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Laws

Act

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2017-06-30

# The Finance Act, 2017

The United Republic of Tanzania

Ministry of Finance and Planning

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THE UNITED REPUBLIC OF TANZANIA

ACT SUPPLEMENT

No. 4

30<sup>th</sup> June, 2017

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THE FINANCE ACT, 2017

ARRANGEMENT OF PARTS

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- PART XVII AMENDMENT OF THE RAILWAYS ACT, (CAP.170)

## THE UNITED REPUBLIC OF TANZANIA

NO.4 OF 2017

I ASSENT

JOHN POMBE JOSEPH MAGUFULI,  
President[30<sup>th</sup> June, 2017]

An Act to impose and alter certain taxes, duties, levies, fees and to amend certain written laws relating to the collection and management of public revenues.

ENACTED by Parliament of the United Republic of Tanzania.

PART I  
PRELIMINARY PROVISIONS

Short title                    1. This Act may be cited as the Finance Act, 2017.  
Commencement            2. This Act shall come into operation on the 1<sup>st</sup> day of July, 2017.

PART II  
AMENDMENT OF THE BANK OF TANZANIA ACT,  
(CAP.197)

Construction  
Cap.197                    3. This Part shall be read as one with the Bank of Tanzania Act hereinafter referred to as the principal Act.  
Amendment of            4. The principal Act is amended in section 32 by

section 32

- (a) deleting the word "may" appearing in subsection (1) and substituting for the word "shall"; and
- (b) adding immediately after subsection (2) the following:
- (3) All Government and public authorities shall open and deposit all their moneys with the Bank
- (4) The Bank may make regulations for the better carrying out of the provisions of this section.

PART III  
AMENDMENT OF THE ELECTRONIC AND  
POSTAL COMMUNICATIONS ACT,  
(CAP.306)

Construction  
Cap. 306

5. This Part shall be read as one with the Electronic and Postal Communications Act hereinafter referred to as the "Principal Act".

Amendment of  
section 3

6. The principal Act is amended in section 3 deleting the interpretation of the word "local shareholder"

Amendment of  
section 26

7. Section 26 of the principal Act is amended
- (a) in subsection (1) by deleting paragraph (a) and substituting for it the following:
- (a) in the case of a holder of network facilities or network services licence have a minimum of public shareholding of twenty five percent of its issued and paid up share capital, as an ongoing obligation throughout the life of its licence; and
- (b) in subsection (2) by deleting the word "local" and substituting for it the word "public";

- (c) by deleting the words "€ application service" wherever they appear in subsections (3), and (5);
- (d) by inserting a new subsection (6) as follows:
- (6) Where after conducting an initial public offer a licensee referred to in section 2(1)(a) does not attain the prescribed threshold of twenty five percent of its issued and paid up share capital, the Capital Markets and Securities Authority shall, upon consultation with the Minister responsible for Capital Markets and after taking into account conditions prevailing in the market, issue directives on how the licensee may obtain the twenty five percent.

PART IV  
AMENDMENT OF THE EXCISE (MANAGEMENT  
AND TARIFF) ACT, (CAP.147)

Construction  
Cap.147

8. This Part shall be read as one with the Excise (Management and Tariff) Act, hereinafter referred to as the principal Act.

Amendment of  
Fourth Schedule

9. The principal Act is amended in the Fourth Schedule by introducing new rates in respect of excisable items as follows:

•FOURTH SCHEDULE

(Made under section 124(2))

Heading	H.S. Code No.	Description	Unit	Old Excise Rate	New Excise Rate
20.09		Fruit juices (including grape must) and vegetable juices, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter.			
		Locally produced fruit juices manufactured from domestic fruits under heading 20.09	€	Tshs. 9.50 per litre	Tshs. 9.00 per litre
		Other fruit juices under the heading 20.09	€	Tshs. 210.00 per litre	Tshs. 221.00 per litre
22.01		Waters, including natural or artificial mineral waters and aerated waters, not containing added sugar or other sweetening matter or flavoured; ice and snow.			
	2201.10.00	-Mineral waters and aerated waters			
		Locally produced, bottled	l	Tshs. 58.00 per litre	Tshs. 58.00 per litre
		Imported, bottled	l	Tshs. 58.00 per litre	Tshs. 61.00 per litre
	2201.9000	-Other	€		
		Locally produced, bottled	l	Tshs. 58.00 per litre	Tshs. 58.00 per litre
		Imported, bottled	l	Tshs. 58.00 per litre	Tshs. 61.00 per litre
22.02		Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured, and other non-alcoholic beverages, not including fruit vegetable juice of heading 20.09			
	2202.10.00	- Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured	l	Tshs. 58.00 per litre	Tshs. 61.00 per litre
		- Other			
	2202.91.00	-- Non-alcoholic beer	€	Tshs. 534.00 per litre	Tshs. 561.00 per litre
	2202.99.00	-- Other		Tshs. 534.00 per litre	Tshs. 561.00 per litre
22.03		Beer made from malt			
	2203.00.10	---Stout and porter	€	Tshs. 729.00 per litre	Tshs. 765.00 per litre
	2203.00.90	---Other	€	Tshs. 729.00 per litre	Tshs. 765.00 per litre

22.04		Wine of fresh grapes, including fortified wines; grape must other than that of heading 20.09			
	2204.10.00	- Sparkling wine			
		With the domestic grapes content exceeding 75%	€	Tshs. 202.00 per litre	Tshs. 200.00 per litre
		Other	€	Tshs. 2,236.00 per litre	Tshs. 2,349.00 per litre
		-Other wine; grape must with fermentation prevented or arrested by the addition of alcohol:			
	2204.21.00	-- In containers holding 2 litres or less			
		With the domestic grapes content exceeding 75%	l	Tshs. 202.00 per litre	Tshs. 200.00 per litre
		Other	€	Tshs. 2,236.00 per litre	Tshs. 2,349.00 per litre
	2204.22.00	-- In containers holding more than 2 litres but not more than 10 litres			
		With the domestic grapes content exceeding 75%	l	Tshs. 202.00 per litre	Tshs. 200.00 per litre
		Other	l	Tshs. 2,236.00 per litre	Tshs. 2,349.00 per litre
	2204.29.00	-- Other			
		With the domestic grapes content exceeding 75%	l	Tshs. 202.00 per litre	Tshs. 200.00 per litre
		Other	l	Tshs. 2,236.00 per litre	Tshs. 2,349.00 per litre
	2204.30.00	- Other	€	Tshs. 2,236.00 per litre	Tshs. 2,349.00 per litre
22.05		Vermouth and wine of fresh grapes flavoured with plants or aromatic substances			
	2205.10.00	- In containers holding 2 litres or less			
		With the domestic grapes content exceeding 75%	€	Tshs. 202.00 per litre	Tshs. 200.00 per litre
		Other	€	Tshs. 2,236.00 per litre	Tshs. 2,349.00 per litre
	2205.90.00	- Other	l	Tshs. 2,236.00 per litre	Tshs. 2,349.00 per litre



22.06		Other fermented beverages (for example, cider, perry, mead, sake); mixtures of fermented beverages and mixtures of fermented beverages and non-alcoholic beverages, not elsewhere specified or included.			
	2206.00.10	--- Cider	€	Tshs. 2,236.00 Per litre	Tshs.2,349.00 Perlitre
	2206.00.20	--- Opaque beer (for example Kibuku			
		Beer made from 100% local unmalted cereals	l	Tshs. 429.00 per litre	Tshs.450.00 per litre
22.08		Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80% vol; spirits, liqueurs and other spirituous beverages.			
	22.08	All locally produced products of this heading	€	Tshs. 3,315.00 per litre	Tshs. 3,315.00 per litre
		Other imported products of this heading as follows:			
	2208.20.00	-Spirits obtained by distilling grape wine or grape marc	€	Tshs. 3,315.00 per litre	Tshs. 3,481.00 per litre
	2208.30.00	-Whiskies	€	Tshs. 3,315.00 per litre	Tshs. 3,481.00 per litre
	2208.40.00	-Rum and other spirits obtained by drilling fermented sugar cane products	€	Tshs. 3,315.00 per litre	Tshs. 3,481.00 per litre
	2208.50.00	- Gin and Geneva	€	Tshs. 3,315.00 per litre	Tshs. 3,481.00 per litre
	2208.60.00	- Vodka	€	Tshs. 3,315.00 per litre	Tshs. 3,481.00 per litre
	2208.70.00	- Liqueurs and cordials	€	Tshs. 3,315.00 per litre	Tshs. 3,481.00 per litre
		-Other			
	2208.90.10	--- Distilled Spirits ( e.g. Konyagi, Uganda Waragi)	€	Tshs. 3,315.00 per litre	Tshs. 3,481.00 per litre
	2208.90.90	--- Other	€	Tshs. 3,315.00 per litre	Tshs. 3,481.00 per litre

24.02		Cigars, cheroots, cigarillos and cigarettes, of tobacco or of tobacco substitutes.			
	2402.10.00	- Cigars, cheroots and cigarillos, containing tobacco	kg	30%	30%
		- Cigarettes containing tobacco			
	2402.20.10	--- Of length not exceeding 72mm length including the filter tip			
		Without filter tip and containing domestic tobacco exceeding 75%	mil	Tshs. 11,854.00 per mil	Tshs. 12,447.00 per mil
		With filter tip and containing domestic tobacco exceeding 75%	mil	Tshs. 28,02400 per mil	Tshs. 29,42500 per mil
		Other	mil	Tshs. 50,70000 per mil	Tshs. 53,235.00 per mil
	2402.20.90	---Other			
		Without filter tip and containing domestic tobacco exceeding 75%	mil	Tshs. 11,854.00 per mil	Tshs 12,447.00 per mil
		With filter tip and containing domestic tobacco exceeding 75%	mil	Tshs. 28,02400 per mil	Tshs. 29,42500 per mil
		Other	mil	Tshs. 50,700.00 per mil	Tshs. 53,235.00 per mil
24.03		Other manufactured tobacco and manufactured tobacco substitutes; "homogenized" or "reconstituted" tobacco; tobacco extracts and essences.			
	2403.19.0	- Smoking tobacco, whether or not containing tobacco substitutes in any proportion: -- Other (for example cut rag/filler)	kg	Tshs. 25,608.00 per kg	Tshs. 26,888.00 per kg

27.10		Petroleum oils and oils obtained from bituminous minerals (other than crude) and preparations not elsewhere specified or included, containing by weight 70 % or more of petroleum oils or of oils obtained from bituminous minerals, these oils being the basic constituents of the preparations, other than those containing biodiesel and other than waste oils :			
		-- Light oils and preparations:			
	2710.12.10	--- Motor Spirit (gasoline) regular	l	Tshs. 339.00 per litre	Tshs. 379.00 per litre
	2710.12.20	--- Motor Spirit (gasoline) premium	l	Tshs. 339.00 per litre	Tshs. 379.00 per litre
	2710.19.22	---- Illuminating Kerosene (IK)	l	Tshs. 425.00 per litre	Tshs. 465.00 per litre
	2710.19.31	---- Gasoil (automotive) light, amber for high speed engines)	l	Tshs. 215.00 per litre	Tshs. 255.00 per litre•

PART V  
AMENDMENT OF THE GAMING ACT,  
(CAP.41)

- |                             |   |
|-----------------------------|---|
| Construction<br>Cap.41      | 10. This Part shall be read as one with the Gaming Act, hereinafter referred to as the <b>Principal Act</b> .   |
| Amendment of<br>section 31  | 11. The principal Act is amended in section 31 by-<br>(a) deleting the word <b>Board</b> wherever it appears in subsections (4), (5), (6) and (8) and substituting for it the word <b>Commissioner</b> ;<br>(b) deleting subsections (7) and (9); and<br>(c) renumbering subsection (8) as (7). |
| Amendment of<br>section 31A | 12. The principal Act is amended in section 31A by-<br>(a) deleting the word <b>Board</b> appearing in subsections (3) and substituting for it the word <b>Commissioner</b> ; and<br>(b) deleting subsection (4).   |
| Amendment of<br>section 32  | 13. The principal Act is amended in section 32 by deleting the word <b>Board</b> wherever it appears in subsections (1) and (2) and substituting for it the word <b>Commissioner</b> .  |
| Amendment of<br>section 63  | 14. The principal Act is amended in section 63 by-<br>(a) deleting paragraph (d); and<br>(b) renaming paragraph (e) as paragraph (d).   |
| Repeal of<br>section 64A    | 15. The principal Act is amended by repealing section 64A.  |

PART VI  
AMENDMENT OF THE INCOME TAX ACT,  
(CAP.332)

Construction  
Cap. 332

16. This part shall be read onewith the Income Tax Act, hereinafter referred to as the ~~€~~Principal Act~~.~~

Amendment  
of section 3

17. The principal Act is amended in section 3

- (a) in the definition of the term ~~€~~business~~.~~, deleting the phrase ~~€~~and any activity th having regard to its nature the princip occupation of its owners or underlying owne is not carried on with a view to deriving~~profits~~ appearing in paragraph (b)~~.~~;
- (b) in the definition of the term ~~€~~licence area~~.~~ by deleting the word ~~€~~mineral~~.~~ appearing in t first line of paragraph (a) and substituting for the word ~~€~~mining~~.~~;
- (c) in the definition of the term ~~€~~rehabilitatic fund~~.~~, by deleting the word ~~€~~mineral~~.~~ appeari in the opening phrase and substituting for it word ~~€~~mining~~.~~; and
- (d) by adding in the appropriate alphabetical order t following new definitions:

Cap. 123 ~~€~~licenced dealer~~.~~ has a meaning ascri to it in the Mining Act;

~~€~~an entity of a public character~~.~~ means entity established and funcnior solely for a public purpose an which operates in such a way th

- (a) its membership is open to th general public or an identifiabl group of a community with common interests;
- (b) it operates for purposes other th deriving profit or gain;
- (c) it does not allow any distributio or deemed distribution of profi generated out of its charitab business; and

- (d) its profit is ploughed back and used solely for improving or expansion of the original charitable purpose or function;

Amendment  
of section 11

18. The principal Act is amended in section 11 by adding immediately after paragraph (e) the following  
 (f) withholding tax paid by withholder.

Amendment  
of section 14

19. The principal Act is amended in section 14 by deleting reference to section 36 and substituting for reference to section 37.

Amendment  
of section 19

20. The principal Act is amended in section 19  
 (a) in subsection (2), by adding immediately after paragraph (d) the following:  
 (e) in the case of loss incurred in dealing with a speculative transaction, only calculating the person's income derived from a speculative transaction; and  
 (b) in subsection (4), by inserting in its alphabetical order the following new definition:  
 "speculative transaction" means  
 (a) a transaction which is a contract for sale or purchase of a commodity including stocks and shares settled otherwise than actual delivery or transfer of the commodity; or  
 (b) any agreement for repurchase or resale, forward sale or purchase, futures contract, option or swap contract;

Amendment  
of section 69

21. The principal Act is amended in section 69 deleting paragraph (f) and substituting for it the following  
 (f) premiums for general insurance or - insurance paid to, and proceeds from general insurance or reinsurance paid by a resident person in respect of the insurance or insurance of any risk in or outside the United Republic;

Addition of  
section 83B

22. The principal Act is amended by adding immediately after section 83A the following:

Withholding of  
income tax on sale  
of minerals

83B-(1) Any person who makes a payment in respect of specified mineral or minerals supplied by a resident person in the course of conducting business shall withhold income tax at the rate specified under paragraph 4(d) of the First Schedule.

(2) For the purpose of this section

specified mineral or minerals means mineral or minerals that a licenced dealer is authorised to deal in including gold, metallic minerals, coloured gemstones, coal and industrial minerals; and

industrial minerals has the meaning ascribed to it under the Mining Act save for salt, sand, beach sands and stone aggregates.

Cap.123

Amendment  
of section 86

23. The principal Act is amended in section 86 by adding immediately after paragraph (f) the following:

(g) payment made to a resident person specified under section 83B.

Amendment  
of section 88

24. The principal Act is amended in section 88 by inserting immediately after the word "other" appearing in third line the word "business".

- Amendment of section 90                    25. The principal Act is amended in section 90(4) by inserting immediately after the word "fish" the words "or horticulture products".
- Amendment of section 91            26. The principal Act is amended in section 91(2) by-
- (a) deleting the word "and" appearing at the end of item (ii);
  - (b) inserting immediately after item (ii) the following new item:
    - (iii) certified financial statements; and
  - (c) renumbering item (iii) as item (iv).
- Amendment of the First Schedule    27. The First Schedule of the principal Act is amended
- (a) in paragraph 3, by
    - (i) deleting subparagraph (2) and substituting for it the following:
      - (2) Notwithstanding subparagraph (1) (a) a newly listed company with the Dar es Salaam Stock Exchange with at least thirty percent of its equity ownership issued to the public shall be taxed at a reduced corporate rate of twenty five percent for three consecutive years from the date of listing and



- (b) a corporation with a newly established plant for assembling motor vehicles, tractors, fishing boats or out boats engine and having a performance agreement with the Government shall be taxed at a reduced corporate rate of ten percent for five consecutive years from the year of commencement of production.
- (ii) deleting the word "five" appearing in paragraph 3(3) and substituting for it the word "three"; and
- (b) in paragraph 4, by adding immediately after item (c) the following item:
- (d) in the case of payment referred to under section 83B (1), five per centum.

Amendment  
of the Third  
Schedule

28. The principal Act is amended in the Third Schedule by deleting the figure "€15,000,000" appearing in paragraph 3(9)(b) and substituting for it with figure "€30,000,000".

PART VII  
AMENDMENT OF THE LOCAL GOVERNMENT FINANCE ACT,  
(CAP.290)

Construction  
Cap.290

29. This Part shall be read as one with the Local Government Finance Act, hereinafter referred to as the "principal Act".

Amendment  
of section  
31A

30. Section 31A of the principal Act is amended

(a) in subsection (1) by adding the words "and advertisement fees for billboards, posters and hoardings" immediately after the words "property rate";

- (b) in subsection (2), by inserting the words “advertisement fees for billboards, posters and hoarding” immediately after the words “property rate” and
- (c) by adding a new subsection (6) as follows:
  - “(6) The Minister responsible for finance may, by Order published in the Gazette,
    - (a) prescribe fees for advertisements through billboards, posters and hoarding for local government authorities; and
    - (b) provide for the management and disbursement of fees and property rates under this section.”

Repeal of section 67

31. The principal Act is amended by repealing section 67 and replacing for it the following:

“General penalty 67. A person who contravenes any provision of this Act for which no specific penalty is provided, commits an offence and shall, upon conviction, be liable to a fine of not less than two hundred thousand shillings but not exceeding one million shillings or to imprisonment for a term of not less than twelve months but not exceeding twenty four months or to both.”

Amendment of Schedule

32. The Schedule to the principal Act is amended (a) by deleting the contents of item 1 and substituting for them the following:

€	Produce cess of buyers: (a) crop cess cap 3% of farm gate price on cash crops	.	a cess in excess of 3%
---	--	---	------------------------

(b) crop cess, cap 3% of farm gate price on food crops	· a cess in excess of 3%
(c) forest produce cess cap 5% of farm gate price or by volume at source on sales of timber, charcoal logs, mirunda, firewood, poles and thiesesfi(o)	· cess on sellers cess on timber products eg. furniture and the like.
	· Plying fee for transportation of crops not exceeding one tonne from one district to another.

(b) in item 2, by adding in the third column of paragraph (i), the following:

€ . Abattoir use charges•;

(c) in item 3

(i) by adding in the third column of paragraph (c) the following:

€ . Posters that give direction to areas that provide social services such as school dispensary and hospital. •

(ii) by adding in the third column of paragraph (q) the following:

€ . Pharmacies and drug shops establishment fees and

(d) in item 4 by inserting immediately after paragraph (d) the following:

€ (e) service levy	. Guest houses charge with hotel levy.
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PART VIII  
AMENDMENT OF THE MINING ACT,  
(CAP.123)

Construction and commencement  
Cap.123

33. This Part shall be read as one with the Mining Act, hereinafter referred to as the principal Act, and shall come into operation on such a date as the Minister may by Notice published in the Gazette appoint.

Amendment of section 18

34. The principal Act is amended in section 18 by-

(a) inserting immediately after paragraph (a) the following:

€(b) has paid the inspection fee due on such mineral or minerals; and

(b) renaming paragraphs (b) and (c) as paragraphs (c) and (d) respectively.

Addition of section 18A

35. The principal Act is amended by adding immediately after section 18 the following

18A. Notwithstanding any provision of this Act, no person shall remove or cause to be removed mineral or minerals from a mine for the purpose of export or domestic use unless the person fulfills the conditions specified under section 90A.

Amendment of section 19

36. The principal Act is amended in section 19 by inserting between the word "mines" and "and of public" the words "mineral and minerals".

Addition of  
section 90A

37. The principal Act is amended by adding immediately after section 90 the following:

Clearance  
Centres

90A.-(1) The Minister shall, for the purposes of regulating the transportation or domestic use of mineral or minerals, establish mineral clearance centres.

(2) Save as provided in subsection (1), clearance centres shall be established within mining areas, ports, airports, border posts and any other areas as the Minister may prescribe.

(3) There shall be a clearance fee payable to the Government by any person in possession of mineral or minerals prior to clearance for domestic use or export.

(4) The clearance fee shall be one per centum of the gross value of mineral or minerals.

(5) In this section, gross value means the market value of mineral or minerals at the point of refining or sale or, in the case of consumption within Tanzania, at the point of delivery within Tanzania.

Amendment  
of section  
112

38. The principal Act is amended in section 112 by adding immediately after paragraph (s) the following

(t) operationalisation of inspection of mineral minerals as required under this Act.

PART IX  
AMENDMENT OF THE OCCUPATIONAL HEALTH AND SAFETY  
ACT  
(CAP. 297)

Construction  
Cap. 297                    39. This Part shall be read as one with  
Occupational Health and Safety Act hereinafter referred to  
as the principal Act.

Amendment  
of section 7                40. The principal Act is amended in section 17 by  
(a) inserting immediately after subsection (3) the  
following:  
                                  (4) Notwithstanding subsection (3)  
                                  the requirement for payment of the  
prescribed compliance licence fees shall not  
apply to private schools; and  
(b) renaming subsections (4) and (5) as subsections  
(5) and (6) respectively.

PART X  
AMENDMENT OF THE PORTS ACT,  
(CAP.166)

Construction  
Cap.166                    41. This Part shall be read as one with the Ports  
Act hereinafter referred to as the principal Act.

Amendment  
of section 67                42. The principal Act is amended in section 67 by  
adding immediately after subsection (2) the following:  
                                  (3) The Tanzania Revenue  
                                  Authority shall collect wharfage revenue and  
deposit the same in a bank account opened at  
the Bank of Tanzania, and the revenue shall  
be disbursed to the Authority by the  
Paymaster General.

PART XI  
AMENDMENT OF THE PUBLIC FINANCE ACT,  
(CAP. 348)

Construction  
Cap.348                    43. This Part shall be read as one with the Public Finance Act, hereinafter referred to as the Principal Act.

Addition of  
section 6A                44. The principal Act is amended by adding immediately after section 6 the following:

•Collection  
system for  
public moneys            6A.-(1) For the purpose of section 8, all public moneys shall be collected through the Government e-payment Gateway system or its acronym GePG.

(2) The accounting officer shall ensure that all public moneys are collected through the Government e-payment Gateway system in a manner prescribed in the regulations made under this Act.

PART XII  
AMENDMENT OF THE TANZANIA REVENUE AUTHORITY  
ACT,  
(CAP.399)

Construction  
Cap.399                    45. This Part shall be read as one with the Tanzania Revenue Authority Act, hereinafter referred to as the Principal Act.

Amendment  
of section 16             46. The principal Act is amended in section 16 adding immediately after subsection (7) the following:

(8) Where a judicial body or any other investigative body summons the Commissioner General to appear or show cause in any matter relating to the administration, the Commissioner General

any officer of the Authority with the rank or above a principal officer may appear show cause as the case may be.

Amendment of First Schedule

46A. The principal Act is amended in Part B of the First Schedule by adding item 50 as follows:

•50. The Ports Act, Cap.166.

PART XIII  
AMENDMENT OF THE TAX ADMINISTRATION ACT,  
(CAP. 438)

Construction Cap.438

47. This Part shall be read as one with the Tax Administration Act, hereinafter referred to as the Principal Act.

Amendment of section 8

48. The principal Act is amended in section 8(1) deleting the words "this Act" appearing in the second of the closing statement and substituting for them the words "a tax law".

Addition of section 22A

49. The principal Act is amended by adding immediately after section 22 the following:

Registration of small vendors and service providers

22A.-(1)The Commissioner General shall recognise and register small vendors and service providers conducting business in an informal sector.

(2) A person registered under subsection (1), shall be issued with an identification card by the Commissioner General.

(3) For purposes of this section, "small vendors and service providers" include hawkers (machinga) caterers, event managers, masters of ceremony and such other small vendors and service providers as the Minister may prescribe.



- Amendment of section 47
50. The principal Act is amended in section 47( by deleting the reference to section 40(3) and substituting for it a reference to section 37(3).
- Amendment of section 52
51. The principal Act is amended in section 52
- (a) by adding immediately after the word ~~“assessment”~~ wherever it appears in that section the words ~~“or other tax decisions”~~;
  - (b) in subsection (5)(a), by deleting a full stop at the end of paragraph (b) and substituting for it a semicolon; and
  - (c) by adding immediately after paragraph (b) the following closing words to subsection (5) as follows:
    - “and proceed to issue a notice of final determination of objection.”
- Amendment of section 54
52. The principal Act is amended in section 54(1)
- (a) in paragraph (d), by deleting a reference to section 68(2) and substituting for it a reference to section 67(2);
  - (b) in paragraph (f), by deleting a reference to section 67(3) or (4) and substituting for it a reference to section 66(3) or (4); and
  - (c) in paragraph (g), by deleting a reference to section 68(5) and substituting for it a reference to section 65(7).
- Amendment of section 64
53. The principal Act is amended in section 64(2)
- (a) by deleting the word ~~“or”~~ appearing at the end of paragraph (d);
  - (b) by adding immediately after paragraph (d) the following:
    - “(e) section 36(1) or a provision of any tax law has been breached; and
  - (c) by renaming paragraph (e) as (f).

Repeal of  
section 70

54. The principal Act is amended by repealing section 70 and replacing it with the following:

Remission  
of interest  
and penalty

70. Where the Commissioner General is satisfied that there is good cause to remit interest or penalty imposed under any tax law, he may remit the whole or part of the interest or penalty payable by that person except that in the case of interest, the remission shall not exceed fifty per cent of the total interest amount.

Amendment  
of  
section 71

55. The principal Act is amended in section 71 adding immediately after subsection (2) the following:

(3) An application under this section shall, except where a tax law provides otherwise, be made within a period not exceeding three years from the date of payment of tax in excess of—

Amendment  
of  
section 75

56. The principal Act is amended in section 75 deleting subsection (1) and substituting for it the following:

(1) The amount of interest that an installment payer shall pay for each period under subsection (4) shall be calculated at the statutory rate compounded monthly, applied to the excess of—

- (a) the total amount of income that would have been paid by way of installment during the year of income to the start of the period had the person's estimate of the revised estimate equalled the correct amount; over
- (b) the amount of income tax paid by installments during the year of income to the start of the period.

Amendment  
of  
section 76

57. The principal Act is amended in section 76 by (a) deleting subsection (1) and substituting for it the following:

€(1) Where any amount of tax imposed under a tax law remains unpaid after the due date prescribed in a tax law, the interest at the statutory rate compounded monthly shall be payable to the Commissioner General and

(b) adding immediately after subsection (3) the following:

€(4) Interest payable under this section or under any other tax law shall not be affected or waived for the reason of delay due to court proceedings or any other dispute resolution process.

Amendment of section 81

58. The principal Act is amended in section 81 by deleting the words "one tax law only" appearing in subsection (4) and substituting for them the words "a law".

Addition of new section 92A

59. The principal Act is amended by adding immediately after section 92 the following new section:

€Collection of fine

92A. Any amount of penalty or fine imposed against any person under this Act or under any tax law by a court in a criminal proceeding or by the Commissioner General, such amount of penalty or fine shall be collected and deposited by the Commissioner General as a tax revenue in the same manner as other taxes and Government debts.

Amendment of section 95

60. Section 95 of the principal Act is amended (a) in subsection (3), by deleting a reference to section 94(3) and substituting for it the reference to section 94(4); and (b) by adding immediately after subsection (3) the following:

€(4) The powers provided for und subsection (3)(a) to (e) of section 94 sh apply to a search conducted under t section as if an order of the courts has been obtained.€

Amendment  
of the First  
Schedule

61. The First Schedule to the principal Act amended
- (a) in paragraph 1(b), by deleting a reference section 26 and substituting for it a reference section 66;
  - (b) in paragraph 2(1),
    - (i) by deleting the word €and• appearing at end of item (d)
    - (ii) by adding immediately after item (d) the following:
      - €(e) in relation to property rate, demand or a demand note issued the Commissioner General und the Urban Authorities (Rating) Act;•;
    - (iii) renaming item (e) as item (f); and
    - (iv) in item (f), as renamed, by deletir reference to sections 55, 56 and 88 ; substituting for them reference sections 47, 48 and 81 respectively and
  - (c) in paragraph 3(3), by deleting a referentce paragraph 1(b) to (f) and substituting for it reference to paragraph 1(b) to (e).

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PART XIV  
AMENDMENT OF THE URBAN AUTHORITIES (RATING) ACT,  
(CAP. 289)

Construction  
Cap. 289

62. This Part shall be read as one with the Url Authorities (Rating) Act, hereinafter referred to as t €principal Act•.

Amendment  
of section 3

63. The principal Act is amended in section 3 by inserting in the appropriate alphabetical order the following new definitions:

€rate means a levy on a rateable property

€rateable area means an area declared under section 6 of this Act and

€rateable property means all houses within a rateable area which are in actual occupation and all improvements on, in or under any such houses excluding mounds, huts, thatched houses, mud houses and such other similar houses

Amendment  
of section 6

64. The principal Act is amended by repealing section 6 and replacing it with the following:

€Declaration of rateable area 6.-(1) An Area declared by a City Council, Municipal Council or Town Council shall be a rateable area for purposes of this Act.

(2) The Authority shall assess, collect and account for a property rate in the area mentioned under subsection (1).

Amendment  
of section 16

65. The principal Act is amended in section 16 by

(a) inserting immediately after subsection (1) the following subsection

€(1A) Notwithstanding subsection (1), a building which is not valued in accordance with this Act, shall be charged property rate at the rate of-

(a) ten thousand shillings for an ordinary building; and

(b) fifty thousand shillings for each storey in a storey building:

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- Provided that a fraction of building belonging to one or sever co-owners in accordance with the Unit Titles Act shall be treated as separate building;
- (b) deleting the proposed subsection (2) and substituting for it the following subsections
- €(2) The property rate collect under this section shall be deposited in the Consolidated Fund.
- (2A) The apportionment and disbursement of the proceeds collected under this section shall be made to a local government authority based on its budget; and
- (c) inserting in the proposed subsection (9) following definition in its alphabetical order
- €Ordinary building excludes mud huts, thatched houses, mud houses and such other similar houses ordinarily used for residential purposes.

PART XV  
AMENDMENT OF THE VALUE ADDED TAX ACT,  
(CAP.148)

Construction  
Cap. 148

66. This Part shall be read as one with the Value Added Tax Act, hereinafter referred to as the principal Act.

Amendment  
of section 59

67. The principal Act is amended in section 59

(a) by deleting the words "international transport" wherever it appears in that section and substituting for it the words "international transport services"; and

(b) in subsection (3), by adding immediately after paragraph (d) the following:

- €(e) a supply of ancillary transport services goods in transit through Malawi and Tanzania in circumstances where the service is
  - (i) an integral part of the supply of an international transport service and
  - (ii) in respect of goods stored at a port, airport, or a declared customs area for not more than thirty days while awaiting onward transport.

Amendment of section 66

68. The principal Act is amended in section 66 adding immediately after subsection (6) the following:  
 €(7) For the purpose of subsection (1), where the 20 day falls on a Saturday, Sunday or a public holiday, the value added tax return shall be lodged on the first working day following a Saturday, Sunday or public holiday.

Amendment of section 74

69. The principal Act is amended in section 74 by deleting the words €twelve months• appearing between the words €than• and €and• and substituting for them the words €eighteen months•.

Amendment of Part I of the Schedule

70. The principal Act is amended in Part I of the Schedule

(a) in item 3, by-

- (i) deleting sub item 19 and substituting for the following

€ 19	Tobacco, not stemmed/stripped	2401.10.00
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- (ii) adding immediately after subitem 31 the following new subitems:

€ 32	Preparations of a kind used in animal feeding	23.09
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33	Fertilized eggs for incubation	0407.11.00 0407.19.00 0407.21.00	•
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(b) in item 8 by adding immediately after subitem 9 the following new subitem:

€ 10.	Motor vehicle specifically designed for use by persons with disability.	87.03	•
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Amendment  
of Part II of  
the Schedule

71. The principal Act is amended in Part II of the Schedule by adding immediately after item 16 following-

€ 17.	An import of machinery of HS Code 8479.20.00, 8438.60.00, 8421.29.00, 8419.89.00 by a local manufacturer vegetable oil for exclusive use in manufacturing vegetable oil in Mainland Tanzania
18.	An import of machinery of HS Code 8444.00.00, 8445.11.00, 8445.12.00, 8445.13.00, 8445.19.00, 8445.20.00, 8445.30.00, 8445.40.00, 8445.90.00, 8446.10.00, 8446.21.00, 8446.20.00, 8446.30.00, 84.47, 8448.11.00, 8448.19.00, 8449.00.00, 8451.40.00, 8451.50.00 by a local manufacturer of textiles for exclusive use in manufacturing of textiles in Mainland Tanzania.



19.	An import of machinery of Chapter 84 by a local manufacturer of pharmaceuticals for exclusive use in manufacturing pharmaceutical products in Mainland Tanzania.
20.	An import of machinery of HS Code 8453.10.00 by a local manufacturer of hide and skins for exclusive use in manufacturing leather in Mainland Tanzania.
21.	Import of ambulance of HS Code 8703.90.10 by a registered health facility other than a pharmacy, health laboratory or diagnostic centre.

PART XVI  
AMENDMENT OF THE VOCATIONAL EDUCATION  
AND TRAINING ACT,  
(CAP.82)

Construction  
Cap.82

72. This Part shall be read as one with the Vocational Education and Training Act, hereinafter referred to as the principal Act

Amendment  
of section 19

73. The principal Act is amended section 19(1) by-

(a) adding immediately after paragraph (f) the following:

(g) registered educational institution including-

(i) nursery, primary and secondary schools;

(ii) vocational, educational and training schools; and

(iii) universities and other learning institutions; and

(b) renaming paragraph (g) as (h).

PART XVII  
AMENDMENT OF THE RAILWAYS ACT,  
(CAP.170)

Construction  
Cap.170

74. This Part shall be read as one with the Railways Act, herein referred to as the principal Act.

Amendment of  
section 20

75. The principal Act is amended in section 20A by deleting the full stop appearing at the end of subsection and substituting for it the following:

and Kerosene type Jet A1 (Jet A1) classified under HS Code 2710.19.21.

Passed by the National Assembly on the 22<sup>nd</sup> June, 2017.

THOMAS DIDIMU KASHILILAH  
Clerk of the National Assembly