

THE TAX ADMINISTRATION AND PROCEDURES ACT,

NO. 7 OF 2009

(PRINCIPAL LEGISLATION)

(THE COMPILATION OF 2021)

(This Compilation of the Tax Administration and Procedures Act No. 7 of 2009, incorporates and consolidates all amendments made to the Act since its commencement up to June, 2021. This Compilation is made only for easy reference of the Act and it shall not be used as an authority in any legal proceedings)

THE TAX ADMINISTRATION AND PROCEDURES ACT,

NO. 7 OF 2009

ARRANGEMENT OF SECTIONS

TITLE

PART I

PRELIMINARY PROVISIONS

SECTIONS

1. Short title and Commencement.
2. Application.
3. Interpretations.
4. Taxable Value.

PART II

REGISTRATION AND DEREGISTRATION

5. Registration.
6. Application for Registration.
7. Registration, Refusal, Suspension and Revocation.
8. Temporary Registration.
9. Certificate of Registration.
10. Display of business name.
11. Deemed Registration.
12. Application for Deregistration.
13. Transitional Registration.
14. Registration of storage facilities.
15. Notice of Change.

PART III

REQUIREMENT FOR TAX CLEARANCE

16. Requirement for Tax Clearance.
17. Duty of Licensing Authority.

PART IV

TAX RETURN AND ASSESSMENT OF TAX

18. Tax Returns.
19. Powers to make Assessment.
20. Contents of assessment.
21. Notice of Assessment.
- 21A. Objection.
- 21B. Determination of Objection.
- 21C. Finality of Assessment.

PART V

RECORDS DOCUMENTS AND INSPECTION

- 22. Records and Accounts.
- 22A. Electronic system for filling and servicing documents.
- 23. Use of fiscal device.
- 24. Tax shown on Tax Invoice, Receipt or Cash Sale.
- 25. Advertised price to include tax.
- 26. Inspection and Examination.
- 27. Impersonation of an officer.
- 28. Notice to obtain information or documents.
- 29. Power to take or remove documents.
- 30. Disclosure of Information.

PART VI PAYMENT OF TAX

- 31. Due date for payment of tax.
- 31A. Deemed payment.
- 32. Early payment.
- 33. Interest.
- 34. Currency of payment.
- 35. Special method of accounting.
- 36. Repayment and Remission.
- 37. Overcharged tax.

PART VII RECOVERY OF TAX

- 38. Tax as a debt due to the Government.
- 39. Demand Notice.
- 40. Payment by installment.
- 41. Payment by third party.
- 42. Notice of Payment by Third Party.
- 43. Closure of business.
- 44. Distress.
- 45. Balance as a debt due.
- 46. Seizure of goods.
- 46A. Practices Notice.
- 46B. Issue of Practices Notice.
- 46C. Revocation of Practice Notices.

PART VIII ADMINISTRATION

- 47. Taking of Sample.
- 48. Access to official information.
- 49. Obligation of Confidentiality.
- 50. Appointment of withholding agent.
- 51. Marking of Transported goods.
- 52. Assistance of Other Authority.
- 52A. Notice of offence.

**PART IX
MISCELLANEOUS**

- 53. Tax evasion.
- 53B. Scheme for obtaining undue tax benefit.
- 54. Offence by body corporate.
- 54A. Liability of other person in payment of tax liability.
- 55. General penalty.
- 56. Compounding of offences.
- 57. Waiver of fine or penalty.
- 58. Publication of names.
- 59. Delegation of powers.
- 60. Limitation of liability.
- 61. Appeals.
- 62. Person acting in representative capacity.
- 62A. Tax Consultants and Tax Preparers.
- 63. Agent.
- 64. Supplies by bankrupt or deceased etc.
- 65. Priority of tax debts in bankrupt.
- 66. Service of notice.
- 67. Power in respect of imported and export goods.
- 68. Power in the collection of Government Revenue.
- 69. Regulations.

**PART X
CONSEQUENTIAL AMENDMENTS**

- 70. Amendment of the Value Added Tax Act, No. 4 of 1998.
- 71. Amendment of the Stamp Duty Act, No. 6 of 1996.
- 72. Amendment of the Hotel Levy Act, No. 1 of 1995.
- 73. Amendment of the Port Service Charge Act, No. 2 of 1999.
- 74. Amendment of the Petroleum Levy Act, No. 7 of 2001.
- 75. Savings.

Schedule

ACT NO. 7 OF 2009

I ASSENT

{ AMANI ABEID KARUME }

PRESIDENT OF ZANZIBAR

AND

CHAIRMAN OF THE REVOLUTIONARY COUNCIL

**AN ACT TO MAKE PROVISIONS FOR THE ADMINISTRATION OF TAX
LEGISLATIONS AND FOR OTHER MATTERS CONNECTED THEREWITH**

ENACTED by the House of Representatives of Zanzibar.

Amended by Act No :-

9 of 2012

10 of 2013

3 of 2014

9 of 2015

1 of 2016

6 of 2017

9 of 2018

PART I

PRELIMINARY PROVISIONS

Short title and
Commencement.

1. This Act may be cited as the Tax Administration and Procedures Act, 2009 and shall come into operation on such date as the Minister may, by notice in the gazette appoint.

Application.

2. - (1) This Act shall apply to and be read together with the Tax laws prescribed in the Schedule of this Act.

(2) The Minister may by notice in the Gazette, amend, vary or replace the Schedule.

Interpretations.

3. -(1) In this Act, unless the context otherwise requires:

“accounting period” means the calendar month or such other period

determined by the Commissioner;

“accounting records” means all records of sales, purchases, expenses, trading stock, bank statements, financial statements, assets, liabilities, contracts, loans, insurances, and any other records as may be prescribed in the Regulations or demanded by the Commissioner which shall be maintained in all cases in writing;

Inserted by Act No.9 of 2015 section 3.

“assessment” means a determination of the amount of a tax liability made under a tax law by the Commissioner or by way of self-assessment

“authorized Officer” means any officer acting under the authority of the Commissioner for the purpose of this Act or any tax legislation;

“board” means the Zanzibar Revenue Board as established under the Zanzibar Revenue Board Act, No. 7 of 1996;

Inserted by Act No. 9 of 2015 section 3.

“business” includes any form of trade or commercial activity;

“business license” includes any trading license or any other permit issued by a licensing authority issued to any person authorizing such person to conduct a particular business or trade;

Inserted by Act No. 6 of 2017Section 3.

“certificate of registration” means a certificate of registration issued under section 9 of the Act.

“commissioner” means the Commissioner of the Board as appointed under the provisions of the Zanzibar Revenue Board Act, No. 7 of 1996;

Inserted by Act No. 9 of 2012 Section 25.

“electronic fiscal devices” means machine designed for use in business for acknowledgement of receipt, sales analysis and stock control system; and includes Virtual Fiscal Devices (VFD), Fiscal Cash Register (FCR), Electronic Fuel Pump Printer (EFPP) and stand Smart Phone;

Inserter by Act No.3 of 2021 section 4.

“Foreign tax authority” means an Institution of tax authority of a state or country which has an agreement with Zanzibar or the United State of Tanzania for sharing of tax information in accordance with the provisions of this Act;

“licensing Authority” means any statutory authority or institution whose establishing statute provides the power of issuing business licenses;

“minister” means Minister responsible for finance;

Inserted by Act NO. 12 of 2020 section 3.

“objection decision” means a final decision made by the Commissioner in the determination of an objection in accordance with the provisions of this

Act”.

*Inserted by Act No. 3 of
2014 section 3.*

“person” means an individual or an entity and includes a taxable person;

“prescribed accounting period” means the calendar month or such other period determined by the Commissioner;

“records” means any accounting records, books of accounts, electronically stored information, or any other documents as may be prescribed or demanded by the Commissioner which shall be maintained in all cases in writing;

“storage facility” includes any land, warehouse, godown, building, container, vessel, tank or any other facility used to store goods of a commercial nature;

“tax laws” means the Laws provided in the Schedule to the Zanzibar Revenue Board Act, No. 7 of 1996, and any other laws or Regulations administered by the Board;

“taxable Person” means a person registered or required to be registered under the provisions of this Act;

“tax” includes taxes, duties, charges, levies, fees, fines, penalties and interest imposed under this Act;

“tax return” means a form prescribed in the Regulations filed by a taxable person under section 18 of this Act;

“tax invoice”, “receipt” or “cash sale” means a document referred to under section 23 of this Act;

“TIN” means Taxpayer Identification Number issued under the Tanzania Revenue Authority Act No. 11 of 1995.

“withholding agent” means a person appointed under section 50 of the Act.

(2) All other words used in this Act which are not defined shall be ascribed the same interpretation as in their respective tax laws.

Taxable value.

4.-(1) Subject to the provisions of this Act, the value on which tax shall be chargeable on a taxable supply shall be:-

- (a) where a supply is for a monetary consideration the amount of the consideration excluding the tax;
- (b) where the supply is not for a monetary consideration, or is only partly for such a consideration, the open market value

excluding the tax; or

- (c) where the supply is not the only matter to which the consideration in monetary terms relates, the supply shall be deemed to be for that part of consideration which is properly attributed to it.

*Inserted by Act No.
5 of 2019 section 3.*

(2) For the purpose of paragraph (b) and (c) of sub-section (1) of this section “open market value” means the value which such goods or services would fetch in the ordinary course of business between the supplier and recipient or any other person concerned in the transaction completely independent of each other, and shall be determined on the following assumptions:-

- (a) that the supply shall be deemed to have been delivered to the recipient at the supplier’s place of business;
- (b) that the recipient will bear freight, insurance and other costs incidental to the supply and the delivery of the goods to him;
- (c) that the supplier will bear any duty or tax chargeable other than the tax payable under this Act; and
- (d) that the value covers the right to use the patent, design or trade mark in respect of the supply.

(3) Where in case the taxable person, by way of complimentary or any other form of agreement, accepts from any customer or agent a payment which is less than the normal price for the goods supplied or services rendered, that taxable person shall be deemed to have received from the customer or agent the normal price.

(4) For the purpose of subsection (3) of this section, “normal price” means the sum of money which taxable person would normally require to be paid from an independent customer or agent for the goods or services so rendered.

(5) Where in the opinion of the Commissioner, by reason of any fraudulent act or omission of any importer, supplier or recipient, the taxable value of any supply is not the same as the taxable value of an identical or similar supply, the Commissioner may, if he considers it reasonable to do so, assess the taxable value of the supply in accordance with open market value.

PART II

REGISTRATION AND DEREGISTRATION

Registration.

- 5.- (1) A person shall not commence any business in Zanzibar unless he is registered as a taxable person under this Act.

Amended by Act No. 9 of 2015 section 4.

Amended by Act No. 9 of 2018 section 3.

Amended by Act No. 12 of 2020 section.

Application for registration.

- (2) A person who commences any business shall apply for registration to the Commissioner within fifteen days from the date of commencing the business.
 - (3) A person who intends to engage in more than one business shall apply for registration in respect of each business.
 - (4) A person who intends to engage in business in more than one location shall apply for registration in respect of each location.
 - (5) Subject to the provisions of this section, any taxable person whose taxable turnover as defined under section 2 of the Value Added Tax Act No. 4 of 1998, exceeds, or any taxable person who has reasons to believe his taxable turnover will exceed the turnover prescribed in the Value Added Tax Regulations made under this Act, shall apply to the Commissioner to be registered for Value Added Tax.
 - (6) Any person who fails to apply for registration under this section or holds himself out as being a taxable person when he is not, commits an offence and upon conviction is liable to a fine not less than one hundred thousand shillings but not more than five hundred thousand shillings or to imprisonment for a term of not less than two months but not exceeding twelve months, or to both such fine and imprisonment.
 - (7) For the purpose of proper administration of tax, the Minister may make regulations for the identification of the business premises in relation to the taxable persons.
- 6.- (1) An application for registration shall be made to the Commissioner in accordance with the Regulations made under this Act.
- (2) Any application for registration shall comply with the following requirements:-
- (a) Proof of identity:-
 - (i) in the case of a sole proprietor, a certificate of business name including a valid identity issued by the applicant's national or state identity authority;
 - (ii) in the case of a partnership, partnership deed including valid identity issued by the applicants' national or state identity authority;
 - (iii) in the case of a company, certificate of incorporation or certificate of compliance;
 - (iv) in the case of a cooperative, certificate of registration.
 - (b) approval from a competent regulatory or licensing authority;
 - (c) proof of residence and permanent place of business in Zanzibar;

Registration, suspension and revocation.

(d) list and full address of all storage, manufacturing, processing, packing and repacking facilities; and

(e) any other requirement as may be determined by the Commissioner.

7.-(1) The Commissioner may register applicants who are eligible to be registered under this Act.

(2) The Commissioner may refuse the application of any person and upon such refusal shall give reasons for his decision.

(3) Where the Commissioner is satisfied that there is good reason on grounds of national economic interest or for the protection of revenue, he may register any taxable person, whether or not an application to be registered for a specific tax has been made or the taxable turnover of such taxable person exceeds the taxable turnover referred to under section 5(4) of this Act.

(4) The Commissioner may suspend or revoke the registration of any taxable person who, in his opinion has contravened or likely to contravene:-

- (a) the provisions of this Act or its Regulations;
- (b) the provisions of any Tax Legislation or its Regulations made under that Act; or
- (c) the provisions of any other law in force in Zanzibar.

(5) If the Commissioner suspends or revokes the registration of any taxable person, he shall give to such taxable person a notice of revocation or suspension specifying the reasons for such decision.

(6) A taxable person whose registration has been suspended or revoked shall not engage in that business until the suspension has ended or the registration has been reinstated.

(7) The Commissioner shall have the powers to shift the registration of taxable person from one type of tax to another where such taxable person does not satisfy the conditions for registration of the type of he previously was registered.

(8) Any person who engages in business while his registration has been suspended or revoked under this section commits an offence and upon conviction is liable to a fine not less than one hundred thousand shillings but not more than five hundred thousand shillings or to imprisonment for a term not less than two months but not exceeding twelve months, or to both such

Inserted by Act No. 6 of 2017 section. 5

Amended by Act No. 6 section 5.

Temporary registration.

fine and imprisonment.

8.- (1) Notwithstanding the provisions of this Act, the Commissioner may issue temporary registration to any person who may otherwise be required to be registered under this Act for a fixed term or period not exceeding one year with a maximum extension of six months.

(2) The Commissioner may, for the purpose of registration of such person under this section, demand documents referred to under section 6 of this Act or any other documents as he may deem necessary.

(3) If the Commissioner believes that tax due from a taxable person under temporary registration may not be paid he may initiate immediate distress proceedings for the recovery of such tax.

(4) A person registered under this section shall comply with the requirements of the provisions of this Act.

Certificate of registration.

9.-(1) A certificate of registration shall be issued to a person registered under this Act and shall state the name and trading name, principal place of business, TIN, tax registration number and the date on which registration takes effect.

(2) The TIN and tax registration number shall be shown in all tax returns, correspondence, and related documents used for the purposes of this Act.

(3) A certificate of registration issued under this Act shall be displayed at all time in a conspicuous position at the taxable person's place of business.

(4) The Commissioner shall provide upon request sufficient copies of the Certificate of Registration, clearly marked "Copy", for a copy to be displayed at all premises which are part of the business for which the taxable person is registered.

Inserted by Act No. 9 of 2015 Section 5.

(5) A taxable person who fails comply with the provisions of subsection (3) of this section, commits an offence and upon conviction is liable to a fine of not less than One Hundred Thousands Shillings but not exceeding Five Hundred Thousands Shillings or to imprisonment for the term not less than two months but not exceeding twelve months, or both such fine and imprisonment.

Display of business name.

10. A taxable person who is registered under the provisions of this Act shall display his business name and tax registration number on a board or sign

placed in a conspicuous position at his place of business readable and visible at all hours.

Deem registration.

11. -(1) Notwithstanding the provisions of section 5 of this Act, where a person liable to be registered under this Act fails to make an application for registration, such a person shall be deemed to be registered for the purposes of this Act, from the date he became liable to be registered or such other date as the Commissioner may determine.

(2) The Commissioner shall serve a notice of deemed registration to a person who is deemed to be registered under this Act which shall specify the date on which the deemed registration takes effect.

Application for
deregistration.

12. - (1) Any taxable person may apply in writing to the Commissioner for deregistration and shall specify the reasons for such application within thirty days from the day such reasons became known to him.

(2) The Commissioner may, if he is satisfied with the reasons made in the application under subsection (1) of this section, subject to any other conditions prescribed in this Act or Regulations, including the payment of tax, deregister such taxable person with effect from the last day of the accounting period during which the Commissioner became so satisfied, or from such other date as the Commissioner may determine, and shall notify the person in writing of the date on which the deregistration takes effect.

(3) Any date determined by the Commissioner for the deregistration under subsection (2) of this section, may be retrospective to a date not earlier than:-

(a) the last day of the accounting period during which taxable activity that was carried on by the taxable person ceased; or

(b) the date on which the taxable person was registered under this Act, if the Commissioner is satisfied that the taxable person did not, from that date, carry on any appropriate taxable activity.

(4) The Commissioner shall have the powers to revoke registration of any taxable person if satisfied that such person is no longer required to be registered under the provisions of this Act.

Transitional registration.

13. A taxable person, who, upon coming into force of this Act has been issued with a certificate of registration under any Tax laws in respect of business for the purpose of such law, shall be deemed to have been registered under this Act in respect of that business and shall be issued with a new certificate

of registration under this Act.

Registration of storage facilities.

14. -(1) Any person who owns or operates any storage facilities for commercial goods shall be required to register the same in the manner and form prescribed by the regulations made under this Act.

(2) Any person who fails to register any storage facility as required under this section commits an offence and upon conviction shall be liable to a fine of not less than One Hundred Thousand Shillings but not more than Five Hundred Thousand Shillings.

Notice of change.

15. -(1) Every taxable person shall within 30 days notify the Commissioner in writing of any changes in the particulars provided in the application for registration or closure of business whether temporary or permanently.

Amended by Act No. 10 of 2013, section 20.

(2) Subject to the provisions of this section, no change of ownership of any business shall be made without a tax clearance from the Commissioner.

Amended by Act No. 9 of 2015 section.6

(3) The Tax Clearance issued under this section shall be in the form prescribed by the Commissioner under section 16 of this Act.

(4) Any taxable person who fails to notify the Commissioner as required under subsection (1) of this section, commits an offence and upon conviction is liable to a fine:-

(a) in the case of a limited liability company, of not less than Five Million Shillings but not exceeding Fifty Million Shillings; or

(b) in any other case, of not less than One Hundred Thousand Shillings but not exceeding Ten Million Shillings;

(5) Any taxable person who fails to submit a written request to the Commissioner as required under subsection (2) of this Section, commits an offence and upon conviction is liable to a fine:-

(a) in the case of a limited liability company, of not less than Five Hundred Thousand Shillings but not more than Five Million Shillings;

(b) in any other case, of not less than One Hundred Thousand Shillings but not exceeding Two Million Shillings.

PART III

REQUIREMENT FOR TAX CLEARANCE

Requirement for tax clearance.

16. - (1) All applications for any business license to any licensing authority shall be accompanied by tax clearance from the Commissioner.

(2) Officer of any authority shall not issue any business or trading license without tax clearance issued under subsection (1) of this section.

(3) Any license issued contrary to this section shall be invalid.

(4) Any person who issues any business or trading license in contravention with the provisions of subsection (2) of this section and contributes to the loss of government revenue, commits an offence and shall be penalized in accordance with section 9(3) and 38 of the Public Finance Act, No. 12 of 2005.

Duty of licensing authority.

17. All business or trading licenses issued by a licensing authority in accordance with its respective Act shall comply with the provisions of this Act.

PART IV

TAX RETURN AND ASSESSMENT OF TAX

Tax returns.

18. - (1) Unless otherwise provided under this Act, a taxable person shall record each supply made and account for tax on it at the time of supply.

(2) Save as otherwise provided in the respective Tax Laws or Regulations, every taxable person shall, on or before the twentieth day of each month following the end of the accounting period, make and file a tax return, whether or not tax is payable in respect of that period.

Amended by Act No. 1 of 2016 Section 3.

(3) If the date of filing tax returns referred to under this section is a public holiday, the tax returns shall be filed on the first working day after such date.

Amended by Act No. 9 of 2018 section 4.

(4) Notwithstanding the provisions of subsection (2), the Minister may, by order published in the Gazette, extend the due date for filing a tax return either generally or to a sector or a group of taxpayers to such other date as he may determine where he considers that there exists a reasonable ground for such extension and upon prior approval of the Revolutionary Council.

Amended by Act No. 2020, section .5.

(5) The tax returns shall be in the form prescribed by the Commissioner and shall:-

Amended by Act No. 10 of section.21.

(a) be accurately and truthfully completed;

(b) be signed by the taxable person or his authorized representative as defined in section 62 of this Act;

(c) bear the proof of the date delivered; and

(d) be attached with and provide any other information as the Commissioner may deem necessary for the proper administration of the tax.

(6) Any taxable person who fails to submit a tax return by the due date shall pay a penalty of One Hundred Thousand Shillings or ten per centum of the tax shown as payable in respect of the prescribed accounting period covered by the return, whichever is the greater, for every month or part thereof during which the default continues.

Powers to make assessment.

19. -(1) The Commissioner may at any time, assess any tax payable or required to be paid and impose fines, penalties and interest if a taxable person:-

- (a) makes any misrepresentation that is attributable to negligence, carelessness or willful default;
- (b) makes a fraudulent tax returns or provides fraudulently information;
- (c) fails to disclose required information;
- (d) fails to keep proper records or documents as required under this Act; or
- (e) fails to register as a taxable person under this Act.

(2) The Commissioner shall:-

- (a) not be bound by a tax return filed or information provided by any taxable person under this Act and may, notwithstanding such a tax return filed or information so provided assess the tax payable under this Act;
- (b) if no tax return has been filed or information has been provided, use best judgment to assess the tax payable under this Act.

(3) Any fines, penalties and interest imposed shall be collected as tax due under this Act.

(4) Any tax under this section shall be due for payment within 30 days of the date of the notice of assessment unless a longer period is allowed by the Commissioner.

Content of assessment.

20. Any assessment made under this Act shall contain:-

- (a) the taxable person's name, full address, Tax Registration Number and TIN;
- (b) the details of calculation of the tax;
- (c) the principal amounts, fines, penalties and interest to be paid; and
- (d) the date of the assessment and date due for payment.

Notice of assessment

21. An assessment made under section 19 of this Act shall be delivered to the assessed taxable person and inform him of his right to object under the provisions of this Act.

Amended by Act No. 12 of 2020, section 6.

Objection.

*Amended by Act No. 12
of 2020, section 7.*

21A.- (1) person who is aggrieved by a decision made by the Commissioner including assessment in the exercise of his powers under this Act or any other tax law may object the decision by filing an objection to the Commissioner within thirty days from the date of service of the decision.

(2) Notwithstanding the provisions of subsection (1) of this section, a person shall not object to the Commissioner against the following:

- (a) a decision to audit, investigate, or assess a taxable person;
- (b) a Practice Note or decision or omission to issue, refuse or revoke a Practice Note;
- (c) a decision or omission that affect a person as a tax officer or employee or tax agent of the Board; and
- (d) the compounding of offence with the consent of applicant.

(3) subject to the conditions provided in this section the Commissioner may:

(a) admit the notice of objection; or

(b) refuse to admit the notice of objection

(4) A person, who is aggrieved by the refusal of the Commissioner to admit a notice of objection issued, may appeal to the Zanzibar Tax Appeals Board against that refusal.

(5) A person, who has reasonable grounds to warrant extension of time to file an objection against a decision made by the Commissioner, may apply for extension of time to the Commissioner.

(6) Where the Commissioner is satisfied by the reasons stated in the application made under subsection (5) of this section, he shall grant the extension of time not exceeding thirty days and serve the notice of this decision on such extension.

(7) An objection to any decision shall be in the form prescribed in the regulations and shall state the grounds upon which it is made.

(8) An objection to any decision shall not be admitted unless the taxable person has, on or before the due date for lodging the objection, paid the amount of tax which is not in dispute or one third the tax assessed whichever amount is greater, provided that the whole of the tax or duty assessed on imports shall be deemed to be not in dispute.

(9) Where a person has lodged a notice of objection without paying tax referred to under subsection (8), the Commissioner shall not admit the notice of objection and the notice of objection shall be deemed to have not been filed, provided that, this subsection shall not apply to an objection which does not relate to assessment.

(10) Where the Commissioner is satisfied that there exists reasonable grounds warranting reduction or waiver, he may reduce or waive the amount to be paid under subsection (8).

(11) Where a taxable person files an objection and makes payment under subsection (8), the payment of the remaining assessed tax shall be deferred until the objection is finally determined.

Determination of objection.

21B. (1) The Commissioner shall, upon admission of an objection pursuant to section 21A, make a decision by determining the objection.

Amended by Act No. 12 of 2020, section 8.

(2) Subject to subsection (1) of this section, the Commissioner may call for any evidence or any other information as may be necessary for determination of the objection and may, in respect of the objection against assessment:

- (a) amend the assessment in accordance with the objection;
- (b) amend the assessment in light of the objection and any further evidence which has been adduced; or
- (c) refuse to amend the assessment.

(3) Where the Commissioner:

- (a) agrees to amend the assessment in accordance with the objection; or
- (b) proposes to amend the assessment in light of the objection and any further evidence or information adduced, and the person objecting agrees with Commissioner as to such proposed amendment,

the assessment shall be amended accordingly and the Commissioner shall cause a notice setting out such amendment and the amount of the tax payable to be served on such person.

(4) Where a notice of objection has been given and the Commissioner has not determined the objection within ninety days, he shall be deemed to have agreed to amend the assessment in accordance with the objection.

(5) Where the Commissioner:

- (a) proposes to amend the assessment in light of the objection and the person objecting does not agree with the

Commissioner as to such proposed amendment, the assessment shall be amended as proposed and the Commissioner shall cause a notice setting out such amendment and the amount of the tax payable to be served on such person; or

Finality of assessment.

Amended by Act No. 12 of 2020, section 9.

(b) refuses to amend the assessment, shall cause a notice confirming the assessment to be served on such person.

21C.-(1) Where, in relation to any assessment:

(a) no notice of objection has been given; or

(b) a notice of objection has been given and:

(i) the assessment has been amended under subsection (2) of section 21B of this Act; or

(ii) a notice has been served under subsection (5) of section 21B of this Act but no appeal has been referred; or

(iii) the assessment has been finally determined on an appeal, the assessment as made, or as amended, or determined on appeal, as the case may be, shall be final and conclusive.

(2) Nothing in this section shall prevent the Commissioner from making any assessment, which does not involve re-opening of any matter that has been determined on an appeal or an assessment.

(3) When any fraud or any gross or willful neglect has been committed by or on behalf of any person in connection with or in relation to any tax, duty or levy and affects his tax liability, the Commissioner may make an additional assessment on that person notwithstanding that involves re-opening a matter which has been determined on such appeal.

PART V

RECORDS, DOCUMENTS AND INSPECTION

Records and accounts.

Amended by Act, No. 6 of 2017 section 7.

22. -(1) Every taxable person shall maintain at his principal place of business in Zanzibar all accounting records including the following documents:-

(a) all original fiscal receipt, fiscal tax invoice and receipt received by the taxable person or certified copies thereof;

(b) all copies of all fiscal tax invoices and fiscal receipts issued by the taxable person;

(c) all customs documentation relating to imports and exports by the taxable person, if any; and

(d) any other records as may be prescribed in the Regulations

or by the Commissioner.

- (2) All records, documents and computer programs, software and applications relating to business transactions in Zanzibar used or maintained under the provisions of this Act shall be either in English or Swahili.
- (3) Any document in a language other than English or Swahili shall be translated and competently certified and such translation shall always be attached to the original document.
- (4) Records required to be kept under this section shall be maintained in Zanzibar for a period of seven years or such longer period as the Commissioner may require in writing, in a particular case, and shall in no case be moved out of Zanzibar.
- (5) All computer programs, software and applications used to maintain records under this Act shall not be used without the prior approval in writing by the Commissioner.
- (6) Any changes required in any computer programs, software or applications referred to under subsection (5) of this section shall need the prior approval of the Commissioner.
- (7) A person shall not delete, replace or alter or cause to be deleted, replaced or altered any information maintained under this section without the prior approval of the Commissioner.
- (8) Any taxable person who fails to keep proper records as required under this Act or its Regulations, or who fails to retain them for the time so required or to keep them at his principal place of business, commits an offence and upon conviction is liable to a fine of not less than One Hundred Thousand Shillings but not more than Ten Million Shillings or to imprisonment for a term of not Less than six months but not exceeding two years, or to both such fine and imprisonment.

Amended by Act No. 3 of 2014 section 5.

Electronic system for filing and serving documents.

Inserted by Act No. 6 of 2017 section 8.

Use of electronic fiscal device.

- 22A.**-(1) The Commissioner may establish and operate an electronic system for filing, furnishing of documents and servicing of documents.
- (2) The Minister shall make regulation for regulating electronic system for filing, furnishing and servicing documents.

- 23** -(1) A person who supplies goods or renders services whether by credit or in cash or receives payment in respect of goods supplied or services rendered shall issue fiscal receipt or fiscal invoice by using electronic fiscal device.

(2) Notwithstanding the provisions of subsection (1) of this section, the Minister shall, by order published in the Gazette from time to time, determine the threshold for which a person shall be required to issue a fiscal receipt or fiscal invoice by using electronic fiscal device.

(3) Notwithstanding the provisions of subsection (2) of this section, the Minister in consultation with the Commissioner may by order published in the Gazette exclude a person or class of persons from issuing a fiscal receipt or fiscal invoice by using an electronic fiscal device.

*Inserted by Act No.4 of
2019 section 4.*

(4) A person who is excluded from using an electronic fiscal device shall issue a manual receipt, cash sale or tax invoice.

(5) A person issuing the manual receipt shall enter or cause to be entered in the receipt, cash sale or tax invoice and duplicate copy the following particulars:

- (a) the words “tax invoice”, “receipt” or “cash sale” on its face;
- (b) serial number, Taxpayer Identification Number (TIN), Business Registration Number (BRN), trade name, address, and registration number;
- (c) name and address of the client;
- (d) the date on which the tax invoice or receipt is issued;
- (e) quantity or volume of the goods or services supplied;
- (f) unit price and total value of goods or services;
- (g) tax charged on the transaction as the case may be; and
- (h) seal and signature of the taxable person or his authorized representative.

*Amended by Act No. 3 of
2021 section 5.*

(6) A person who fails to issue a fiscal receipt or fiscal invoice as required under this section, commits an offence and shall upon conviction, be liable to pay the tax which would have been paid in addition to a fine of Two Million Tanzania Shillings or Fifty percent of the value of the tax which would have been paid for each transaction for which the fiscal receipt or fiscal invoice was not issued whichever is greater or imprisonment for the term of one year.

Tax shown on tax 24. Any amount shown on fiscal tax invoice, fiscal receipt or cash sale or

invoice, receipt or cash sale.

Inserted by Act No. 6 of 2017 section 10.

Advertised
Prices to include Tax.

Inspection and
Examination.

Amended by Act No.12 of 2020 section 10.

any other document as tax chargeable on a supply of goods or services shall be recoverable as tax due from the person issuing such document, regardless of whether:

- (a) the fiscal tax invoice, fiscal receipt or cash sale or any other document is in the form prescribed in the Act;
- (b) tax has been charged in respect of the supply to which such document relates;
- (c) the person issuing fiscal tax invoice, fiscal receipt or cash sale or such document is a taxable person.

25. -(1) Any person making or publishing an advertisement in respect of the supply of any goods or services shall, if the advertisement mentions the price at which such goods or services may be obtained, state the price inclusive of tax.

(2) A person shall not advertise, promote or cause to be advertised or promoted any goods or services marketed, sold, promoted or supplied in Zanzibar by any person who is not registered to pay tax in Zanzibar.

(3) In this section, “advertisement” includes any publication, Broadcast, display or label in connection with the goods or services and any quotation of their price.

(4) Any person who advertises, promotes or cause to be advertised or promoted any goods or services marketed, sold or supplied by any person who is not registered to pay tax in Zanzibar, commits an offence and upon conviction is liable to a fine of not less than two Hundred Thousand Shillings and not more than two Million Shillings or to imprisonment for a term of not less than three months but not exceeding one year, or to both such fine and imprisonment.

26. -(1) The Commissioner or any authorized officer may at any reasonable time for the purposes of ensuring that this Act and its Regulations are being fully complied with: -

(a) enter any premises and inspect, audit, investigate, examine or verify the records of a taxable person or records relating to a taxable person; or

(b) require the production for inspection, audit, investigation, examination or verification of all records or documents that are or may be deemed relevant;

(c) require the owner of the premises or place and any other responsible person on the premises or at the place to give the

Commissioner all assistance and to make all efforts to answer all relevant questions relating to the administration of this Act.

- (2) Any person who hinders, obstructs or attempts to obstruct the Commissioner or any authorized officer in the exercise or performance of any of his powers or duties under this Act, commits an offence and upon conviction is liable to a fine of not less than One Million Shillings but not more than Ten Million Shillings or to imprisonment for a term of not less than one year but not exceeding five years, or to both such fine and imprisonment.
- Impersonation of an officer. 27. Any person who impersonates an authorized officer commits an offence and is liable to a fine of not less than Five Hundred Thousand Shillings but not more than Ten Million Shillings or to imprisonment for a term of not less than one year but not exceeding five years, or to both such fine and imprisonment.
- Notice to obtain Information or documents. 28. -(1)For the purpose of administration of this Act, the Commissioner may, by notice in writing, require any taxable person or any person:-
- (a) to appear before the Commissioner at a time and place designated in the notice for the purpose of giving information concerning the tax affairs to the Commissioner;
 - (b) to furnish the Commissioner with any information, Records or document as may be required by the notice.
- (2) Any person who fails to or refuses to appear before the Commissioner or to give any information or any document as and when required under this section commits an offence and is liable to a fine of not less than One Hundred Thousand Shillings but not more than Five Million Shillings or to imprisonment for a term not less than three months but not exceeding twelve months, or to both such fine and imprisonment.
- (3) A reference in this section to a statement made to the Commissioner is a reference to a statement made orally, in writing, or in any other form to the Commissioner acting in performance of his duties under this Act, and includes a statement made:-
- (a) in application forms or correspondence, certificate, tax returns, notification, objection or any other document made, prepared, given, filed, lodged or furnished under this Act;
 - (b) in information required to be furnished under this Act;
 - (c) in a document furnished to the Commissioner otherwise than pursuant to this Act; or

(d) in an answer to a question asked by the Commissioner or an authorized officer.

(4) Any person who, in purported compliance with any requirement under this Act, knowingly makes a return or other declaration, furnishes any document or information or makes any statement, whether in writing or otherwise, that is false in any material particular commits an offence and upon conviction is liable to a fine of not less than One Hundred Thousand Shillings but not more than Five Million Shillings or to imprisonment for a term not less than two months but not exceeding two years, or to both such fine and imprisonment.

Power to take or remove documents.

29. - (1) For the purposes of the administration of this Act the Commissioner may:-

(a) take, remove or make copy or extract from any record or document maintained under the provisions of this Act;

(b) examine any record or document and require from any person any relevant explanation of any information therein;

(c) seize any records or documents which in his opinion may afford evidence that may be material in assessing the liability of any person or taxable person for any tax payable under this Act;

(d) retain any records or documents seized under paragraph (c) for as long as such records or documents may be required for determining the taxable person's or any other person's liability under this Act; and

(e) seize and retain any electronic equipment or accessory in which such information is stored for as long as is necessary to copy or use for the recovery of tax.

(2) The Commissioner shall provide acknowledgement of receipt for any documents and records so removed, and where a lien is claimed on a document such removal shall not be regarded as breach of the lien.

(3) Any person or taxable person whose records have been seized and retained under subsection (1) of this section, may examine and make copies or extract from such records or electronic records during office hours under such supervision as the Commissioner may determine.

(4) Where a document or records removed by the Commissioner under subsection (1) of this section is reasonably required for the proper conduct of a business he shall, as soon as is practicable, provide a copy of the document, free of charge, to the person or taxable person from whom it was taken.

(5) Where any information, record or document is electronically stored,

the provisions of subsection (1) of this section shall be deemed to empower the Commissioner:-

- (a) to demand free and total access to any password protected electronic records, and the person from whom such access is required shall immediately comply;
 - (b) to view the information or document and to copy or take extract from it by electronic means; or
 - (c) to require that it be reproduced in hard copy, or soft copy or reduced to some other portable form suitable for removal and capable of reproducing the information or document for official use.
- (6) Where any document, record, equipment, accessory or information removed under the powers conferred by this section is lost or damaged, the Commissioner shall be liable to compensate the respective owner for replacement of such damaged equipment.
- (7) Subject to the provisions of the Evidence Act, any documents, records, electronic equipment or accessory obtained under this section shall be admissible as evidence in any proceeding against the taxable person.

Inserted by Act No. 9 of 2018 section 5.

Disclosure of information.

30. - (1) Information collected or obtained under this Act shall not be disclosed to any unauthorized person and shall only be disclosed for the purpose of assessing and collecting government revenue.
- (2) A person referred to under subsection (1) of this section who receives information shall hold that information subject to the same prohibitions and restrictions in respect of communication of the information that applies to the Commissioner.
- (3) Notwithstanding the provisions of subsection (2) of this section, the Commissioner may communicate information to any person engaged or employed in the investigation or prosecution of offences under any Criminal Legislation.

**PART VI
PAYMENT OF TAX**

Due date for payment of tax.

31. -(1) Subject to the provisions of this Act the payment of tax due shall be made:-
- (a) save as otherwise provided in the respective Tax Laws or Regulations by twentieth day of the month following the end of the accounting period;
 - (b) in the case of a notice of assessment issued under this Act, on the date

Amended by Act No. 9 of 2018 Section 6 (a)

specified in the notice of assessment; or

*Amended by Act No. 9 of
2018 section 6 (b)*

(c) in the case of a lump sum agreement made under this Act, on the dates specified therein.

(2) If the date of payment of tax due referred to under subsection (1) of this section is a public holiday, the last day for payment shall be the first working day after such date.

(3) Where any taxable person who is liable under this Act to pay tax fails to pay the whole or any part of the tax within such time and in such manner as prescribed by this Act:-

(a) an additional tax equal to twenty percent (20%) of the unpaid tax shall be payable by way of penalty;

(b) in a case where such amount remains unpaid for more than thirty days after the due date for payment the rate of the additional the date due for payment the rate of the additional tax prescribed by paragraph (a) shall be increased by ten percent (10%) of the amount of tax remaining unpaid in respect of each period of thirty days or part thereof during which the tax remains unpaid and such additional tax shall be payable by way of penalty.

(4) (a) A taxpayer may, in writing, apply to the Commissioner for an extension of time to pay tax under a Tax Law;

(b) the Commissioner may, upon the receipt of the application and if satisfied that the extension is necessary due to taxpayer's absence from Zanzibar, sickness or other good cause, extend the date on which tax or part of tax shall be paid;

(c) the Commissioner shall serve the applicant a written notice of the decision on his application; and

(d) where an extension is granted by permitting the taxpayer to pay tax by installments and the taxpayer has defaulted in paying any of the installments, the whole balance of the tax outstanding plus the interest shall become payable immediately.

*Amended by Act No. 12 of
2020 s. 11*

(4) Notwithstanding the provisions of this section, the Minister may, by order published in the Gazette, extend the due date for payment of tax either generally or to a sector or a group of taxpayers to such other date as he may determine where he considers that there exists a reasonable ground

- for such extension and upon prior approval of the Revolutionary Council.
- Deemed Payment. 31A.-(1)For the purpose of this Act, payment for supply of goods or services shall be deemed to have been made to the taxable person when:-
- Inserted by Act No. 10 of section. 22.*
- Amended by Act No. 6 of 2017 section 11.*
- (a) fiscal tax invoice, fiscal receipt or cash sale is issued;
- (b) payment is received for all or part of the goods or services; or
- (c) Service is rendered or performed by the taxable person, whichever act shall become the earliest.
- Inserted by Act No. 6 of 2017 section 11*
- (2) The Commissioner may allow the payment of tax through a mobile phone payment system, e-pay mentor in any other manner as may be prescribed by the Commissioner.
- Inserted by Act No. 6 of 2017 section 11.*
- (3) Where a taxable person pays tax in accordance with Subsection (2), he shall notify the Commissioner for such payment.
- Amended by Act No. 9 of 2018 section 7.*
- Early payment. 32. -(1) Where the Commissioner has reason to believe that any tax due under this Act from a taxable person may not be paid within the time allowed under section 31 subsection (1) of this Act, he may, by notice in writing to the taxable person, require payment of the tax at any date before the due date.
- Amended by Act No. 9 of 2015 Section 8.*
- (2) Upon service of a notice under this section, the provisions of section 31 subsection (1) of this Act shall not apply.
- inserted by Act No. 10 of 2013, section. 23.*
- (3) Notwithstanding the provision of subsection (1) of this section, the Commissioner may require payment of tax at any time before the due date as he may specify, to any person who manufactures goods to be charged under the tax laws or imports goods under the tax laws.
- (4) The goods under sub section (3) shall be charged:-
- (a) for manufactured goods, immediately after such goods are removed from the factory;
- (b) for imported goods, when such goods are imported in Zanzibar pursuant to Customs Laws.
- (5) The Minister may by order published in the gazette prescribe goods required by the Commissioner to be charged under subsection (3) of this section.
- Interest. 33. - (1) Where any amount of tax imposed under this Act remains unpaid after

the due date prescribed under section 31 of this Act, or if any tax remains unpaid after it is due, interest at the rate prescribed under this section shall be payable to the Commissioner.

Amended by Act No. 4 of 2019, section. 5.

(2) The rate of interest to be charged under subsection (1) of this section, shall be the lending rate issued by the Bank of Tanzania at the beginning of each calendar year plus five.

(3) The interest payable under this section shall, while it remains unpaid, attract interest as if it formed part of the unpaid tax.

Currency of payment.

34. - (1) For the purposes of this Act, payment of tax may be made in any currency approved by the Minister.

Amended by Act No. 9 of 2015 Section 9.

(2) Subject to this section, the Commissioner shall determine the average exchange rate for the purpose of filing of tax returns and payment of tax due under this Act.

(3) The average exchange rate shall be made by applying exchange rates quoted by the Central Bank during the accounting period.

Special methods of accounting.

35. -(1) The Minister may make Regulations providing for special methods of accounting for tax including:-

(a) the rounding - off of figures in tax returns; and

(b) the correction of errors.

Refund.

36. -(1) Subject to the provisions of this Act, the Commissioner shall refund any amount required to be refunded if such amount is:

Inserted by Act No. 3 of 2014 Section 7.

(a) properly is required to be refunded under any tax law; or

(b) erroneously paid in respect of any tax law; or

(c) any amount not liable to be charged or not due under this Act or any tax law.

(2) The Commissioner shall not authorize a refund as referred to in subsection (1) until such time that a verification, inspection or audit of the refund is conducted.

(3) Refund of any amount or part thereof, shall not be granted under subsection (1) unless the person claiming such refund present such claim within a period of twelve months from the date of payment of the amount.

(4) Subject to the provisions of this section, if the Commissioner pays to a person by way of refund any amount which is not properly payable to the person under tax laws, the amount is regarded as tax that is payable by the person to the Commissioner.

Over charged tax. 37. Where any tax, duty, charge, levy or fee collected under any provisions of this Act is more than the chargeable amount whether deliberately or by omission, and if not refunded to the payer the whole of such tax shall be paid to the Commissioner.

**PART VII
RECOVERY OF TAX**

Tax as a debt due to the Government 38. Any amount of tax, fine, penalty, interest or any other sum payable by any taxable person under this Act, shall be a debt due to the Government and shall be recovered in the manner provided for under this Act.

Demand notice. 39. Where a taxable person fails to pay the assessed tax, fine, penalty, interest or to raise an objection to any assessment or to appeal within the time allowed under the Zanzibar Tax Appeals Act No. 1 of 2006, the Commissioner shall issue a demand notice which requires him to settle his tax.

Payment by installment. Amended by Act No.3 of 2021 S. 6 40. -(1) Upon application by a taxable person, the Commissioner may, where good cause and sufficient reasons are shown to his satisfaction, allow the taxable person to pay the assessed tax, fine, penalty, interest or any other sum raised under this Act by installments which shall not exceed one year.

(2) All outstanding tax liabilities shall attract interest on a monthly basis.

Payment by third party. Amended by Act No.3 of 2014 Section 8. 41. -(1) Where any tax or interest due from a taxable person remains unpaid, the Commissioner may, by notice in writing require any other person:-

- (a) from whom any money is due, or is accruing or may become due, to the taxable person; or
- (b) who holds, money on account of some person for or on account or for payment to, the taxable person; or
- (c) having authority from any person to pay money to the taxable person; or
- (d) holding money or assets on account or on behalf of or belonging to the taxable person;

to pay that money, or as much as is sufficient to discharge the tax or interest due then it would, but for the notice, be or become payable to the supplier.

(2) In exercising the powers under subsection (1) of this section, the Commissioner:-

- (a) may ask any person referred to under subsection (1) of this section to give clear explanation of any money which is due or accruing or may become due to the taxable person; and any asset belonging to the taxable person; and

(b) shall send a notification letter to the taxable person informing him of

the decision of the Commissioner.

- (3) The receipt of the Commissioner for money paid under this section shall be a good and sufficient discharge of the amount owing by the taxable person to the extent of that payment and all claims by the taxable person to such money shall thereby be extinguished.
- (4) Any person who fails to comply with a notice issued under this section commits an offence and upon conviction is liable to a fine of not less than Two Hundred Thousand Shillings but not more than Two Million Shillings or to imprisonment for a term of not less than six months but not exceeding one year, or to both such fine and imprisonment.

Notice of payment by third party.

42. Any person who is or is about to become liable to make payment to, or make payment on behalf of a taxable person carries on business:-

- (a) under a name or style other than the person's own name, the notice under section 41(1) of this Act, may be addressed to the name or style under which the person carries on business and, in the case of personal service, shall be deemed to have been validly served if left with an adult person working at the place of business of the addressee; or
- (b) in a partnership, the notice under section 41(1) of this Act, may be addressed to the partnership name and, in the case of personal service, shall be deemed to have been validly served if served on one of the partners or left with an adult person working at the place of business of the partnership.

Closure of business.

43. -(1) Subject to the provisions of this Act, the Commissioner may:-

Amended by Act No. 3 Of 2014 Section 9.

- (a) or the safeguarding of evidence from being tampered with, or
- (b) if a taxable person refuses to answer written or oral questions of an authorized officer for the purpose of determining tax, or
- (c) if without acceptable reason the taxable person refuses to appear before the Commissioner, or
- (d) if in his opinion the closing of business will hasten payment of a tax liability,
- (e) if the taxable person attempts to obstruct or hinder the Commissioner or an authorized officer in the exercise or performance of any of his power or duties under this Act.

Inserted by Act No. 6 of 2017 section 12.

Inserted by Act No. 6 of 2017 section 12.

Inserted by Act No. 6 of 2017 section 12

- (f) Where the taxable person has been served with the notice of offence in accordance with section 52A and failed to appear before the Commissioner on the date specified in such notice.

lock up or seal off the business premises of the taxable person and thereafter the goods therein shall be deemed to have been attached and at the disposal of the Commissioner.

- (2) The closing of the business shall be for a period of not more than sixty days taking into consideration the nature of the goods inside the premises and that the closure shall not entail undue or unnecessary loss to any party.
- (3) In the case of perishable goods stored inside the closed premises, the Commissioner shall initiate immediate distress proceedings for the proper disposal of such goods and the proceeds of sale as set out in section 44 of this Act.
- (4) Upon the expiration of the sixty days period, if the tax liability has not been settled, the Commissioner may initiate distress order proceeding in the manner specified in section 44 of this Act and the proceed of sale as set out in that section.
- (5) Any loss arising due to closing of the business under this section shall be borne by the taxable person and no claim against the Commissioner shall be admissible under law.
- (6) Any person who removes, causes to be removed, attempts to remove or assists in removing any seal or lock administered by the Commissioner under this section commits an offence and upon conviction is liable to a fine of not less than Five Hundred Thousand Shillings but not more than Five Million Shillings or imprisonment for a term not less than six months but not exceeding two years, or both such fine and imprison.

Distress.

44. - (1) The Commissioner may recover unpaid tax or interest by distress proceedings against any property of the taxable person.
- (2) In exercise of the powers conferred under subsection (1) of this section, the Commissioner may issue a distress order, specifying the tax liability to which the proceedings relate, property of the taxable person against whom the proceedings are initiated, the last known location of the property, the approximate value of the property and the procedure of executing the distress.

- (3) For the purposes of executing the distress order under subsection (2) of this section, the Commissioner may at any time enter any house or premises, or seize goods, property or assets described in the order authorizing the distress proceedings, and shall require the presence of a police officer.
- (4) Property under distress under this section may be inspected by prospective buyers with the written approval and supervision of the Commissioner.
- (5) The proceeds of a sale under this section in any amount incidental to the sale shall be applied towards recovery of all tax due to the last day of the sale and balance, if any shall be paid to the taxable person.
- (6) Any person who removes or takes away any goods or chattels to prevent the Commissioner from seizing them or completing their seizure or the distress so made, or causes or assists in the same, commits an offence and upon conviction is liable to a fine of not less than One Million Shillings but not more than Five Million Shillings or to imprisonment for a term not less than six months but not exceeding two years, or to both such fine and imprisonment.

Balance of the debt due.

*Amended by Act No. 9 of
2012 section 26.*

45. - (1) Nothing in this section shall preclude the Commissioner from any proceedings with respect to any balance owed if the proceeds of the distress are not sufficient to settle the tax due and to meet the costs of the distress proceedings.
- (2) Subject to the provisions of subsection (1) of this section, if any amount of charge, penalty, fine and any other sum which is due from the taxpayer under this Act and which he fails to pay, the Commissioner may file before a court having jurisdiction over the area in which the defaulting taxpayer normally resides or carries on business, a certificate stating;
 - (a) the name and address of the person from whom the said amount is due;
 - (b) the amount due; and
 - (c) the decision of the Commissioner.
 - (3) Upon such certificate being lodged before such court, the certificate shall be deemed to be a decree passed by such court against the person named in the certificate for the payment by him to the Commissioner of the amount stated in the certificate together with interest thereon of ten percent (10%) from the date on which the certificate was filed until

the time of payment. Every such decree shall be executed as any decree passed by the court in a civil suit.

- (4) Every certificate filed in a court pursuant to the provisions of subsection (2) of this section shall be conclusive evidence of the truth of the facts stated therein and shall be enforceable by the court notwithstanding that the amount involved exceeded the pecuniary jurisdiction of the court, in the same manner as any decree passed by the court in a civil suit.
- (5) In any proceedings, either criminal or civil, under this Act:-
 - (a) other than an appeal, a certificate from the Commissioner or from the Tribunal stating that any amount is due from any person by way of tax, or other liability under this Act, shall be conclusive evidence that the amount is due and payable from that person;
 - (b) the burden of proving that any tax has been paid or that any goods or services are exempt from payment of tax shall lie on the person liable to pay the tax or claiming that the tax has been paid or that the goods or services are exempt from the payment of tax;
 - (c) a statement by the Commissioner that a person is registered, or is not registered under this Act, shall be conclusive evidence of the fact unless that person proves the contrary.

Inserted by Act No. 10 of 2013, Section. 24.

Seizure of goods.

46. - (1) The Commissioner may seize any goods in respect of which he has reasonable grounds to believe that tax that is due, or will become due and payable in respect of such goods, has not been, or will not be paid.
- (2) Goods seized under subsection (1) of this section shall be stored in a secure place approved by the Commissioner and a statement stating the description and quantity of the goods may be jointly signed by both parties.
 - (3) Where goods seized under subsection (1) of this section, the Commissioner shall, within five days after seizure, serve on the owner of the goods or the person who had custody or control of the goods immediately before seizure, a notice in writing:-
 - (a) identifying the goods;
 - (b) stating the goods seized under this section and reason for seizure; and
 - (c) setting out the terms for the release or disposal of the goods.
 - (4) The Commissioner shall not be required to serve a notice under

subsection (3) of this section if, after making reasonable enquires, he does not have sufficient information to identify the person on whom the notice should be served.

- (5) Where subsection (4) of this section applies, the Commissioner may serve a notice under subsection (3) of this section on a person claiming the goods, provided the person has given sufficient proof to enable such a notice to be served upon him.
- (6) The Commissioner may authorize any goods seized under subsection (1) of this section to be delivered to the person on whom a notice under subsection (3) or (5) of this section has been served where that person has paid, or gives security for the payment of the tax due and payable or that will become due and payable in respect of such goods.
- (7) Where subsections (4) and (5) of this section do not apply, the Commissioner shall detain the goods seized under subsection (1) of this section as follows:-
 - (a) for twenty days after the seizure of the goods; or
 - (b) for twenty days after the date due for payment of tax.
- (8) Where the detention period in subsection (7) of this section has expired, the Commissioner may sell the goods in the manner specified in section 44 of this Act and the proceeds of sales as set out in that section.
 - (a) in the case of perishable goods, a bond, as may be prescribed by the Commissioner, may be immediately be signed by a person claiming ownership or custody of the goods where upon the goods shall be released to him,
 - (b) if no person claims ownership or custody of any perishable goods the Commissioner shall forthwith take steps to sell such goods and all proceeds from the sale shall be put in escrow Account pending determination of the case.

Practice Notes.

Inserted by Act No.10 of 2013, section 25.

46A. -(1) To achieve consistency in the administration of tax laws and to provide guidance to persons affected by them, including tax officer, the Commissioner may issue practice notes in writing setting out the Commissioner's interpretation of the provision of any tax law.

- (2) Practice notes may pertain to a single tax laws and the Commissioner may issue multiple practice notes with respect to the same tax law.
- (3) A practice note shall bind the Commissioner from the time the practice note is issued until it is revoked.

Issue of Practice Notes.

46B (1) The Commissioner may issue practice note through a circular

Inserted by Act No. 10 of 2013, section 25.

published in an official Gazette.

For the purpose of this section the word “circular” means expression issue for interpretation by the Commissioner for any provision of any tax law.

Revocation of Practice notes.

Inserted by Act No. 10 of 2013, Section 25.

- (2) A practice note must state that it is practice note and must have a number and subject heading by which it can be identified.
- (3) A practice note applies from the date specified in the note and if no date is specified, from the date of the issuance of the circular.
- (4) The Commissioner shall make practice notes publicly available.
- 46C (1) The Commissioner may revoke practice note in whole or part, by issuing a notice of revocation through a circular.
- (2) The Commissioner must revoke a practice note if:-
- (a) to the extent it is inconsistency with the a court decision,
- (b) the subsequent passage of legislation or issue of practice note that is inconsistent with the existing practice note revoke the extent of the inconsistency.
- (3) The revocation of Practice note in whole or in part, has effect:-
- (a) if subsection (1) and (2) applies, from the date specified in the notice of the revocation; or
- (b) if subsection (3) applies, from the date the inconsistent legislation or practice note applies.
- (4) The revoked part of the practice note:-
- (a) continue to apply to arrangements commenced after the revocation; and
- (b) does not apply to arrangements commenced after the revocation.

PART VIII ADMINISTRATION

Taking of sample.

47. (1) Where an authorized officer has reason to believe that it is necessary for the protection of government revenue, he may take from goods in the possession on any taxable person such samples as may reasonably be necessary for taxation purposes.

(2) A sample shall not be taken under this section without issuing of a receipt by an authorized officer to the person from whom it was taken, and every sample shall be disposed off and accounted for in the manner which the Commissioner may direct.

(3) Where a sample taken under this section is not returned within a reasonable time and in the same condition as when sampled from the person from whom it was taken, the Commissioner shall refund him, by way of compensation, a sum equal to the costs of the sample or any larger sum which the Commissioner may determine.

Access to official
Information.

48. -(1) Notwithstanding any provisions of any other law, where the Commissioner considers it necessary, he may, by notice in writing require any public officer:-

(a) to permit an authorized officer to examine all registers, books, accounts, documents or records in the possession or control of the public officer and to take any notes and extract any information which may be considered necessary by the Commissioner, and

(b) to provide any information to the authorized officer.

(2) For the purposes of this section, “public officer” includes any officer vested with responsibilities of performing duties of a public nature, whether under the immediate control of the government or not, and includes any officer under the control of a Government department, local authority or public corporation.

Exchange of
information.
*Inserted by Act No.3 of
2021 section 7.*

48A. The Commissioner may request from or exchange with a foreign tax authority any information relating to the tax affairs of any taxable person.

Obligation of
confidentiality.

49. -(1) Subject to the provisions of this Act an authorized officer shall not:-

(a) disclose to any person any information in respect of any other person that may in the exercise of his powers or the performance of his duties under this Act, come to his knowledge; or

(b) permit any person to have access to any record in his possession or custody of the Commissioner; except in the exercise of his powers or the performance of his duties under this Act or by order of a competent Court.

- (2) Nothing in this section shall be construed as preventing the Commissioner from disclosing;
 - (a) any document or information to any person where the disclosure is necessary for the purpose of this Act or any other law in Zanzibar; or
 - (b) any information which does not identify any specific person to any Government officer, where such disclosure is necessary for the performance by that person of his official duties.
- (3) Any person who obtains any document or information from the Commissioner under subsection (2) of this section shall not disclose such documents or information to any other person, except to the extent reasonably necessary to achieve the purposes for which the disclosure was made.
- (4) Any document or information obtained by the Commissioner in the performance of his duties under this Act may be used by the Commissioner for the purposes of any other law.

Personal data protection.

49A. Without prejudice to the provisions of sections 48 and 49 of this Act, exchange and collection of tax information shall be in accordance with personal data protection standards.

Amended by Act No. 12 of 2020 s. 12.

Appointment of Withholding agent.

50. -(1) Notwithstanding the provisions of this or any other Act, the Commissioner may appoint any person to be a withholding agent for the purpose of withholding tax payable by him to a taxable person under this Act or any other tax laws.
- (2) Every withholding agent who makes payment to a taxable person for goods or services sold to him by such taxable person shall withhold the relevant tax due and remit the same to the Commissioner in accordance with the procedures laid down in the Regulations.
 - (3) The Minister shall prescribe in the Regulations the procedures for the appointment of a withholding agent and the procedures for the collection and payment of the tax so withheld.
 - (4) Any withholding agent who fails to withhold tax as required under this section shall pay the tax that should have been withheld and interest prescribed under section 33 of this Act.
 - (5) Any withholding agent who fails to remit the whole or any part of the tax so withheld within such time and in such manner as prescribed by

this Act shall pay the tax that should have been remitted and interest prescribed under section 33 of this Act and in addition commits an offence and upon conviction is liable to a fine of not less than One Hundred Thousand Shilling but not more than One Million Shillings.

Marking of transported goods.

Amended by Act No. 3 of 2014 Section 10.

Amended by Act No. 6 of 2017 section 13

Amended by Act No. 6 of 2017 section 13

51. - (1) A person shall not transport or cause to be transported goods which are subject to tax under this Act unless, and if being transported in a single lot, they are accompanied by any relevant custom document, payment fiscal receipt, cash sale or fiscal tax invoice relating to such goods being transported at the time, provided that such goods are not being transported under Customs bond.

(2) Goods being transported in more than one lot shall be accompanied by a delivery note giving full description and exact nature and quantity of the goods being transported at that time, with a copy of any relevant custom document, payment fiscal receipt, cash sale or fiscal tax invoice relating to such goods, provided that any such delivery note shall not be used more than once.

(3) Goods being transported on one vehicle from more than one point of departure shall carry a separate document(s) for each point of departure.

(4) Goods being transported on one vehicle to more than one destination shall carry a separate document for each destination.

(5) Any person who transports goods in contravention of the provisions of this section commits an offence and upon conviction is liable to a fine of Five Hundred Thousand Shillings or twenty five percent of the value of such goods being transported; whichever is greater, and in addition to the fine such goods or vehicles upon which such goods and vehicles in which the goods are carried shall be liable for seizure and forfeiture.

Assistance of other Authority.

Amended by Act No. 10 of 2015, Section 26.

Amended by Act No. 9 of 2015, Section 10.

Notice of offence.

Inserted by Act No. 6 of 2017 section 8.

52. -(1) For the purpose of this Act, the Commissioner or authorized officer may request assistance from the Police, Institution, Ministry, Department, or any Authority if he has reason to believe that such assistance is necessary for proper and safe performance of his duties.

(2) Notwithstanding the provision of subsection (1) if the authorized officer believes the taxable person may abscond before he is charged or stands trial or may destroy or temper with evidence of any offence under this Act may request the assistance from police to arrest such taxable person.

52A.-(1) Where the Commissioner reasonably believes that a person has committed an offence under this Act or any other tax law, he shall serve such a person with a notice of offence.

(2) The notice of offence shall contain the following particulars:

Name and address of the offender;

Taxpayer Identification Number;

- (a) Registration Number;
- (b) particulars of the offence committed;
- (c) date and place on which the offender is required to appear before the Commissioner;
- (d) signature of the person issuing the Notice; and
- (e) any other information the Commissioner may deem fit.

(3) A person to whom the notice of offence was served and fails to appear before the Commissioner on the date and fails to appear before the Commissioner on the date and place specified in the notice, commits an offence and upon conviction is liable to the fine of not less than Five Million Shillings or to imprisonment for term of not less than one year.

PART IX MISCELLANEOUS

Tax Evasion.

*Amended by Act No. 10 of
2013, Section 27.*

53. -(1) Any person who attempt to evade tax or any person who by any design or means, colludes or conspires with the taxable person to evade tax, commits an offence and upon conviction shall pay the tax which would have been paid had the offence not been committed and in addition shall pay a fine of twenty five percent of the evaded amount or Five Hundred Thousand Shillings whichever is greater and interest as prescribed under section 33 of this Act, or be imprisoned for a term of not less than two years but not exceeding ten years, or both such fine and imprisonment.

(2) Any person who accepts the supply of any goods or services and has reasons to believe that the person who supplies to him such goods or service is not registered as a taxable person under this Act, or that the proper tax has not been or will not be paid or that any deduction or credit has been made or will falsely be claimed, commits an offence and upon conviction is liable to a fine not exceeding One Million Shillings or six times the amount of the tax evaded, whichever is greater, or to imprisonment for a term not less than six months but not exceeding three years or to both such fine and imprisonment.

Admissibility of document.

*Inserted by Act No. 9
of 2015, section. 11.*

53A Notwithstanding any law to the contrary:

- (a) any document or copy of or extract from any document, relating to the affair of any taxable person that has been seized or obtained by; or
- (b) any statement of a taxable person relating to the affairs of the taxable

person that is made to, an authorized officer in accordance with the provisions of this Act is admissible as an evidence in any proceedings with respect to any offence or in recovery of tax under this Act or any other Act administered by the Board.

Scheme for obtaining undue tax benefit.

Inserted by Act No. 6 of 2017 Section 15.

53B (1) Notwithstanding any provisions of this Act, the Commissioner may determine the liability for any tax imposed and its amount, as if the scheme had not been entered into or carried out, or in such manner as, in the circumstances of the case, he considers appropriate for the prevention of diminution of the tax benefit sought to be obtained by the scheme.

(2) A determination under subsection (1) shall be deemed to be an assessment of tax, and the provisions of this Act in relation to assessments, shall apply accordingly.

(3) In this section “bona fide business purposes” does not include the obtaining of a benefit and “tax benefit” includes:

(a) any avoidance or reduction in the liability of any person to pay tax;

(b) any increase in the entitlement of any taxable person to a refund of tax;

(c) any reduction in the consideration payable by any person in respect of any supply of goods and services or the importation of any goods; or

(d) any other avoidance or postponement of liability for the payment of any tax.

Offence by body Corporate.

54. - (1) Where any offence under this Act or its Regulations has been committed by a body of persons whether corporate or unincorporated, any person who, at the time of the commission of the offence, was concerned with the day to day management of the affairs of the body of persons as a director, partner, agent or an officer, shall be held responsible for the offence.

Liability of other person in payment of tax liability.

Inserted by Act No. 3 of 2014, Section 11.

54A.- (1) Any individual whether employed or not, is personally liable for any tax debt or tax liability of the taxable person to the extent that such individual resulted in the failure to pay the tax debt if he controls or regularly involved in the management of the overall financial affairs of a taxable person. Provide that this section does not exclude a taxable person of his liabilities and responsibilities as provided under this Act.

(2) In respect of a Company; this section applies where a company is liquidated whether voluntary or by court without having satisfied or settled its tax debt, including its liability as a responsible third party, withholding agent, or a representative of a taxable person.

Inserted by Act No. 1 of 2016, Section 5.

(3) The provisions of this section shall apply to any business which runs under management by another business or person.

(4) Subject to the provisions of this section:-

Inserted by Act No. 1 of 2016, Section 5.

(a) “managing” includes management of business, controlling or operating any business.

(b) “owner” in respect of goods or property includes any person other than an officer acting in his or her official capacity being or holding himself or herself out to be the owner, agent, or the person in possession of, or beneficially interested in, or having control of, or power of disposition over or control of, the goods or property.

(5) Subject to the provisions of sub-section (3) of this Act:

Inserted by Act No. 1 of 2016, Section 5.

(a) a person managing business in Zanzibar shall, within fourteen days from the date of signing the contract of management of the business, provide a sufficient security whether by cash or bond as may be prescribed by the Commissioner;

(b) the Commissioner shall have the powers to transfer such security for the purpose of enforcing the payment of any tax liability due to such person.

(6) Where the security provided under subsection (5) does not exhaust the tax liability of any managing person, the Commissioner may, for the purpose of tax recovery, attach any security provided between the parties operating such business, if that security involves the owner of the property, and the person managing the business.

Inserted by Act No. 1 of 2016, Section 5.

(7) The person referred to under subsection (5) shall not be relieved of his obligations to pay tax in his managing capacity and any asset or property of the owner or a person managing business may be seized and forfeited to recover the tax liability.

(8) In implementation of subsections (6) and (7) of this section:

Inserted by Act No. 1 of 2016, Section 5.

(a) the owner shall have the duty to require any condition or security to the person managing business for the purpose of payment of tax, and if such owner fails to do so, he shall be responsible for any tax liability and his assets may be used to recover the that liability.

Inserted by Act No. 1 of 2016, Section 5.

(b) The person managing business must fulfill the requirement under paragraph (a) of this sub-section; and failure to comply

with that requirement, his business operating against laws and necessary legal actions shall be taken against him.

Inserted by Act No. 1 of 2016, Section 5.

(9) Any owner of the property shall within fourteen days from the date of signing contract between him and the person managing the business, furnish a certified copy of the contract to Commissioner; and shall notify the Commissioner within 30 days, before termination of contract between the parties.

Inserted by Act No. 1 of 2016, Section 5.

(10) The owner who fails to furnish a certified copy of the contract or to inform the Commissioner on the termination of contract as required under subsection (9) commits an offence and upon conviction shall be liable to pay the total amount of tax to be recovered and a fine as provided for under section 15 of this Act.

General penalty.

55. Any person who contravenes the provisions of this Act or its Regulations or who fails or omits to take action required under this Act or its Regulations and the contravention or failure to comply therewith is not made an offence under any other provision of this Act or Regulations, shall be guilty of an offence and shall be liable to a fine of not less than One Hundred Thousand Shillings but not more than One million shillings.

Compounding of Offences.

56. -(1) Upon application by any person who commits an offence, the Commissioner may compound an offence committed by any person under this Act or its Regulations by requiring him to pay the fine prescribed for such offence provided that the person:-

Amended by Act No. 3 of 2014, Section 12.

- (a) admits in writing that he has committed an offence and shall take due care not to repeat it;
- (b) pays all his liabilities or any other sums payable under this Act or its Regulations.

Amended by Act No. 1 of 2016 section 6.

(2) Notwithstanding the provisions of subsection (1):
(a) the Commissioner may compound an offence committed by any person under this Act whether applied or not, by requiring him to pay the fine prescribed for such offence;

Amended by Act No. 1 of 2016, Section 6.

(b) a person aggrieved by the decision of the Commissioner, under paragraph (a) may appeal before the Tax Appeals Board.

Amended by Act No. 1

(3) If criminal proceedings have been instituted against a person the power conferred under this section shall not be exercised without the written consent of the Director of Public Prosecutions of Zanzibar.

of 2016, Section 6.

(4) Any person who agrees to pay a fine under sub-section (1) and (2) shall be provided by the Commissioner with a certificate setting out the nature of the offence, the date or period of its occurrence, the fine paid and any conditions to the compounding agreement.

Amended by Act No. 1 of 2016, Section, 6.

(5) If the fine imposed under sub-section (1) and (2) of this section is not paid on demand the Commissioner may institute court proceedings or may take steps for recovery of the fine in any manner permitted by this Act for the recovery of unpaid tax.

Inserted by Act No. 1 of 2016, Section 6.

(6) The imposition of a fine under sub-section (1) of this section shall not be regarded as conviction for the alleged offence and, provided the tax due is paid in full, no prosecution for the alleged offence shall be instituted or maintained.

Inserted by Act No. 1 of 2016, Section 6.

(7) Where any person agrees to compound an offence, the certificate of compounding shall not be subject to appeal and may be enforced in the same manner as a decree or order of the High Court.

Waive of fine or
Penalty.

57. - (1) The Minister, in consultation with the Commissioner, may remit or waive the whole or part of the tax payable by that person as may be specified and published in the Official Gazette by the Minister.

Amended by Act No. 9 of 2012, section. 8.

(2) where good cause is shown in writing by a person liable for tax payable under this Act, the Commissioner may, if to the best of his judgment finds it just and appropriate remit or waive in whole or in part, the imposition of the penalty, interest or fine payable under this Act, except that in the case of interest the remission or waiver shall not exceed fifty percent of the total interest amount.

Amended by Act No. 4 of 2019, section. 6.

(3) the Minister may, by regulation or order published in the Gazette, prescribe the eligibility criteria, duration and procedures for accessing the remission provided for under subsection (1) of this section for specified period in the calendar year.

Misuse of tax
exemption.

57A. -(1) A person who has been granted tax exemption under any tax law and misuses the exemption, commits an offence and shall, upon conviction, be liable to:

Inserted by Act No. 3 of 2021 section 8.

(a) pay the tax which would have been paid if the tax exemption was not granted; and

(b) pay a penalty of fifty percent of the tax which would have been paid if the tax exemption was granted.

(6) Subject to subsection (1) of this section, no other tax exemption

	shall be granted to that person.
Publication of names.	58. -(1) The Commissioner may publish or advertise names of taxable persons who are in default of their tax liabilities. (2) Every such publication or advertisement may include:- (a) the address of taxable person; and (b) particulars of tax liability and the amount of tax involved.
Powers of the Commissioner to delegation.	59. - (1) The Commissioner may, subject to any conditions or restrictions which he thinks fit, delegate to any officer or other person employed in the administration of the powers, functions and duties vested in him under this Act. (2) Notwithstanding the provisions of subsection (1) of this section, the Commissioner shall not delegate the powers to: (a) Compound an offence; (b) Lock up or seal off the business premises of the taxable person; and (c) Waiver penalty, fine or interest.
<i>Amended by Act No.3 of 2021 section 9.</i>	
Limitation of liability.	60. Notwithstanding the provisions of any other law, action or other proceedings shall not lie or be instituted against any member or officer of the Board for, or in respects of any act or thing done or omitted to be done in good faith in the exercise or purported exercise of his functions and powers conferred by or under this Act.
Appeals.	61. Any person who is aggrieved by an objection decision of the Commissioner may appeal to the Zanzibar Tax Appeals Board under the procedures laid down in the Zanzibar Tax Appeals Act, No. 1 of 2006.
Person acting in a representative capacity.	62. - (1) Subject to the provisions of this Act, a taxable person may appoint any authorized representative for the tax purposes. (2) For the purpose of this section “authorized representative” means:- (a) in the case of a Company or Public Corporation, a chief executive officer, officer responsible for finance or any other person authorized in writing; (b) in the case of a Company under administration, the administrator of the Company or any other person authorized in writing; (c) in the case of a partnership, any partner, officer responsible for finance or any other person authorized in writing;
<i>Amended by Act No. 3 of 2014, Section 13.</i>	

(d) in the case of a sole proprietorship the owner or his representative authorized in writing.

(3) Unless the context otherwise requires, an authorized representative shall do anything authorized under his appointment except the functions of Tax Consultant or Tax Preparer as provided for under regulations.

(4) Notwithstanding the provisions of this section, taxable person shall not be relieved of his obligations under this Act by the actions, errors or omission of his authorized representative.

Tax Consultants and Tax Preparers.

Inserted by Act No. 3 of 2014 Section 14.

62A(1) For the purpose of administering tax matters, the taxable person may engage a Tax Consultant or a Tax Preparer who shall be registered by the Commissioner.

(2) The Minister shall make regulations for Tax Consultants and Tax Preparers.

(3) Any taxable person by whom the services done by his Tax Consultant or Tax Preparer on his behalf, shall be bound by the acts done by Tax Consultant or Tax Preparer as if the act has been done the taxable person himself.

Agent.

63. -(1) Any person in Zanzibar who handles or is in possession of goods whether imported or not shall be deemed to be the owner of such goods.

(2) Where goods or services are supplied through an agent the Commissioner may, if he deems fit, treat the goods as both purchased and supplied by the agent.

Supplies by bankrupt or deceased etc.

64. -(1) Where, for any reason including death or insolvency the affairs of any taxable person are vested into or carried on by another person the provisions of this Act shall apply mutatis mutandis to such person.

(2) A person carrying on or controlling the business of a taxable person in the circumstances referred to in sub-section(1) of this section shall notify the Commissioner in writing of that fact, giving full particulars of the circumstances in which control of the business concerned passed from the taxable person to him.

(3) Notice under sub-section (2) of this section shall be given within thirty days after such change.

(4) Any person who fails to give notice as required under this section commits an offence and upon conviction is liable to a fine not less than One Hundred Thousand Shillings but not exceeding Three Hundred Thousand Shillings.

Priority of tax debts in bankrupt.

65. Where a taxable person has been declared insolvent by a court of law,

- any tax due under this Act shall be paid before any other creditor is paid.
- Service of notice. 66. - (1) Any notification to be served on, given to, or made to any person for the purpose of this Act may be served, given, or made by sending it by post, electronic mail or leaving it on the premises addressed to that person's last known address or usual place of business or in the case of a company to its registered office and the dispatch signed by the person or authorized representative on his behalf shall be evidence of the receipt of the notice.
- Amended by Act No.3 of 2021 section 10.*
- (2) Delivery by post shall be deemed to have been made five days after the date of posting.
- Amended by Act No.3 of 2021 section 10.*
- (3) Delivery by electronic mail shall be deemed to have been made when the electronic data message is transmitted to the person known or registered electronic mail account.
- Power in respect of imported and export goods. 67. Notwithstanding the provisions of this Act or any other Act, an authorized officer may exercise all the powers exercised by the Commissioner of Customs in respect of imported and export goods.
- Power in the collection of government revenue. 68. - (1) Subject to the provisions of this Act or any other law, the Commissioner shall be responsible and shall have final authority over the control, collection and administration of all Government revenue.
- Amended by Act No. 3 of 2014, Section 15.*
- (2) For the purpose of protecting government revenue and safeguarding the evidence, the Commissioner or authorized officer may detain any vehicle, container, or any equipment used in relation to the commission of the offence under this Act.
- Regulations. 69. The Minister may make Regulations where it is necessary or expedient for carrying out or giving effect to the provisions of this Act or any tax laws.

PART X

CONSEQUENTIAL AMENDMENTS

- Amendment of the Value Added Tax Act No. 4 of 1998. 70. The Value Added Tax Act No. 4 of 1998 is hereby amended as follows:-
- (a) by deleting sections 13 and replaced with new section 13 as follows:-
- Amendment. of the Stamp Duty Act No. 6 of 1996. 71. The Stamp Duty Act No. 6 of 1996 is hereby amended by deleting sections 3A, 3B, 3C, 3D, 3E, 3F, 13, 13A, 14, 16, 17, 19, 19A, 24d, 25, 26, 27, 27A, 28, 30, 32, 33, 34.
- Amendment of the Hotel Levy Act No. 1 of 72. The Hotel Levy Act No. 1 of 1995 is hereby amended by deleting sections 3C, 4A, 5, 5A, 5B, 5C, 5D, 6, 7, 8, 8A, 8B, 9, 9A, 10, 11, 12, 13 and 14.

1995.

Amendment of the Port Service Charge Act, No. 2 of 1999.

Amendment of the Petroleum Levy Act, No. 7 of 2001.

Savings.

73. The Port Service Charge Act No. 2 of 1999 is hereby amended by deleting sections 5, 6A, 7, 9, 12, 13, 13A, 15, 16, 17 and 18.

74. The Petroleum Levy Act No. 7 of 2001 is hereby amended by deleting sections 6A, 6B, 6C, 7, 8, 10, 11, 11A, 12, 13(2)(3)(4)(6) & (8), 15, 16, 17, 18, 18A and 21.

75. Notwithstanding the amendments made to the Tax Laws by this Act:-

- (a) all regulations made under the said laws shall be deemed to be regulations made under this Act and shall continue to be of full force and effect until revoked by Rules and Regulations made under this Act;
- (b) anything done under any Tax Law which is in force on the effective date shall be deemed to have been made under the provisions of this Act.

SCHEDULE

Tax laws

1. The Value Added Tax Act No. 4 of 1998 .
2. The Stamp Duty Act No. 7 of 2017.
3. The Hotel Levy Act No. 1 of 1995.
4. The Port Service Charge Act No. 2 of 1999.
5. The Petroleum Levy Act No. 7 of 2001;
6. The Excise Duty Act No. 8 of 2017.

PASSED in the House of Representatives of Zanzibar on 19th day of October, 2009.

{IBRAHIM MZEE IBRAHIM}
CLERK OF THE HOUSE OF REPRESENTATIVES

ZANZIBAR.