify by endorsement on the instrument stating the amount, with which it is chargeable has been paid.

(4) An instrument upon which an endorsement has been made under this section:

- (a) shall be taken to be duly stamped or not chargeable with duty, as the case may be; and
- (b) if chargeable with duty, shall be receivable in evidence or otherwise, and may be acted upon and registered as if it had been originally duly stamped.

(5) Where the authorized officer impound an instrument under this section or receives an instrument sent to him, not being an instrument chargeable with a duty, or a bill of exchange or promissory note, and he is of opinion that the instrument is chargeable with duty and is not duly stamped, he shall require the payment of the proper duty or the amount required to make up that duty, together with the prescribed penalty.

(6) A person who, with intent to evade the payment of duty:

- (a) executes any instrument in which all such facts and circumstances are not fully and truly set forth; or
- (b) being employed or concerned in or about the preparation of any instrument, fails to fully and truly, set forth therein all such facts and circumstances,

commits an offence and upon conviction is liable to a fine of not less than One Hundred Thousand Shillings but not exceeding Five Hundred Thousand Shillings.

13.-(1) Stamps used for any of the instruments described in the First Schedule shall, when affixing such stamp, bear official seal showing the date of execution of the instrument. Cancellation of stamp.

(2) Where stamp duty is required or permitted by any written law to be denoted by an adhesive stamp, the stamp shall be cancelled in such manner as to render it incapable of being used again for any revenue purpose.

(3) Any instrument bearing a stamp which shall not bear the requirements of sub section (1) or has not been so cancelled in the manner prescribed in this section so far as such instrument is concerned, be deemed to be unstamped.

(4) Stamps used for any of the instruments may, be cancelled to any affixed stamp or the paper on which it is proposed to be written, shall there be cancelled by having the word "cancelled" with the "Official Stamp" with the signature of the officer and the date written or printed partly on the stamp and partly on the paper to which the stamp is affixed either wholly on the stamp or partly on the stamp and partly on the paper to which the stamp is affixed, so that the stamp cannot be used again.

(5) Where two or more stamps are used to denote the stamp duty on any instrument, each and every stamp shall be cancelled in the manner prescribed in this section.

(6) Where an instrument, the stamp duty on which is required or permitted by any written law to be denoted by an adhesive stamp:

- (a) is to be stamped before execution, or before issue, or before being parted with by the maker, or before the doing of any other act,
- (b) the first person executing, or the person issuing, or the maker, or the person doing such other act, as the case may be, shall cancel the adhesive stamp before execution, or before issuing, or before parting with the instrument, or before doing that other act, as the case may be.

(7) Notwithstanding the provisions of subsection (1), if at the time the bill of exchange, or note comes into the hands of a holder in Zanzibar:

- (a) the proper stamp is affixed to it and cancelled in the manner prescribed; and
- (b) the holder has no reason to believe that the stamp was affixed or cancelled except by the person and at the time is required by this Act;

the stamp shall, so far as relates to that holder, be taken to have been duly affixed and cancelled.

(8) The provisions of subsection (2) of this section do not relieve a person from a penalty incurred by him for omitting to affix or cancel a stamp.

(9) A person who neglects or refuses duly and effectively to cancel an adhesive stamp in accordance with the provisions of this section is guilty of an offence and shall be liable to a fine not exceeding Five Thousand Shillings.

14.-(1) If the instrument is executed by any authorized agent whether corporate body or quasi corporate body the cancellation shall be deemed effectual if made in manner hereinbefore provided and by impressing or marking in ink the full name of such body or the initial letters of such name or the initial letters of the name of the manager, secretary or other person executing such instrument on behalf of such body together with such date as aforesaid.

Cancellation by appointed agents.

(2) A person who is being required by law to cancel an adhesive stamp, neglects or refuses duly and effectually to do so in manner aforesaid is guilty of an offence and shall be liable to a fine not exceeding Three Hundred Thousand Shillings.

15.-(1) Subject to this section, the value on which duty is payable shall be the amount of consideration payable by the person who has acquired the property or, if no consideration is payable, shall be the average market value of the property.

Value of property on which duty payable.

(2) In the case of a transaction whereby one property is exchanged for another and no additional consideration is payable by either party to the transaction, the value on which duty is payable in respect of the acquisition of each property shall, be the average market value of each property.

(3) Where the properties exchanged are not of equal value, duty shall, subject to the provisions of sub section (2), be paid in respect of the acquisition of each property on the average market value of the property which has the greater value.

(4) In the case of a transaction whereby one property is exchanged for another and additional consideration is payable by either party to the transaction, the value on which duty is payable shall, subject to this section, be -

- (a) in respect of the acquisition of the property for which the additional consideration is payable, the average market value of that property, or the average market value of

the property given in exchange for that property plus the additional consideration payable, whichever is the greater; and

- (b) in respect of the acquisition of the other property, the average market value thereof, or the average market value of the property given in exchange for that property less the additional consideration payable, whichever is the greater.

(5) The provisions of subsections (1) shall not apply in respect of the acquisition of property sold by public auction, unless the authorized officer satisfied that the sale was not a good faith sale by public auction, or that there was collusion between the seller and the purchaser or their agents.

(6) Where the property is transferred between related parties, the value of the property shall be determined at the arm's length.

Direction as to duty in case of certain conveyances.

16.-(1) Where property contracted to be purchased for one consideration for the whole by two or more persons jointly; and such instrument is separately and distinctly charged as single instrument, the stamp shall be deemed to be a separate instrument.

(2) Where a person:

- (a) having contracted for the purchase of any property but not having obtained a conveyance of the property, contracts to sell it to any other person, and
- (b) the property is in consequence conveyed immediately to the sub purchaser,

the conveyance shall be chargeable with duty in respect of the consideration for the sale by the original purchaser to the sub purchaser.

(3) Where a person contracts for the purchase of property but not having obtained a conveyance of the property, contracts to sell the whole, or any part of it, to any other person and the property is in

consequence conveyed by the original seller to different persons in parts, the conveyance of each part sold to a sub-purchaser shall be chargeable with duty in respect only of the consideration paid by that sub-purchaser without regard to the amount or value of the original consideration.

(4) The conveyance of the residue, if any, of the property to the original purchaser shall be chargeable with duty in respect only of the excess of the original consideration over the aggregate of the considerations paid by the sub-purchasers.

17.-(1) Where on the partition or division of any real property, any consideration is paid or given or agreed to be paid or given for equality, the principal or only instrument whereby such partition or division is affected to be charged with the same ad valorem duty as a sale for such consideration and with such duty only. Partition or Division.

(2) Where more than one property is the subject of the same transaction the rate of duty payable in respect of each property shall be calculated on the value of that property as if it was the subject of a separate transaction.

18. A person who makes or executes any bill of lading not duly stamped is guilty of an offence and shall be liable to a fine of not less than Two Hundred Thousand Shillings but not exceeding Five Hundred Thousand Shillings. Bills of lading.

19.-(1) A bill of exchange or promissory note drawn and purporting to be payable at sight or on presentation shall, for the purpose of this Act, be deemed to be a bill of exchange or promissory note payable on demand. Bill of exchange and promissory note.

(2) The duties imposed on bills of exchange and promissory notes may, subject to the provisions of sub section (1), be denoted by adhesive stamps affixed thereto or may be partly denoted by adhesive stamp and partly by impressed stamps.

(3) When bill of exchange is drawn in a set according to the custom of merchants and if the set is dully stamped, the other or others of the set shall, unless issued in some manner or negotiated apart from such duty stamped bill of the set which has not been issued or in any manner negotiated apart from such lost or destroyed bill, although un stamped, be admitted in evidence to prove the contents of such lost or destroyed bill.

(4) A bill of exchange or promissory note which purports to be drawn or made out of Zanzibar shall, for the purpose of determining the mode in which the stamp duty thereon is to be denoted, be deemed to have been so drawn or made, although it may in fact have been drawn or made within Zanzibar.

Transfers on sale.

20.-(1) An instrument by which any property is legally or equitably transferred to or vested in any other person by way of exchange shall be deemed to be a transfer on sale of that property and stamp duty shall be assessed and paid thereon accordingly.

(2) Where the consideration or any part of the consideration for a transfer on sale consists of:

- (a) any marketable security, such transfer is to be charged with ad valorem duty in respect of the value of such security;
- (b) any security not being a marketable security, such transfer is to be charged with ad valorem duty in respect of the amount due on the day of the date thereof for principal and interest.

Valuation in Periodical payments.

21.-(1) Where an instrument is executed to secure the payment of an annuity or other sum payable periodically, or where the consideration for a conveyance is an annuity or other sum payable periodically, the amount secured by the instrument or the consideration for the conveyance, as the case may be, shall, for the purposes of this Act, be considered to be:

- (a) where the sum is payable for a definite period so that the total amount to be paid can be previously ascertained, such transfer is to be charged in respect of such consideration with ad valorem duty on such total amount;
- (b) where the sum is payable in perpetuity or for an indefinite time not terminable with any life in being at the date of the instrument or conveyance, the total amount which, according to the terms of the instrument or conveyance, may be payable during the period of fifteen years calculated from the date on which the first payment becomes due; and
- (c) where the sum is payable for an indefinite time terminable with any life in being at the date of the instrument or conveyance, the maximum amount which may be payable as described in paragraph (b) during the period of ten years calculated from the date on which the first payment becomes due.

(2) No transfer on sale chargeable with ad valorem duty in respect of periodical payments and containing also provisions for securing such periodical payments is to be charged with any duty whatsoever in respect of such provisions, and no separate instruments made in any such case for securing such periodical payments is to be charged with any higher duty than One Hundred Thousand Shilling.

22.-(1) Where an instrument contains a statement of current rate of exchange or quoted price or average value and is stamped in accordance with such statement it is, so far as regards the subject matter of such statement, to be deemed duly stamped. Effect of statement of value.

(2) An authorized officer or agent appointed under this Act is required to confirm the statement of current rate of exchange before stamping any document before him.

(3) If such statement is proved to be untrue, the deficient duty and fine may be recovered.

(4) A person who fails or refuses to comply with an authorized officer's or agent's confirmation under this section, is guilty of an offence and shall be liable to a fine not exceeding Five Hundred Thousand Shillings.

Mode of calculating ad valorem duty.

23.-(1) Where an instrument is chargeable with ad valorem duty in respect of-

- (a) any money in any foreign currency; or
- (b) any stock or marketable security,

the duty shall be calculated on the value, on the day of the date of the instrument, of the money according to the current rate of exchange, or of the stock or security according to the average price thereof.

(2) Where an instrument contains a statement of current rate of exchange, or average rate of exchange, or average price, as the case may require, and is stamped in accordance with that statement, it shall, so far as regards the subject matter of the statement, be deemed duly stamped, unless or until it is shown that the statement is untrue, and that the instrument is in fact insufficiently stamped.

Transfer in consideration of debt or subject to future payment to be charged.

24.-(1) Where property is transferred to a person in consideration, wholly or in part, of any debt due to the person, or subject either certainly or contingently to the payment or transfer of any money or stock, whether being or constituting a charge or encumbrance upon the property or not, the debt, money or stock is to be taken as the whole or part, as the case may be, of the consideration in respect of which the transfer is chargeable with duty.

(2) In the case of a sale of property subject to a mortgage or other encumbrance, any unpaid mortgage money or money charged, together with the interest, if any, due on the encumbrance, shall be taken to be part of the consideration for the sale.

(3) Where property subject to a mortgage is transferred to the mortgagee, the mortgagee shall be entitled to deduct from the duty payable on the transfer the amount of any duty already paid in respect of the mortgage.

25.-(1) In assessing the amount of stamp duty payable in respect of the transfer of mortgages in the cases hereinafter mentioned the following provisions shall apply: Mortgages.

- (a) where any transfer of a mortgage or of mortgages is made pursuant to the appointment of a trustee or of trustees under any will, settlement or other instrument or by order of the Court, the duty on such transfer shall be as provided in the First Schedule;
- (b) where any transfer of a mortgage or of mortgages discloses that such transfer is made or executed only by way of completion or confirmation of title and for no other reason or where such transfer discloses that no benefit accrues to the person in whose favour such transfer is made or executed or that no greater benefit so accrues than such person had or was entitled to have by law or by virtue of some other instrument, the duty on such transfer shall be as provided in the First Schedule.

(2) Nothing in this section shall be deemed to exempt any transfer of a mortgage from liability to any other duty to which it is or may be liable under this Act or any other Act relating to stamp duties.

26.-(1) A conveyance or transfer operating as a voluntary disposition shall be chargeable with the like stamp duty as if it were a conveyance or transfer on sale. Voluntary conveyance.

(2) A conveyance or transfer, not being a disposition made in favour of a purchaser or encumbrancer or other person in good faith and for valuable consideration, shall, for the purposes of this section,

be deemed to be a conveyance or transfer operating as a voluntary disposition, and except where marriage is the consideration, the consideration for any conveyance or transfer shall not for this purpose be deemed to be valuable consideration where by reason of the inadequacy of the sum paid as consideration or other circumstances the conveyance or transfer confers a substantial benefit on the person to whom the property is conveyed or transferred.

(3) A conveyance or transfer made for nominal consideration for the purpose of securing the repayment of an advance or loan or made for effectuating the appointment of a new trustee or the retirement of a trustee, whether the trust is expressed or implied, or under which no beneficial interest passes in the property conveyed or transferred, or made to a beneficiary by a trustee or other person in a fiduciary capacity under any trust, whether expressed or implied, shall not be charged with duty under this section.

Security for future advances, how to be charged.

27.-(1) A security for the payment or repayment of money to be lent, advanced or paid, or which may become due upon a current account, either with or without money previously due, shall be charged, where the total amount secured or to be ultimately recoverable is in any way limited, with the same duty as a security for the amount so limited.

(2) Where such total amount is unlimited, the security is to be available for such an amount only as the ad valorem duty stamped thereon extends to cover; but where any advance or loan is made in excess of the amount covered by that duty, the security shall, for the purpose of stamp duty, be deemed to be a new and separate instrument bearing date on the day on which the advance or loan is made.

(3) No money to be advanced for the insurance of any property comprised in the security against damage by fire, or for keeping up any policy of life insurance comprised in the security, or for effecting in lieu thereof any new policy, shall be considered as forming part of the amount in respect whereof the security is chargeable with ad valorem duty.

28. Where the consideration for a lease is wholly or partly, a royalty payable either in money, produce or goods or any other consideration whatsoever other than a fixed sum of money, then, if it is stipulated that the amount of such money or the value of such produce or goods is to amount at least to, or not to exceed, a given sum or where the lessee is specially charged with or has the option of paying after any permanent rate of conversion, the yearly amount of such money and value of such produce or goods is to be estimated at such given sum or according to such given rate.

Leases how to be charged in respect of royalty.

29. A lease shall, so far as the consideration therefore consists of any premium or other consideration whatsoever other than rent, moving either to the lessor or to any other person, be charged with ad valorem stamp duty computed on that consideration as if it were a conveyance on sale for the amount of that consideration.

Duty on leases in other cases.

30.-(1) Where the consideration or any part of the consideration for which any lease is granted or agreed to be granted does not consist of money but of any produce or other goods, the duty is to be calculated on the value of such produce or goods at the consideration or average market price thereof on the date of the instrument.

Leases, how to be charged in respect of produce or others.

(2) Where it is stipulated that the value of the produce or goods is to amount at least to, or is not to exceed, a given sum, or where the lessee is specially charged with or has the option of paying after any permanent rate of conversion, the value of the produce or goods shall, for the purpose of assessing the ad valorem duty, be estimated at the given sum, or according to the permanent rate.

(3) A lease or an agreement for a lease made either wholly or partially for any such consideration, if it contains a statement of the value thereof, and is stamped in accordance with the statement, shall, so far as regards the subject matter of the statement, be deemed to be duly stamped, unless or until it is otherwise shown that the statement is incorrect, and that the lease or agreement is in fact not duly stamped.

Duty on lease with varying rentals.

31. In the case of a lease at a specified rental for a specified period or series of periods with provision for the rent subsequent to the last such period being fixed by valuation or otherwise, the duty shall be assessed on the highest fixed rental specified in such lease, and, if the new rental when fixed by valuation or otherwise as aforesaid exceeds the rental upon which the duty was originally assessed, duty on the excess shall then be payable and the instrument of lease shall then be presented for assessment accordingly in like manner and subject to the like provisions as to fine and otherwise as in the case of the original assessment.

Deeds, others not to be notorially attested unless stamped.

32.-(1) A notary public who knowingly and willfully by any notarial act attests or certifies the due execution of any instrument liable to duty and not appearing to be duly stamped, is guilty of an offence and shall be liable to a fine of not less than Two Hundred Thousand Shillings but not exceeding Five Hundred Thousand Shillings .

(2) Nothing in this Act shall extend to render any notary public liable to a fine by reason of his attesting the execution of any instrument merely as a witness and without attaching, annexing or subscribing any notarial act.

Policies of insurance.

33.-(1) Where a renewal of any policy of insurance liable to duty is affected by payment of premium, a premium receipt shall be issued and stamped for the proper amount of duty payable on renewal.

(2) A person who:

- (a) receives or takes credit for any premium or consideration for any policy of insurance or renewal thereof liable to duty and does not, within one month after receiving or taking credit for such premium or consideration, make out and execute a duly stamped policy, receipt or instrument; or
- (b) pays or allows in account, or agrees to pay or allow in account, any money upon or in respect of any policy of insurance or renewal thereof which is not duly stamped,

shall incur the penalty provided by this Act.

(3) Where any increased stamp duty becomes payable on a policy of insurance after the execution thereof, the payment of such duty may be denoted by affixing stamps to the policy or to the endorsement or other instrument which sets out the circumstances giving rise to such increase in duty or to any receipt which acknowledges the payment of any premium.

34.-(1) There shall be charged on a policy of marine insurance containing a continuation clause, the stamp duty mentioned in the First Schedule and in addition to the stamp duty which is otherwise, chargeable on the policy. Policy of marine insurance.

(2) A policy of marine insurance shall not be valid unless it specifies the particular risk or adventure or the time for which it is made, the names of the subscribers or underwriters, and the amount or amounts insured.

(3) Where any policy marine insurance is made for or upon a voyage and also for time, or to extend to or cover any time beyond thirty days after the ship shall have arrived at her destination and been there moored at anchor, the policy shall be charged with duty as a policy for or upon a voyage and also with duty as a policy for time.

(4) Notwithstanding anything contained in this section a policy of marine insurance made for time may contain a continuation clause, and such a policy shall not be invalid on the ground only that by reason of the continuation clause it may become available for a period exceeding twelve months.

(5) If the risk covered by the continuation clause attaches and a new policy is not issued covering the risk, the continuation clause shall be deemed to be a new and separate contract of marine insurance expressed in the policy in which it is contained, but not covered by the stamp thereon, and the policy shall be stamped in respect of that contract accordingly, but may be so stamped without penalty at any time not exceeding thirty days after the risk has so attached.

(7) Where any person, in consideration of any sum of money paid or to be paid for additional freight or otherwise, agrees to take upon himself any risk attending goods, merchandise or property of any description whatever while on board of any ship or vessel, or engages to indemnify the owner of any such goods, merchandise or property from any risk, loss or damage such agreement or engagement shall be deemed to be a contract for marine insurance.

Charter-party.

35.-(1) The duty on a charter-party may be denoted by an adhesive stamp which is to be affixed and cancelled at the time of execution by the person by whom the instrument is first executed.

(2) The duty upon a charter-party may be denoted by an adhesive stamp, which shall be cancelled by the person by whom the instrument is last executed, or by whose execution it is completed as a binding contract.

(3) Where a charter-party not being duly stamped is first executed out of Zanzibar, any party thereto may, within seven days after it has been first received and before it has been executed by any person in Zanzibar, affix thereto an adhesive stamp denoting the duty chargeable thereon and at the same time cancel such adhesive stamp, and the instrument shall thereupon be deemed duly stamped.

(4) The duty on a charter-party may be denoted by an adhesive stamp which is to be affixed and cancelled at the time of execution by the person by whom the instrument is first executed.

(5) A charter-party may be stamped after execution only by the Commissioner and then only:

- (a) within seven days after the first execution thereof on payment of the duty and a fine of One Hundred Thousand Shilling;
- (b) after seven days after the first execution thereof on payment of the duty and a fine of Two Hundred Thousand Shilling.

(6) For the purposes of this Act, the expression “charter-party” includes an agreement or contract for the charter of any ship or vessel or any memorandum, letter, or other writing between the captain, master or owner of any ship or vessel, and any other person for or relating to the freight or conveyance of any money, goods, or effects on board of a ship or vessel.

36. An agreement for or relating to the supply of goods on hire, whereby the goods in consideration of periodical payments may become the property of the person to whom they are supplied, shall be charged with duty as an agreement or, if under seal, as a deed, as the case requires. Hire purchase agreement to be stamped.

37.-(1) Where an instrument is chargeable with duty in respect of any stock or any marketable or other security, the duty shall be calculated on the value of the stock or security according to the average price or the value of the stock or security on the date of the instrument. Stock and marketable securities, to be valued.

(2) Where an instrument is chargeable with ad valorem duty in respect of any marketable security, such duty shall be calculated on the average value according to the best evidence that can be obtained of such security on the date of the instrument.

(3) Notwithstanding subsection (1), where the consideration for a conveyance or transfer of property is stock or any marketable or other security and in the opinion of the Commissioner the consideration is inadequate, having regard to the value of the stock or security calculated as provided in subsection (1), duty shall be charged on the value of the property to be conveyed or transferred.

38.-(1) A transfer of any share or shares of or in the stock or funds of any corporation, company or society whatsoever shall not be registered, recorded or entered in the books of such corporation, company or society in Zanzibar unless such transfer is duly stamped and every such transfer shall be retained in the registered office of the corporation, company or society for a period of not less than twelve months from the date of such transfer. Transfer of shares documents.

(2) A person who fails to comply with the provisions of this section is guilty of an offence and upon conviction, shall be liable to a fine not exceeding Five Million Shillings.

(3) A transfer of shares by way of exchange for shares or for any other property shall be subject to the same ad valorem stamp duty in respect of the consideration for such transfer as if the transfer were by way of sale.

Transfer of sale.

39.-(1) Any instrument by which any property is legally or equitable transferred to or vested in any other person by way of exchange shall be assessed and paid thereon accordingly.

(2) In all the provisions of this Act relating to transfer on sale, every reference to sale or purchase shall be construed as extending to exchanges accordingly.

Settlements.

40. Where any money which may become due or payable on any security not being a marketable security is settled or agreed to be settled, the instrument whereby such settlement is made or agreed to be made is to be charged with ad valorem duty in respect of such money, and in the case of a marketable security is to be charged with the ad valorem duty on the value of such security.

Where several instruments one only to be charged.

41.-(1) Where several instruments are executed for effecting the settlement of the same property and the ad valorem duty chargeable in respect of such settlement exceeds One Hundred Thousand Shillings, one only of such instruments is to be charged with the ad valorem duty.

(2) A settlement made in pursuance of any previous agreement or articles upon which any ad valorem settlement duty exceeding One Hundred Thousand Shillings has been paid in respect of the same property is not to be charged with any ad valorem settlement duty.

(3) In each cases under this section, the instruments not chargeable with ad valorem duty are to be charged with the duty of One Hundred Thousand shillings.

42. A share warrant, or any instrument to bearer issued by or on behalf of any company or body of persons formed or established in Zanzibar and having the same effect as a share warrant, or any stock certificate to bearer, is issued without being duly stamped, the company or body of persons issuing it shall be guilty of an offence and liable to a fine not exceeding two Hundred thousand shillings.

Share Warrants.

43.-(1) Subject to this section, every person who issues, receives, endorses, transfers, negotiates, presents for payment or pays any cheque liable to duty and not duly stamped, shall be liable to the penalty provided by this Act.

Un stamped Cheques.

(2) A person who takes or receives from any other person any such cheque, either in payment or as security or by purchase or otherwise, shall not be entitled to recover thereon or to make the same available for any other purpose whatsoever.

(3) In the case of any cheque delivered or presented without being duly stamped, any banker to whom it is presented in the ordinary course of business may:

- (a) duly deface any stamp thereon which is not duly defaced; or
- (b) if the cheque is unstamped, affix thereto a stamp or stamps both for the amount of duty for which the cheque is liable and for the amount of any validating penalty prescribed under this Act, and deface the stamps as if he was the authorized person; and any such cheque shall thereupon, so far as respects the duty, be deemed to be valid and available.

44. For the purposes of this Act, any person carrying on the business of banking in Zanzibar in connection of banker and bank note shall include :

Banker and bank note.

- (a) a bill of exchange or promissory note issued by any banker for the payment of money to the bearer on demand; and

- (b) a bill of exchange or promissory note so issued which entitles or is intended to entitle the bearer or holder thereof, without endorsement or without any further endorsement at the time of the issuing thereof, whether the same be so expressed or not and in whatever form, and by whomsoever, the bill or note is drawn or made.

Provisions as to duty upon receipts.

45.-(1) A person carrying on a business or profession in Zanzibar who receives a sum of money of One Thousand Shillings or more in consideration of receipt and sale of any goods or services in Zanzibar, shall issue a dully stamped receipt for the sum so received, whether demanded or not.

(2) The duty upon a receipt may be denoted by an adhesive stamp which is to be cancelled by the person by whom the receipt is given before he delivers it out of his hands.

(3) A bank or banker, or a payee written upon a draft or order, whether accompanied by words of receipt or not within the ordinary course of his business as a bank or banker, or a payee upon a bill of exchange, cheque or promissory note duly stamped, if payable to order, shall not constitute a receipt chargeable with duty.

Composition for duty on receipt.

46.-(1) The Commissioner may, in accordance with the provisions of this section, enter into an agreement with any person for the composition, , of the stamp duty chargeable under the item “receipt”, or discharge given for or upon the payment of money in the First Schedule on such receipt discharges given by or on behalf of that person as the case may be specified in the agreement.

(2) An agreement made, if this section shall require the person with whom it is made to deliver to the Commissioner periodical so as in respect of the instrument to which the agreement relates, and to provide such particular as the Commissioner may specify, and may contain such other terms and conditions as the Commissioner thinks proper.

(3) Where any agreement has been made under this section, any instrument to which the agreement relates and which bears such indication of the payment of stamp duty as the Commissioner may require, shall not be chargeable with stamp duty, but the person with whom the agreement was made shall pay to the Commissioner, on delivery of any account under the agreement, such sums as would, but for the provisions of this section, have been chargeable by way of stamp duty on such instruments issued during the period to which the account relates.

(4) If a person makes default in delivering any payment required by any agreement made under this section, or in paying the duty payable on the delivery of any such account, is guilty of an offence and the penalty provisions of Tax Administration and Procedures Act shall apply accordingly.

47.-(1) A person, institution or an agent appointed under section 4 is required to file monthly return and make payment in the form as prescribed in the Regulations to this Act. Returns and payment.

(2) The due dates for submission of tax return and payment provided under the Tax administration and Procedures Act, shall apply to the submission of return and payment under this section, unless the Commissioner directs otherwise for the purpose of safeguarding the duty to be paid under this Act.

(3) Where a person fails to submit return and payment commits offence and the provisions of the Tax administration and Procedures Act on failure to submit return and payment of taxes shall apply the same to the provisions of this section.

48.-(1) Subject to provisions of this Act, an instrument made for any consideration by reference to which it is chargeable with stamp duty, and also for any further or other valuable consideration, shall be separately and distinctly charged, as if it were a separate instrument, with stamp duty in respect of each of the considerations. Instruments to be separately charged with duty.

(2) Where more than one instrument is written upon the same piece of paper, every one of the instruments shall be separately and distinctly stamped with the duty with which it is chargeable.

(3) Notwithstanding the provisions of section 7, an instrument so framed as to come within two or more of the descriptions in First Schedule to this Act shall, where the duties chargeable under those descriptions are different, be chargeable only with the highest of the duties.

(4) An instrument made for a consideration in respect of which it is chargeable with ad valorem duty, and also for a further or other valuable consideration, is to be separately and distinctly charged, as if it were a separate instrument with duty in respect of each of the consideration.

(5) Where property contracted to be sold for one consideration for the whole is conveyed to the purchaser in separate parcels by different instruments, the consideration is to be apportioned in that manner as the parties consider appropriate so that a distinct consideration for each separate part or parcel the conveyance it relates and that conveyance is to be charged with ad valorem duty in respect of that distinct consideration.

Duplicate
and
counterpart.

49.-(1) The duplicate or counterpart of an instrument chargeable with stamp duty shall not be duly stamped unless:

- (a) it is stamped as an original instrument;
- (b) there is denoted on it payment of the stamp duty paid in respect of the original instrument of which it is the duplicate or counterpart;
- (c) there is denoted on a stamp certificate issued for the duplicate or counterpart payment of the stamp duty paid in respect of the original instrument of which it is the duplicate or counterpart; or

- (d) there is certificate indorsed thereon by the Commissioner that the full and proper duty has been paid upon the original instrument of which it is the duplicate or counterpart.

(2) Subsection (1) of this section does not apply to a counterpart of an instrument chargeable as a lease where the counterpart is not executed by or on behalf of a lessor or grantor.

50.-(1) An instrument chargeable with duty, unless the instrument is duly stamped, shall not:

Instruments
not duly
stamped in
admissible
in evidence.

- (a) be admitted in evidence for any purpose by a person who has by law or consent of the parties authority to receive evidence; or
- (b) acted upon, registered or authenticated by a person, or by a public officer;

(2) An instrument other than a cheque, or a bill of exchange, presented for acceptance, accepted or payable outside Zanzibar, or a promissory note, shall subject to all just exceptions be admitted in evidence on payment of the duty with which the instrument is chargeable, or, in the case of an instrument insufficiently stamped, of the amount required to make up the duty together with the prescribed penalty but:

- (a) where a person from whom a stamped receipt could have been demanded has given an unstamped receipt, and that receipt, if stamped, would be admissible in evidence against him, then the receipt shall be admitted in evidence against him on payment of the prescribed penalty by the person tendering it;
- (b) where a contract or agreement of any kind is effected by correspondence consisting of two or more letters and any of the letters bears the proper stamp, the contract or agreement shall be taken to be duly stamped;

(3) This section shall not prevent the admission of an instrument in any court when the instrument has been executed by or on behalf of the Government, or where it bears the authentic certificate of the Commissioner as provided by this Act.

Commissioner to express opinion.

51.-(1) The Commissioner may be required by a person to express an opinion with reference to an executed instrument, as to:

- (a) whether the instrument is chargeable with duty; and
- (b) the amount of duty with which the instrument is chargeable, if duty is chargeable.

(2) The Commissioner may require a person to furnish the Commissioner with an abstract of the instrument and also with the necessary evidence in order to determine whether the facts and circumstances affecting the liability of the instrument to duty, or the amount of the duty chargeable on the instrument, are fully and truly set out.

(3) Where the Commissioner is of the opinion that the instrument is not chargeable with duty, the instrument may be stamped with a particular stamp denoting that it is not chargeable with duty.

(4) Where the Commissioner is of the opinion that the instrument is chargeable with duty, the duty shall be assessed, and the instrument shall be stamped in accordance with the assessment.

Power of Commissioner to refund penalty or excess duty in certain cases

52.-(1) A person may apply to the Commissioner for a refund of erroneously paid stamp duty or stamp duty paid in excess of the proper duty payable on an instrument.

(2) A person may claim a refund of duty paid in error on an instrument which is not dutiable within one year after the date the duty was paid.

(3) An application for a refund under this section shall be made to the Commissioner within three months from the date of the payment of the stamp duty.

(4) Where, in the opinion of the Commissioner, stamp duty in excess of that which is legally chargeable has been charged and paid the Commissioner may:

- (a) apply the excess in reduction of any other tax due from the person;
- (b) apply the balance of the excess, if any, in reduction of any outstanding of the person to pay any other taxes not in dispute; and:
- (c) refund the remainder, if any, to the person.

(5) The Commissioner shall, within thirty days of making a decision under this section, serve the person applying for a refund a notice in writing of the decision.

(6) A person dissatisfied with a decision of the Commissioner under this section, may appeal against the decision under the objection and appeals procedure set out in the Act relating to tax appeals.

53.-(1) Where an instrument is chargeable with ad valorem duty in respect of any money expressed in any currency other than that of Tanzanian, the duty shall be calculated on the value of the money in the currency of Tanzanian. Determination of duty in special cases.

(2) For the purpose of sub section (1) of this section, the exchange rates to be used shall be the buying and selling rate issued by the Central Bank of Tanzania.

(3) Where an instrument contains a statement of current rates of exchange or average price and is stamped in accordance with that statement, it shall, in respect of the statement, be deemed to be duly stamped, unless and until it is shown that is untrue and that the instrument is in fact not duly stamped.

(4) Where an instrument is chargeable with ad valorem duty such duty, in respect of so much of the subject matter of the instrument as it is, at the time of execution, to valuation-

- (a) where a fixed amount is stated in the instrument, shall be calculated upon that amount; or
- (b) where a fixed amount is not stated in the instrument, and:
 - (i) a maximum amount, contingent or otherwise, is stated in the instrument, whether or not a minimum amount, contingent or otherwise, shall be calculated upon that maximum amount; or
 - (ii) no maximum amount, contingent or otherwise, in the instrument but a minimum amount, contingent or otherwise, shall be calculated upon that minimum amount; or
- (c) where a fixed amount is stated in the instrument and the instrument contains a reference to an additional amount, contingent or otherwise, which is not stated in the instrument, shall be calculated upon the sum of that fixed amount.

Time of
Stamping
documents.

54.-(1) Every instrument liable to duty which is executed in Zanzibar, shall, save as is otherwise provided in this Act, be duly stamped within thirty days of the execution thereof, if an instrument is executed by two or more persons, that period of thirty days shall be calculated from the date on which instrument is signed by the later or latest executants thereof.

(2) Except as is otherwise provided in this Act, an instrument liable to duty executed outside Zanzibar shall be duly stamped within thirty days after the date on which it is first received in Zanzibar and the person first receiving within Zanzibar any such instrument shall note thereon the date of the receipt and sign such note.

(3) If a person is liable to stamp any instrument is in doubt whether he is so liable, or as to the extent of his liability, and he has, within twenty days after the execution of such instrument, lodged

it with an authorized officer for submission to the Commissioner for his decision whether such liability exists or as to the extent of such liability, the date of the execution of such instrument shall be deemed, for the purposes of this section, to be the date on which the decision of the Commissioner is communicated to the person who lodged such instrument as aforesaid.

(4) Any instrument executed outside Zanzibar and purporting to effect a transfer of any immovable property, or of any movable property other than debentures issued by, or shares in, a company, shall, if the property intended to be transferred is situated in any part of Zanzibar, be chargeable with stamp duty in accordance with the First Schedule.

55.-(1) The Commissioner may, upon application in the prescribed form, subject to any regulations made under this Act make allowance for stamps inadvertently and un designedly spoiled, or rendered unfit for the purpose intended by giving in exchange other stamps of the same value or by giving the owner thereof an order on the Treasury for the same amount.

Allowance
for spoiled
stamps.

(2) In any case in which allowance is made for spoiled or misused stamps, the Commissioner or authorized officer may give in lieu thereof:

- (a) other stamps of the same description and value;
- (b) if required and he thinks fit, stamps of any other description to the same amount in value; or
- (c) inadvertently used any stamp for an instrument not chargeable with any duty;
- (d) any stamp used for an instrument has been inadvertently rendered useless under this Act
- (e) at his discretion, the same value in money, deducting one shilling for each one thousand shillings or fraction of a shilling.

56. The Commissioner may make allowance for stamps spoiled in the following cases:

- (a) the stamp on any paper inadvertently and undersigned spoiled, obliterated or by error in writing or any other means rendered unfit for the purpose intended before a instrument written on the paper is executed by any person;
- (b) the stamp on a document which is written out wholly or in part, but which is not signed or executed by a party to the document;
- (c) in the case of bills of exchange, cheques or promissory notes:
 - (i) the stamp on a bill of exchange or cheque signed by or on behalf of the drawer which has not been accepted or made use of in a manner or delivered out of the drawer's hands for any purpose other than by way of tender for acceptance, if the paper on which that stamp is impressed does not bear a signature intended as or for the acceptance of a bill of exchange or cheque to be afterwards written on it afterwards;
 - (ii) the stamp on a promissory note signed by or on behalf of the maker which has not been made use of in any manner or delivered out of the maker's hands;
 - (iii) the stamp used or intended to be used for a bill of exchange, cheque or promissory note signed by, or on behalf of, its drawer, but which from any omission or error has been spoiled or rendered useless, although in the case of a bill of exchange or cheque, it may have been presented for acceptance or accepted or endorsed, or, being a promissory note, may have been delivered to the payee, if another completed and duly stamped, bill of exchange,

cheque or promissory note is produced identical in every particular, except in the correction of the omission or error, with the spoiled bill of exchange, cheque or promissory note.

- (d) the stamp used for an instrument executed by a party to it, which:
 - (i) is afterwards found to be void;
 - (ii) is afterwards found unfit by reason of an error or mistake in it, or the purpose originally intended;
 - (iii) by reason of the death of a person by whom it is necessary that it should be executed without having executed it, or of the refusal of the person to execute it, cannot be completed so as to effect the intended transaction in the form proposed;
 - (iv) for its execution by some material party, and his inability or refusal to sign it, is in fact incomplete and insufficient for the purpose for which it was intended;
 - (v) by reason of the refusal of a person to act under the instrument, or to advance any money intended to be secured by it, or by the refusal or not of any office granted by it, totally fails for the intended purpose;
 - (vi) becomes useless in consequence of the transaction intended to be effected by it being effected by some other instrument between the same parties and bearing a stamp of not less value;
 - (vii) is deficient in value and the transaction intended to be effected by the has been effected by some other instrument between the same parties and bearing a stamp of not less value; or

- (viii) is inadvertently and undersigned spoiled, and in instead of which another instrument made between the same parties and for the same purpose is executed and duly stamped, if in the case of an executed instrument, no legal proceeding has been commenced in which the instrument could or would have been given or offered in evidence, and if the instrument is given up to be cancelled.

Allowance in case of changes of stamps.

57. The Commissioner may make allowance for stamps made or supplied to any agent under this Act, if for any sufficient reason, the stamps have ceased to be required by the Government regardless that the duty in respect of the stamped papers has been duly paid.

Valuation by Government valuer.

58. An authorized agent shall refer to the Chief Government Valuer any conveyance or transfer on sale of any immovable property before or after registration of the relevant instruments in order to determine the true open market value of such property, as at the date of conveyance or transfer for purposes of ascertaining the correct duty.

Electronic records.

59.-(1) Where an instrument which is liable to duty under this Act is in the form of an electronic record, a printed copy of the instrument shall be prepared and stamped in all respects in accordance with this Act.

(2) Subject to subsection (1) of this section an instrument in the form of electronic records shall be unstamped until the printed copy of such instrument has been duly stamped.

PART FOUR STAMP DUTY ON BUSINESS OPERATION

Charging Rates.

60.-(1) The charging rates for the taxable supply under this Act are made as follows:

- (a) lump sum scheme which shall consist of all taxable supplies to be made in quarterly basis in which a taxable

person is charged with specific amount as provided for under the Second Schedule to this Act;

- (b) turnover scheme which shall consist of all taxable person charged with ad valorem as specified in the Fourth Schedule based on:
- (i) 3 per cent on the value of taxable supply of goods and services;
- (ii) 2 per cent on the value of imported exempt goods and services under the Value Added Tax Act.

(2) The Minister may, by order published in the Gazette, amend, vary or replace the Schedules as follow:

- (a) change the taxable base in lump sum scheme and the amounts specified in the Second Schedule and Third Schedule;
- (b) increase or decrease any rates of duty specified in the First Schedule; or
- (c) add, reduce or modify the supplies or class of supply and the amounts provided under the Second, Third and Fourth Schedules thereof.

61.-(1) Subject to the provisions of this section, taxable activity means an activity carried on by a person, whether or not for profit, if the activity involves or is intended to involve the supply of goods or services to another person and includes a business, trade, manufacture, commerce or adventure in the nature of trade, but does not include:

- (a) the activities of an employee providing services in that capacity to an employer;
- (b) activities performed as a director or any other person in a company except where, in carrying on any business, the person accepts an office and supplies services as the holder of that office, in which case

those services shall be regarded as being supplied in the course or furtherance of the business; and

- (c) an activity carried on by a government entity or a local council, except to the extent that the activity is one in which the entity carries on activities commonly conducted by other persons for profit.

Value of taxable supply.

62.-(1) The provisions of the Tax Administration and Procedures Act on the determination of the taxable value for the supply of goods and services shall apply mutatis mutandis for taxable value under this Act.

(2) The stamp duty for imported exempt supply provided under the Value Added Tax Act shall be charged at the rate specified under section 3 (3)(a) of this Act.

(3) Subject to the provisions of the Tax Administration and Procedures Act, the taxable value of imported exempt supply into Zanzibar shall, for the purposes of this Act be aggregate of:

- (a) the value of that supply for customs duty purposes;
- (b) the amount of customs duty payable;

(4) Subject to the provisions of this Act, the Minister may, after considering the public interest, by order published in the Gazette, categorize particular types of goods or services for which a rate other than the rate specified in section 3(3)(a) shall be applicable as stamp duty.

Identification of taxable persons.

63.-(1) For the purpose of identifying taxable persons under this Act, the Commissioner shall, by notice published in the Gazette, determine and identify the blocks in different regions.

(2) Subject to the provisions of sub section (1) of this section, the Commissioner shall have the powers to allocate the taxable person in those identified blocks for the purpose of payment of stamp duties.

(3) The Commissioner may notify the taxable person on the blocks identified, amount to be paid and the due dates for payments.

64.-(1) The Commissioner shall be responsible for the control, assessment and collection of the stamp duty.

Control, assessment and collection.

(2) The Commissioner shall have the powers to monitor all matters relating to stamp duty, and in monitoring of such powers may appoint any person to perform his powers and functions under this Act or the Regulations.

(3) The Commissioner may, upon terms and conditions, appoint such other person as he may determine to perform any functions of the Commissioner under this Act; or requiring expert knowledge or skill, subject to such limitations as the Commissioner may think fit.

(4) A person appointed under this section shall enforce, and ensure due compliance with, the provisions of this Act and the regulations, and shall make all due inquiries in relation thereto.

(5) A person appointed under subsection (2) shall, on demand, produce such documents establishing his identity as may be approved by the Commissioner.

65.-(1) The lump sum scheme shall be determined in the Second and Third schedules of this Act shall be based on the following:

Determination of Payment of duty.

- (a) specific business or supply of the taxable person; payable on annual basis; and
- (b) the specific turnover of the taxable person; payable on quarterly basis.

(2) The specific taxable person under paragraph (a) of sub section (1) shall be provided with stickers or any other document annually, as a receipt for payment of duty, and such sticker or document shall expire 31st December in every year.

Return and contents.

66. A taxable person under a lump sum scheme when making payments shall fill the form as a return for payment to be made as may be prescribed by the Commissioner in the Regulations.

Assessed estimate.

67.-(1) Subject to the provisions of section 19 of the Tax Administration and Procedures Act, the Commissioner shall assess the lump sum scheme taxable persons under this Act, annually in a specified notice prescribed by the Commissioner in the regulation.

(2) Where the taxable person fails to fill the required form, or submit the notice to Commissioner or has no complete records of his business, the Commissioner shall assess the taxable person annual turnover on best judgment.

PART FIVE MISCELLANEOUS PROVISIONS

Failure to disclose full facts about an instrument.

68. A person who with intent to defraud, executes an instrument without stating fully and truly all the facts and circumstances referred to under this Act; or being employed or concerned in or about the preparation of an instrument, neglects or omits to state fully or truly all the facts and circumstances, commits an offence and upon conviction is liable to a fine of not less than One Hundred Thousand Shillings but not exceeding Five Hundred Thousand Shillings.

Registering instruments not duly stamped.

69. A person who registers particulars of an instrument chargeable with duty but not duly stamped for purposes of official records under an enactment, commits an offence and is liable to a fine of not less than Two Hundred Thousand Shillings but not exceeding Five Hundred Thousand Shillings.

Impeding administration of this Act.

70.-(1) Where a public officer authorized by the Commissioner to collect stamp duty without reasonable excuse fails to perform duty or made misconduct is liable and the provisions of the Public Service Act shall apply.

(2) Where any other authorized agent by the Commissioner to collect stamp duty without reasonable excuse fails to perform duties or refuses to allow a person authorized by the Commissioner to conduct an inspection under this Act, commits an offence and is liable to a fine of not less than Two Hundred Thousand Shillings but not exceeding Five Hundred Shillings.

71. An person who:

- (a) in relation to the stamping of any instrument or the defacement of any stamp on any instrument, practicing uses, enters or attests any date other than the true date; or
- (b) practicing misstatement any facts or circumstances relative to the character of any instrument or the duty to which any instrument apply; or
- (c) by any willful act or omission, evades or attempts to evade, or aids any other person in evading, any duty payable under this Act,

Offences in relation to stamping of instruments, defacement of stamps and evasion of duty.

is guilty of an offence and shall be liable to a fine of not less than Three Hundred Thousand Shillings but not exceeding Five Hundred Thousand Shillings.

72.-(1) A person who does, causes to be done or knowingly aids, abets or assists any other person in doing any of the following acts:

unlawful possession of stamped paper.

- (a) forges a stamp;
- (b) prints or makes an impression upon any instrument with a forged stamp knowing the same to be forged;
- (c) with intent to defraud, prints or makes an impression upon any instrument from a genuine stamp;
- (d) cuts, tears or in any way removes from any instrument any stamp, with intent that any fraudulent use should be made of such stamp or of any part thereof;

- (e) mutilates any stamp, with intent that any fraudulent use should be made of any part thereof;
- (f) with intent to defraud, fixes or places upon any instrument any stamp or part of a stamp which, whether with such intent or not, has been cut, torn or in any way removed from any other material;
- (g) erases or otherwise removes, or does any act which appears to erase or remove, from any stamped instrument any name, sum, date or other matter or thing whatsoever thereon written with intent that any fraudulent use should be made of the stamp upon such instrument;
- (h) sells or exposes for sale, or utters or uses, any forged stamp which has been fraudulently printed or impressed from a genuine stamp, knowing the same to be forged or to be so printed or so impressed;
- (i) knowingly and without lawful excuse, the proof whereof shall lie upon him, has in his possession any forged stamp or stamp or any stamp which has been fraudulently printed or impressed from a genuine stamp, or any stamp or part of a stamp which has been fraudulently cut, torn or otherwise removed from any material or any stamp which has been fraudulently mutilated, or any stamped instrument out of which any name, sum, date or other matter or thing has been fraudulently erased or otherwise, either really or apparently, removed;
- (j) with intent to defraud and so that the stamp may be used again, removes or causes to be removed from any instrument any adhesive stamp;
- (k) sells or offers for sale or utters any adhesive stamp which to his knowledge has been so removed, or utters any instrument having thereon any adhesive stamp which has, to his knowledge, been so removed as aforesaid,

is guilty of an offence and upon conviction shall be liable to a fine of not less than three hundred thousand shillings but not exceeding One Million Shillings or to imprisonment for a period not exceeding two years or to both such fine and imprisonment.

(2) A person who without lawful authority or excuse, the proof whereof shall lie upon him, purchases or receives or knowingly has in his possession or custody:

- (a) any paper manufactured or provided for the purpose of making or impressing stamps by or for the proper authorities, before the same has been duly stamped and issued for public purposes; or
- (b) any plate, stamp, dandy roller, or other implement peculiarly used in the manufacture of such paper,

shall be guilty of an offence and upon conviction liable to a fine of Five Hundred Thousand shillings or to imprisonment for a period not exceeding two years or to both such fine and imprisonment.

73. If any forged stamp is found in the possession of any person Forged stamps. authorized to sell or distribute stamps, that person shall, until the contrary is proved by him, be deemed to have had the stamp in his possession, knowing it to be forged and with intent to sell, use or utter it, is guilty of an offence and liable to the fine of not less than Five Hundred Thousand Shillings but not exceeding One Million Shillings.

74. A person who contravenes a provision of this Act, for which no General Penalty. penalty is provided commits an offence, and is liable on conviction to a fine of not less than One Hundred Thousand Shillings but not exceeding Five Hundred Thousand Shillings or to imprisonment for the term not less than of one month and not exceeding three months.

75.-(1) A person having in his custody or possession any rolls, Power to inspect. books, records, registers, papers or other forms of documents, and the inspection whereof may tend to secure the payment of any duty under this Act or to the proof or discovery of any fraud or omission in relation

to any such duty, shall, at all reasonable times, notwithstanding anything to the contrary in any other Act, permit any person thereunto authorised by the Commissioner to inspect all such documents and to take such notes, copies or extracts thereof or therefrom as he may deem necessary without fee or reward.

(2) A person who refuses to permit or obstructs any such inspection or any such taking of notes, copies or extracts is guilty of an offence and shall be liable to a fine of not less than Two Hundred Thousand Shillings but not exceeding Five Hundred Thousand Shillings.

Power to
access.

76.-(1) The authorized officer shall, if he considers it necessary in the execution of his duties under this Act, at all times have full and free access to all lands, buildings and places, and all books and documents, whether in the custody or under the control of a public officer or a body corporate or any other person whatsoever, for the purpose of ascertaining the market value of any property or of ascertaining any facts or inspecting any books or documents which the authorized officer considers necessary or relevant for the purposes of this Act, or considers likely to provide any information otherwise required for the purposes of this Act, and may, without fee or reward, make extracts from or copies of any such books or documents.

(2) The authorized officer may take possession of any such books or documents where in his opinion:

- (a) the inspection or copying thereof or extraction therefrom cannot reasonably be performed without taking possession thereof;
- (b) the books or documents may be interfered with, concealed or destroyed unless possession thereof is taken; or
- (c) the books or documents may be required as evidence in any proceeding instituted or commenced under or for any of the purposes of this Act.

(3) A person who obstructs or hinders the authorized officer, or any valuer duly authorized by the authorized officer, in the exercise of any of his powers under this section, or who refuses or fails to comply with a notice under subsection (1) or with any direction given in good faith by the Commissioner or any such valuer for any of the purposes of this section, is guilty of an offence and shall be liable to a fine not less than Five Hundred Thousand Shillings but not exceeding One million Shillings.

77.-(1) Subject to procedures to be laid down under Regulations to this Act, any duty which is chargeable on conveyance of an instrument or a class of instruments under this Act can be reduced or waived by the Minister on sufficient reasons of public interest. Power to
exempt
instruments.

(2) Without prejudice to the generality of subsection (1), a duty shall not be payable on the following instruments:

- (a) any instrument executed by or on behalf of or in favour of the Government where the Duty would have been payable by the Government;
- (b) any chargeable instrument which is exempted from such payment under a treaty or an agreement with specified countries to which the Government is a party.

(3) Any company which is approved under the Zanzibar Investment Promotion and Protection Act, shall not be required to pay duty if exemption is provided under this Act.

78.-(1) The Minister may, from time to time, make Regulations for the proper implementation of this Act; and providing for: Regulations.

- (a) such matters as may, in terms of this Act, be prescribed; and
- (b) the manner in which the value of an instrument may be ascertained for the purposes of payment of duty.

(2) The Minister may, by order published in the Gazette, amend, add, or replace the items and rates specified in the Schedules to this Act.

(3) The Minister may make regulations on the mode and documents to be filed in application for registration, and the records to be kept by taxable persons under this Act.

Repeals and saving.

79.-(1) The Stamp Duty Act No. 6 1996 is hereby repealed.

(2) Notwithstanding the provisions of subsection (1) of this section any Regulations made under the Stamp Duty Act, No. 6 1996, shall continue to be in force until repealed by the regulation made under this Act.

(3) Anything done under the repealed Act shall be deemed to be done under this Act.

FIRST SCHEDULE

(Made under section 6)

LIST OF INSTRUMENTS AND PAYMENTS

SNO.	DESCRIPTION OF INSTRUMENT	STAMP DUTY	PERSON LIABLE TO PAY
1.	Acknowledgment of a debt.	5,000/-	The person first executing
2.	Acknowledgment of receipt—for any money or other property the amount of value exceeds Shs. 50,000/-	5,000/-	The person who issue the receipt
3.	Adoption Deed.	5000 /-	The person first executing
4.	Affidavit including an affirmation or declaration.	5000 /-	Deponent
5.	Agreements	0.5%	The person first executing.
6.	Agreements relating to deposit of title—deeds, pawn pledges of the total value.	0.03%	The person first executing
7.	Appointment in execution of a power, whether of trustees or of property.	5000/-	Appointee — the person making or execute the appointment
8.	Appraisement or valuation made otherwise than under an order of court.	NIL	
9.	Articles of Association of a Company	20,000/-	The Appointee.
10.	Assent to bequest whether under hand or seal.	5,000/-	The testator
11.	Award—by arbitrator or umpire	5,000/-	The person making or executing the award.
12.	Any other provision not specifically mentioned.	5,000/-	
13.	Bill of exchange not being a bond, bank note or currency note.	5,000/-	The drawee
14.	Bill of exchange or promissory note	10,000/-	The drawer or acceptor
15.	Bill of Lading (including a through bill of lading, airway bill and telex release)	5,000/-	The person by whom the goods are consigned (Master/Agent)
16.	Bill of Sale of the value.	0.5% but not exceeding 100,000/-	The assignor.
17.	Bond (not being a debenture)	5,000/-	The obligor or other person giving the security

18.	Cancellation—of instrument.	5,000/-	The person who was responsible for stamping the original instrument
19.	Charter Party (instrument for charter hire or vessel or part of it)	0.5%	Charterer
20.	Cheque, for every such instrument.	500/-	The Transferee or Receiver
21.	Capital Duty (a) on nominal share capital or any increase of it of any company incorporated in Zanzibar with limited liability—of the total value (b) on increase of share capital of any company when the increase is a condition precedent for disbursement of loan funds for a development project (c) on becoming public through the operation of the stock exchange	0.5% NIL NIL	The Debtor
22.	Copy of Extract.	5,000/-	Person for or on whose behalf the copy or extract is made.
23.	Counterpart or Duplicate of an instrument chargeable with duty and in respect of which the property duty has been paid.	5,000/-	The person chargeable in the original instrument or covenantor
24.	Counterpart of a Lease.	5000/-	The lessor.
25.	Composition Deed (instrument of conveyance of property by a debtor for the benefit of his creditors)—of the total value.	0.5%	The Creditor
26.	Contract note relating for any Stock		The brokers or agent or where there is no broker or agent the principal delivering the note.
27.	Conveyance (not being transfer)—of the total value	1%	The purchaser or transferee.
28.	Conveyance, including an conveyance of mortgaged property.	1%	The transferee/mortgagee
29.	Customs Bonds—of the total value	0.05%	The person first executing
30.	Deed.	5,000/-	The parties to the deed or any one of them
31.	Debenure—whether a mortgage debenture or not, being of a marketable security—of the total value.	0.5% Not exceeding 100,000/-	The person issuing.
32.	Debenure on stock	1%	The person issuing.
33.	Dissolution of Partnership.	10,000/-	

34.	Divorce—(any instrument by which any person effects the dissolution of marriage)	5,000/-	Debetor.
35.	Equitable Mortgage—of the total value.	0.5%	mortgagor
36.	Exchange of property—of the total value.	0.5%	All person exchangees
37.	Extract.	5,000/-	
38.	Further charge—any instrument imposing a further charge on mortgaged property—of the total value.	0.5%	The grantee
39.	Gift- instrument of not being imposing a further charge on mortgaged property of the total value.	1%	The person executing
40.	Have Purchase Agreement—of the total value.	1%	Purchaser
41.	Incumbencies.		Incumbencies.
42.	Indemnity Bond.	1%	The grantor
43.	Instrument—not exempt from duty	Based on type of instrument	The person requiring
44.	Insurance performance bond.	20,000/-	Insurer
45.	Life Insurance.	0.5%	The Company or person issuing the policy or policy holder
46.	Land Lease—of the total value. Other Lease.	1% 0.5%	Lessee or tenant The lessor
47.	Letter of Credit—an instrument by which one person authorises another to give credit to the person in whose favour it is drawn.	5,000/-	A person in favour of letter of credit
48.	Letter of Licence—any agreement between a debtor and his creditors that the latter shall for a specified time, suspend their claims and allow the debtor to carry on business at his own discretion.	5,000/-	The Debtor
49.	Lease	0.5% Not exceeding 100,000/-	The person requiring
50.	Marine Insurance.	0.5%	Company or person issuing the policy or policy holder
51.	Memoandum of Association of a Company.	20,000/-	The Company

52.	(a) Mortgage Deed—of the total value a mortgagor who gives a power of attorney to collect rents or a lease of the property mortgaged is deemed to give possession within the meaning of this item. (b) Where a collateral or auxiliary or additional or substituted security is given by way of further assurance where the principal or primary security is duly stamped.	0.1% 5,000/-	The person issuing The person issuing
53.	Notarial Act—made or signed by a Notary Public in the Execution of the duties of his office, or by any other person lawfully acting as a Notary Public.	5,000/-	The person requesting the act
54.	Partition.	0.5%	The parties to it in proportion to their respective shares in the whole property partitioned.
55.	Partnership Deed.	20,000/-	All parties executing
56.	Policy of Insurance.	20,000/-	The Company or person issuing the policy or policy holder
57.	Protest of bill or note—any declaration in writing made by a Notary Public, attesting the dishonour of a bill of exchange or promissory note.	5,000/-	The person executing
58.	Power of Attorney.	5,000/-	The person executing
59.	Receipt or Bill of Sale composition agreement under this Act.	30/- T. Shillings for every 1000 T.shs (3%) of the gross turnover, gross sales, or gross receipt of money (for sale of Goods or services).	The person issuing a receipt

60.	Recovery of mortgaged property—of the total value.	0.01/-	The mortgagee.
61.	Release—Any instrument not being such a release as is provided by which a person renounces a claim upon another person or against any specified property.	5,000/-	The person the release issued to him.
62.	Settlement, instrument of—(including a deed of dower or revocation).	0.5%	The person making the settlement.
63.	Shipping Order—for or relating to the conveyance of goods on board any vessel.	5,000 /=-	The person issuing the order
64.	Solemn or Statutory Declaration	5,000/-	The person who make declaration
65.	Surrender of Lease	5,000/-	The person surrenders the lease
66.	Transfer— (a) of shares of the total value (b) transfer of shares in an incorporated company listed on the stock exchange, arising from the trading of those shares on the stock exchange (c) of assets to special purpose vehicles for the purpose of siting asset backed securities.	1% 0.5% NIL.	Transferee Transferee
67.	Trust—concerning any property made by any writing not being a will.	5,000 /=-	Trustee
68.	Transfer of Shares or Share warrants—to bearer issued under the Companies Act—of the total value.	1%	The Bearer
69.	Transfer of Stock		Purchaser or transferee.

SECOND SCHEDULE
LUMP SUM SCHEME
(Made under section 60)

Item	Turnover in TZS	Amount 'TZS'
1.	Where turnover does not exceed TZS 2,000,000	Nil
2.	Where turnover exceeds 2,000,000 but does not exceed 3,500,000	200,000
3.	Where turnover exceeds 3,500,000 but does not exceed 5,000,000	350,000
4.	Where turnover exceeds 5,000,000 but does not exceed 7,000,000	450,000
5.	Where turnover exceeds 7,000,000 but does not exceed 10,000,000	600,000
6.	Where turnover exceeds 10,000,000 but does not exceed 12,000,000	700,000
7.	Where turnover exceeds 12,000,000 but does not exceed 15,000,000	960,000

THIRD SCHEDULE
Transport operators
(Made under section 3)

No.	Operator of	Description	Stamp duty
1.	Passengers /school and staff car		400,000
2.	Three wheels vehicle		200,000
3.	Private hire (1-6 passengers)		500,000
4.	Private hire (above 6 passengers)		700,000
5.	Vehicle	8-14 passengers	250,000
		15-24 passengers	500,000
		25-36 passengers	600,000
		37 passengers above	700,000
6.	Taxi-cabs	All	400,000
7.	Driving school		400,000
8.	Goods vehicle	More than 10 tones	100,000
		8 tones not exceeding 9	700,000
		4 tone to 7 tones	500,000
		1 tone to 3 tones	300,000
		10 tones or less with the combination with truck and trailer of more than 15 but less than 20 tones	1,200,000

FOURTH SCHEDULE
(Made under section 60 (1) (b))
MONTHLY STAMP DUTY

No.	Item	Percent
1.	Turnover above 15 million 29m	3% of the total supply
2.	Imported exempt goods and services under the Value Added Tax Act	2% of the total supply

OBJECTIVES AND REASONS

The main objectives of this Bill are to request the Council to repeal the Stamp Duty Act No. 6 of 1996 and enact the new Stamp Duty Act which shall provide a detailed procedure on the collection and administration of the Stamp duty on instruments, include new chargeable instruments which were not chargeable under the Stamp Duty Act No. 6 of 1996 and amendment by reducing or increasing the rate of duty on certain instruments.

There has been a claim by the small traders that among the challenges facing them is high tax burden and the payment of tax to two tax authorities which are Tanzania Revenue Authority where they pay Lump sum amount and Zanzibar Revenue Board where they stamp duty of three percent. The new Stamp Duty Act is also aimed at reducing the tax burden to small traders and eliminate the inconvenience of paying taxes to tax authorities by including the taxation of small entrepreneurs through lump sum and turnover scheme whereby the enactment of this Act small traders will only be required to pay taxes to Zanzibar Revenue Board only.

This Bill comprises of five Parts and five schedules as follows:

Part one Preliminary Provisions; This part provides for the short title and commencement and definition of terms used in the Bill.

Part Two Imposition and administration; Deals with imposition of stamp duty, certificate of no objection and administration.

Part Three Provisions applicable to instruments generally; the part deal with the Instruments chargeable with duty, Person Liable to pay, Denoting, How instruments written and stamped, Penalty in relation to adhesive stamps, Franking of certain instruments, Examination and impounding of instruments, Cancellation of stamp, Cancellation by appointed agents, Value of property on which duty payable, Direction as to duty in case of certain conveyances, Partition or Division, Bills of Lading, Bill of exchange and Promissory Note, Transfers on sale,

Valuation in Periodical payments, Effect of statement of value, Mode of calculating ad valorem duty, Transfer in consideration of debt or subject to future payment to be charged, Mortgages Valuation by Government Valuer, electronic records, and other matters relating to administration of duty on instruments.

Part Four Stamp duty on business operation; the part deals with Charging rates, Taxable activity, Value of taxable supply, Identification of taxable persons, control, assessment and collection, Determination of Payment of tax, Return and contents and Assessed estimate.

Part Five Miscellaneous provisions; This part provides for Failure to disclose full facts about an instrument, Registering instruments not duly stamped, Impeding administration of this Act, Offences in relation to stamping of instruments, defacement of stamps and evasion of duty, unlawful possession of stamped paper, Forged stamps, General Penalty, Power to inspect, Power to access, Power to exempt instruments, Regulations and Repeals and saving.

ZANZIBAR
20th April, 2017

(Dr. KHALID SALUM MOHAMED)
**MINISTER FOR FINANCE
AND PLANNING**

