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Laws

Act

2020

The Finance Act,2020

Tanzania, United Republic

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THE UNITED REPUBLIC OF TANZANIA

No. 8

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ACT SUPPLEMENT

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THE FINANCE ACT, 2020

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THE UNITED REPUBLIC OF TANZANIA



NO. 8 OF 2020

I ASSENT

JOHN POMBE JOSEPH MAGUFULI
President[15th June, 2020]

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.

PART I
PRELIMINARY PROVISIONS

- Short title **1.** This Act may be cited as the Finance Act, 2020.
- Commence
ment **2.** This Act shall come into operation on the 1st day of
July, 2020.

PART II
AMENDMENT OF THE ANTI-MONEY LAUNDERING ACT,
(CAP. 423)

- Construction
Cap. 423 **3.** This Part shall be read as one with the Anti-Money
Laundering Act, hereinafter referred to as the “principal Act”.
- Amendment
of section 3 **4.** The principal Act is amended in section 3, by adding
in the appropriate alphabetical order the following new
definitions:
 ““arrangement” has the meaning ascribed to it

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under the Income Tax Act;

“beneficial owner” means a natural person-

- (a) who directly or indirectly ultimately owns or exercises substantial control over an entity or an arrangement;
- (b) who has a substantial economic interest in or receives substantial economic benefit from an entity or an arrangement directly or indirectly whether acting alone or together with other persons;
- (c) on whose behalf an arrangement is conducted; or
- (d) who exercises significant control or influence over a person or arrangement through a formal or informal agreement;”.

Amendment
of section 15**5. The principal Act is amended in section 15-**

(a) in subsection (1), by-

- (i) deleting the full stop appearing at the end of paragraph (b)(iv) and substituting for it a “semi-colon” and the word “and”;
- (ii) adding immediately after paragraph (b) the following:

“(c) when dealing with entities or arrangements, ensure that accurate and up to date records concerning their beneficial owners are obtained, verified and maintained.”;

(b) by adding immediately after subsection (1) the following:

“(1A) A person responsible for the overall management of the affairs of an entity or arrangement shall provide official records relating to beneficial owners to a reporting person.”

(c) in subsection (2), by-

- (i) deleting the word “and” appearing at the end of paragraph (c);
- (ii) adding immediately after paragraph (c) the following:

“(d) in the case of beneficial owners-

- (i) full name and any former or other name;
 - (ii) date and place of birth;
 - (iii) telephone number;
 - (iv) nationality, national identity number, passport number or other appropriate identification and proof of identity”; and
- (iii) renaming paragraph (d) as paragraph (e).

PART III
AMENDMENT OF THE COMPANIES ACT,
(CAP. 212)

Construction
 Cap 212

6. This Part shall be read as one with the Companies Act, hereinafter referred to as the “principal Act”.

Amendment
 of section 2

7. The principal Act is amended in section 2 by adding in the appropriate alphabetical order the following new definitions:

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“arrangement” has the meaning ascribed to it under the Income Tax Act;

“beneficial owner” means a natural person-

(a) who directly or indirectly ultimately owns or exercises substantial control over an entity or an arrangement;

(b) who has a substantial economic interest in or receives substantial economic benefit from an entity or an arrangement directly or indirectly whether acting alone or together with other persons;

(c) on whose behalf an arrangement is conducted; or

(d) who exercises significant control or influence over a person or arrangement through a formal or informal agreement;”.

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“politically exposed person” has the meaning ascribed to it under the Anti-Money Laundering Act;”;

Amendment
 of section 14

8. The principal Act is amended in section 14 by deleting subsection (2) and substituting for it the following:

“(2) With the memorandum, there shall be

delivered a statement in the prescribed form containing-

- (a) name and address, or registered office, of-
 - (i) the person or persons being the first director or directors of the company;
 - (ii) the person or persons being the first secretary or joint secretaries of the company,

and in the case of a first director or directors, particulars of any other directorships held during the five years preceding the date on which the statement is delivered to the Registrar;
- (b) accurate and up to date records of beneficial owners of such company which shall include-
 - (i) full name, including any former or other name;
 - (ii) date and place of birth;
 - (iii) telephone number;
 - (iv) nationality, national identity number, passport number or other appropriate identification;
 - (v) residential, postal and email address, if any;
 - (vi) place of work and position held;
 - (vii) nature of the interest including the details of the legal, financial, security, debenture or informal arrangement giving rise to the beneficial ownership; and
 - (viii) oath or affirmation as to whether the beneficial owner is a politically exposed person or not.”

Amendment
of section 16

- 9.** The principal Act is amended in section 16, by-
- (a) designating the content of subsection (1) as contents of section 16; and
 - (b) deleting subsection (2).

Amendment
of section 85

- 10.** The principal Act is amended in section 85 by adding immediately after subsection (3) the following-
- “(4) A share warrant shall not be issued or transferred by delivery of the warrant unless with the

approval of the Registrar.

(5) The Registrar shall maintain records of share warrants issued or transferred under this Act.”

Amendment
of Part V

11. The principal Act is amended in Part V by deleting the words “register of its members” and “register of members” wherever they appear in Chapter II and substituting for them the words “register of its members and beneficial owners” and “register of members and beneficial owners” respectively.

Amendment
of section
115

12. The principal Act is amended in section 115, by-

(a) adding immediately after subsection (1) the following:

“(2) A company having a beneficial owner shall, in the register referred to under subsection (1), make entries of information as provided under section 14(2)(b).”

(b) renumbering subsections (2), (3) and (4) as subsections (3), (4) and (5) respectively; and

(c) adding immediately after subsection (5) as renumbered the following:

“(6) A company shall, where there are changes in the beneficial ownership of the company, give notice to the Registrar within thirty days of such changes.”

Amendment
of
section 117

13. The principal Act is amended in section 117-

(a) in subsection (1), by adding the words “and name of owner” immediately after the word “number” appearing at the end of paragraph (b);

(b) in subsection (2), by deleting the words “subject to the articles of the company”;

(c) in subsection (5), by deleting the words “if the articles of the company so provide”;

Amendment
of section
129

14. The principal Act is amended in section 129, by-

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

“(f) if the company has a beneficial owner, records of its beneficial owner as specified under section 14(2)(b);” and

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

Amendment
of section
191

15. The principal Act is amended in section 191, by-

(a) deleting subsection (2); and

(b) renumbering subsections (3), (4) and (5) as subsections (2), (3) and (4) respectively.

Addition of
section
451A

16. The principal Act is amended by adding immediately after section 451 the following-

“Register of
beneficial
owners

451A. The Registrar shall establish and maintain a Register of beneficial owners in which shall be entered-

(a) information provided in accordance with section 115 (2);

(b) the following information relating to a legal person-

(i) name of body corporate;

(ii) address of head office;

(iii) identity of directors, shareholders and beneficial owners;

(iv) proof of incorporation or evidence of legal status and legal form; and

(v) such other information necessary to determine the ownership and control of the legal person.

Access to
information
on beneficial
owner”

451B. The information on the beneficial owners of a company held by the Registrar in the register of beneficial owners shall be accessible to-

(a) national competent authorities with designated responsibilities for combating money laundering and terrorist financing;

(b) national competent authorities that have the function of investigating or prosecuting offences related to money laundering and terrorist financing, or of tracing, seizing, freezing and confiscating criminal

- assets;
- (c) the Financial Intelligence Unit;
 - (d) the Tanzania Revenue Authority;
 - (e) Government institution responsible for overseeing or implementing economic empowerment of Tanzanian nationals pursuant to the respective laws; and
 - (f) any other national competent authority, other than the authorities specified in paragraphs (a),(b) and (c) which are responsible for the prevention of money laundering and funding of terrorism.”

Addition of section 459A

17. The principal Act is amended by adding immediately after section 459 the following:

“Submission of information of beneficial ownership

459A.-(1) A company incorporated under this Act before the 1st day of July, 2020 shall, within six months from the 1st day of July, 2020 comply with requirements of section 14 (2)(b).

(2) The Minister may, by notice published in the *Gazette*, extend the period of compliance stipulated under subsection (1).”;

PART IV

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

Construction Cap. 306

18. This Part shall be read as one with the Electronic and Postal Communications Act, hereinafter referred to as the “principal Act”.

Amendment of section 26

19. The principal Act is amended in section 26 by adding immediately after subsection (6) the following:

“(7) Notwithstanding the provisions of subsection (1), the conditions of having public shareholding shall not apply to the following licenses:

- (a) network facilities or network services license wholly owned by the Government;
- (b) network facilities or network services license in which the Government owns twenty five percent shares or more; and

(c) network facilities license for lease of towers.”

PART V

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

Construction
Cap. 147 **20.** This Part shall be read as one with the Excise
(Management and Tariff) Act, hereinafter referred to as the
“principal Act”.

Amendment
of Schedule **21.** The principal Act is amended in the Fourth Schedule
by inserting immediately after Heading 20.09 the following:

Heading	H.S. Code No.	Descri ption	Unit	Old Exc ise Rat e	New Excise Rate
			--- Othe r		
21.06	2106. 90.99	---- Importe d powder ed beer	kg	Tsh s 0 per/ kg	Tshs. 844.00 per/kg
21.06	2106. 90.99	---- Importe d powder ed juice	kg	Tsh s 0 per/ kg	Tshs. 232.00 per/kg

PART VI

AMENDMENT OF THE FAIR COMPETITION ACT,
(CAP. 285)

Construction
Cap. 285 **22.** This Part shall be read as one with the Fair
Competition Act, hereinafter referred to as the “principal Act”.

Amendment
of section 60 **23.** The principal Act is amended in section 60(1) by
deleting the words “of his annual turnover and not exceeding ten
percent of his annual turnover” and substituting for them the
words “but not exceeding ten percent of his annual turnover
which has a source in Mainland Tanzania”.

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

Construction
Cap. 332

24. This Part shall be read as one with the Income Tax Act, hereinafter referred to as the “principal Act”.

Amendment
of
section 3

25. The principal Act is amended in section 3-

- (a) in the definition of the term “associate”, by-
 - (i) deleting the closing words appearing in subparagraph (i) of paragraph (c) and substituting for it the following:

“controls or may benefit from 25 percent or more of the rights to income or capital or voting power of the entity, except that the Commissioner may, upon consideration of the nature of business or investment of a person, determine the prescribed minimum percentage; or”; and
 - (ii) adding immediately after the word “other” appearing at the end of paragraph (d) the words “whether or not they are in a business relationship and whether such intentions are communicated or not”;
- (b) in the definition of the term “investment asset” by deleting the words “non-resident” appearing in the opening phrase; and
- (c) by inserting in their appropriate alphabetical order the following new definitions:

““beneficial owner” means a natural person-

 - (a) who directly or indirectly ultimately owns or exercises substantial control over an entity or an arrangement;
 - (b) who has a substantial economic interest in or receives substantial economic benefit from an entity or an arrangement directly or indirectly whether acting alone or together with other persons;

- (c) on whose behalf a transaction or arrangement is conducted; or
- (d) who exercises significant control or influence over a person or arrangement through a formal or informal agreement;

“representative assessee” means an agent of a non-resident person or of a beneficial owner;

“agent of a non-resident person or of a beneficial owner” includes any person in the United Republic-

- (a) who is employed by or on behalf of a non-resident person or a beneficial owner;
- (b) who has any business connection with a non-resident person or a beneficial owner;
- (c) from or through whom a non-resident person or a beneficial owner is in receipt of any income, whether directly or indirectly; or
- (d) who is a trustee of a non-resident person, and includes any other person who, whether a resident or non-resident, has acquired by means of a transfer, a capital asset situated in the United Republic;

“business connection” includes any business activity carried out through a person who, acting on behalf of the non-resident person or a beneficial owner-

- (a) has and habitually exercises in the United Republic, an authority to conclude contracts on behalf of the non-resident person or a beneficial owner;
- (b) habitually concludes contracts or plays the principal role leading to conclusion of contracts by that non-resident person or a beneficial owner, and the contracts are-
 - (i) whether or not in the name of the

- non-resident person or the beneficial owner;
- (ii) for the transfer of the ownership of, or for the granting of the right to use property owned by that non-resident person, or that non-resident person has the right to use; or
 - (iii) for the provision of services by the non-resident person or the beneficial owner;
 - (c) has no such authority but habitually maintains in the United Republic a stock of goods or merchandise from which he regularly delivers goods or merchandise on behalf of the non-resident person or the beneficial owner;
 - (d) habitually secures orders in the United Republic, mainly or wholly for the non-resident person or for that non-resident person and other non-resident persons controlling, controlled by, or subject to the same common control as that non-resident person, or for the beneficial owner; or
 - (e) carries out any business or investment in the United Republic through an entity or an arrangement for economic benefit of a non-resident person or beneficial owner, whether directly or indirectly;”

Amendment
of section 4

- 26.** The principal Act is amended in section 4(1), by-
- (a) deleting the word “or” appearing at the end of paragraph (b);
 - (b) deleting the “full stop” appearing at the end of paragraph (c) and substituting for it a “semicolon” and the word “or”; and
 - (c) adding immediately after paragraph (c) the following:

“(d) who is a representative assessee from or through whom a non-resident person is in receipt of any income, whether directly or indirectly.”

Amendment
of section 6

- 27.** The principal Act is amended in section 6(1), by-
- (a) deleting the word “and” appearing in paragraph (b);
 - (b) deleting the “full stop” appearing at the end of paragraph (c) and substituting for it a “semicolon” and the word “and”; and
 - (c) adding immediately after paragraph (c) the following:
 - “(d) in the case of a representative assessee, the income of a non-resident or beneficial owner from business or investment for the year of income deemed to accrue or arise in the United Republic.”.

Amendment
of section 10

- 28.** The principal Act is amended in section 10 by adding immediately after subsection (3) the following:
- “(4) The requirement under subsection (3)(b) shall not apply to a strategic project with a total tax payable not exceeding one billion shillings for the entire project period.”

Amendment
of section 12

- 29.** The principal Act is amended in section 12 by adding immediately after subsection (5) the following:
- “(6) Notwithstanding any other provision to the contrary, the amount of deductible realized foreign exchange loss on interest free debt obligation shall be the amount of loss attributable to not more than seventy percent of such obligation.”.

Amendment
of section 16

- 30.** The principal Act is amended in section 16(1), by-
- (a) deleting the word “and” appearing in paragraph (b);
 - (b) deleting a “full stop” appearing at the end of paragraph (c) and substituting for it a “semicolon”;
 - (c) adding immediately after paragraph (c) the following:
 - “(d) contribution made to the AIDS Trust Fund established under the Tanzania Commission for AIDS Act; and

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- (e) contribution made to the Government in the fight against Coronavirus disease (COVID-19).”
- (d) adding immediately after subsection (1) the following:
 - “(2) The provisions of subsection (1)(e) shall cease to have effect on such date as the Minister may, by notice published in the *Gazette*, determine.”;
- (e) renumbering subsections (2), (3) and (4) as subsections (3), (4) and (5) respectively; and
- (f) deleting the reference to subsection (3) appearing in the renumbered subsection (5) and substituting for it the reference to subsection (4).

Amendment
of section 19

- 31.** The principal Act is amended in section 19, by-
- (a) adding immediately after subsection (1) the following:
 - “(2) Income of a person for the year of income having chargeable income and unrelieved losses for the four previous consecutive years of income may, subject to other limitations imposed by this section, be reduced by reason of use of the unrelieved losses which shall not be below thirty per centum of that income before any reduction for losses:
 - Provided that, the requirement under this subsection shall not apply to a corporation undertaking agricultural business or providing health or education services.”; and
 - (b) renumbering subsections (2), (3) and (4) as subsections (3), (4) and (5) respectively.

Amendment
of section 52

- 32.** The principal Act is amended in section 52 by deleting subsection (2) and substituting for it the following:
- “(2) Distributions of a trust or unit trust shall be included in calculating the income of the trust’s beneficiary.”
 - (2A) For purposes of subsection (2), in the case of an individual’s testamentary trust incorporated for purposes of social protection of settlor’s surviving minor dependants, distributions shall not include the trust’s discharge of its primary obligations.”

- Amendment of section 69 by-
- 33.** The principal Act is amended in section 69(i),
- (a) deleting subparagraph (i) and substituting for it the following:
“(i) irrespective of the place of exercise, rendering or forbearance; and
(ii) regardless of the place of payment: Provided that, the services are consumed in the United Republic;”; and
- (b) renaming subparagraph (ii) as subparagraph (iii).
- Addition of section 69A after section 69 the following:
- 69A.**-(1) Income accruing or arising in United Republic
- arising in the United Republic, whether directly or indirectly through or from-
- (a) any business connection;
(b) any property;
(c) any asset or any source of income including the sources of payment referred to in section 69; or
(d) transfer of an asset situated in the United Republic,
- shall be deemed to accrue or arise in the United Republic and shall be taxed through a representative assessee of a non-resident person or a beneficial owner.
- (2) Nothing in this section shall preclude the Commissioner from assessing the tax to a non-resident person or beneficial owner under any provision of this Act.”
- Amendment of section 83
- 35.** The principal Act is amended in section 83(1), by-
- (a) deleting paragraph (d) and substituting for it the following:
“(d) pays-
- (i) money transfer commission to a money transfer agent;

- (ii) fee, commission or any other charge to a commercial bank agent; or
- (iii) fee, commission or any other charge to a digital payment agent.”;
- (b) adding immediately after subsection (2) the following:
 - “(3) For the purposes of subsection (1), “digital payment agent” means a person who renders digital payment services at a fee, commission or any other charges.”; and
- (c) renumbering subsection (3) as subsection (4).

Amendment
of section 90

- 36.** The principal Act is amended in section 90-
- (a) in subsection (1) by adding the words “licence or concessional right on reserved land” immediately after the words “United Republic” appearing in the opening phrase;
 - (b) by adding immediately after subsection (1) the following:
 - “(1A) A person referred to under subsection (1) shall, within fourteen days from the date of realisation of the interest, report to the Commissioner.”;
 - (c) by deleting subsection (2) and substituting for it the following:
 - “(2) The instalment referred to in subsection (1) shall be paid within thirty days or such other period determined by the Commissioner from the date of realisation of an interest.
 - (2A) The appropriate authorities for registration, transfer or approval shall not register transfer of the interest or change of name without the production of a certificate by the Commissioner certifying that the instalment has been paid or that no instalment is payable.”; and
 - (d) by adding immediately after subsection (8) the following:
 - “(9) For purposes of this section, “date of realisation of an interest” means-
 - (a) the date of execution of contract for sale;

- (b) the date of parting with possession, use or control of a realised asset; or
(c) the date of payment of part or whole of the consideration for the realised asset,
whichever comes earlier.”

Amendment
of First
Schedule

by-

37. The principal Act is amended in the First Schedule,

- (a) deleting the table appearing in paragraph 1(1) and substituting for it the following:

TOTAL INCOME	RATE PAYABLE
1. Where the total income does not exceed 3,240,000/=	NIL
2. Where the total income exceeds 3,240,000/= but does not exceed Tshs.6,240,000/=	9% of the amount in excess of Tshs. 3,240,000/=
3. Where the total income exceeds 6,240,000/= but does not exceed 9,120,000/=	Tshs.270,000/= plus 20% of the amount in excess of 6,240,000/=
4. Where the total income exceeds 9,120,000/= but does not exceed 12,000,000/=	Tshs. 846,000/= plus 25% of the amount in excess of 9,120,000/=
5. Where the total income exceeds 12,000,000/=	Tshs.1,566,000/= plus 30% of the amount in excess of 12,000,000/=

- (b) deleting figure “2,040,000/=” appearing in paragraph 1(2) and substituting for it figure “3,240,000/=”

Amendment
of Second
Schedule

38. The principal Act is amended in the Second Schedule-

- (a) in paragraph 1, by:
(i) deleting the words “fifty million shillings” appearing in subparagraph (1)(g)(iii) and substituting for them the words “one hundred million shillings”; and

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 - (ii) adding immediately after subparagraph (1)(o) the following proviso:
“Provided that, this paragraph shall not apply to category B investor in the special economic zone as provided in the Special Economic Zones Act.”
 - (iii) adding immediately after paragraph (v) the following:
“(w) amounts paid to persons entitled to benefits granted pursuant to the provisions of Part V of the Political Service Retirement Benefits Act”;
- (b) adding immediately after paragraph 2 the following:
“3. The provisions of item (w) shall be deemed to have come into operation on the 1st day of July 2016”

PART VIII
AMENDMENT OF THE LAND ACT,
(CAP. 113)

Construction Cap. 113 **39.** This Part shall be read as one with the Land Act, hereinafter referred to as the “principal Act”.

“Addition of section 24A **40.** The principal Act is amended by adding immediately after section 24 the following:
“Requirement for application for right of occupancy **24A.** A person who occupies a surveyed land shall, within ninety days from the date of approval of the survey plan, apply to the Commissioner for a right of occupancy.”;

Amendment of section 33 **41.** The principal Act is amended in section 33 by adding immediately after subsection (12) the following:
“(13) Notwithstanding subsection (1), the provisions of this section shall apply to an occupier of any surveyed land who fails to apply to the Commissioner for grant of right of occupancy within ninety days from the date of approval of the survey plan in accordance with the Land Survey Act.”

Cap. 324 “(14) For the purpose of subsection (13), an occupier of land surveyed prior to the 1st day of July, 2020 who has not applied for a right of

occupancy shall, within ninety days from the 1st day of July, 2020, apply to the Commissioner for a right of occupancy.”;

“Amendment of section 33A

42. The principal Act is amended in section 33A, by-

(a) adding immediately after subsection (1)(c) the following:

“(d) land acquired and surveyed by a planning authority for the purpose of sale.”

(b) adding immediately after subsection (4) the following:

“(5) For the purpose of this section, “planning authority” has the meaning ascribed to it under the Urban Planning Act.”

Cap 355

PART IX

AMENDMENT OF THE LOCAL GOVERNMENT FINANCES ACT, (CAP. 290)

Construction Cap. 290

43. This Part shall be read as one with the Local Government Finances Act, hereinafter referred to as “the principal Act”.

Amendment of section 6

44. The principal Act is amended in section 6(1) by inserting between the words “licence and” and “at the rate” appearing in paragraph (u) the words “whose annual turnover exceeds four million shillings”.

Amendment of section 7

45. The principal Act is amended in section 7(1) by inserting between the words “licence and” and “at the rate” appearing in paragraph (y) the words “whose annual turnover exceeds four million shillings”.

Addition of section 9A

46. The principal Act is amended by adding immediately after section 9 the following:

“Service levy from communication industry

9A.-(1) Notwithstanding any provisions of this Act, the Minister responsible for local government authorities shall establish and maintain a centralised system for collecting service levy from holders of-

- (a) network facility licence;
- (b) network service licence;
- (c) application service licence;
- (d) content service licence;
- (e) installation and maintenance of electronic communication licence; and
- (f) any other licence issued by the Tanzania Communications Regulatory Authority as the Minister may, by notice published in the *Gazette*, prescribe.

(2) The Minister shall, in consultation with the Tanzania Communications Regulatory Authority, evaluate, assess, collect and account for service levy to be paid by holders of licences referred to under subsection (1).

(3) The Minister may, by Order published in the *Gazette*, prescribe the manner in which collected levy shall be allocated to the local government authorities.”

PART X

AMENDMENT OF THE MINING ACT, (CAP. 123)

Construction
Cap. 123

47. This Part shall be read as one with the Mining Act, hereinafter referred to as the “principal Act”.

Amendment
of section 49

- 48.** The principal Act is amended in section 49(2), by-
- (a) adding immediately after paragraph (i) the following:
 - “(j) include a Taxpayer Identification Number (TIN) issued by the Tanzania Revenue Authority;
 - (k) include a valid Tax Clearance Certificate issued by the Tanzania Revenue Authority;” and
 - (b) renaming paragraphs (j) and (k) as paragraphs (l) and (m) respectively.

- Amendment of section 54
- 49.** The principal Act is amended in section 54(2), by-
- (a) adding immediately after paragraph (b) the following:
 - “(c) be accompanied by Taxpayer Identification Number (TIN) issued by the Tanzania Revenue Authority;” and
 - (b) renaming paragraph (c) and (d) as paragraphs (d) and (e) respectively.
- Amendment of section 56
- 50.** The principal Act is amended in section 56, by-
- (a) deleting subsection (2) and substituting for it the following:
 - “(2) An application made under subsection (1) shall be in the prescribed form and shall be accompanied by the prescribed fee, Taxpayer Identification Number and valid Tax Clearance Certificate issued by the Tanzania Revenue Authority in respect of operations to be conducted during the renewal period.
 - (3) The Commission shall, upon receipt of an application under subsection (1), grant or refuse the application for renewal of the licence.”; and
 - (b) renumbering subsection (3) as subsection (4).
- Amendment of section 73
- 51.** The principal Act is amended in section 73 by deleting subsection (1) and substituting for it the following:
 - “(1) An application for a dealer licence shall be addressed to the Commission in the prescribed form and be accompanied by the prescribed fee, Taxpayer Identification Number (TIN) and a valid Tax Clearance Certificate issued by the Tanzania Revenue Authority.”
- Amendment of section 75
- 52.** The principal Act is amended in section 75(3) by adding the words “Taxpayer Identification Number (TIN) and valid Tax Clearance Certificate issued by the Tanzania Revenue Authority and” immediately after the words “accompanied by”.
- Amendment of section 80
- 53.** The principal Act is amended in section 80(1), by adding the words “Taxpayer Identification Number (TIN) and valid Tax Clearance Certificate issued by the Tanzania Revenue Authority” immediately after the word “fee” appearing at the end of that subsection.

Amendment of section 82 **54.** The principal Act is amended in section 82 by adding immediately after subsection (2) the following:

“(3) An application for renewal under subsection (1) shall be accompanied by Taxpayer Identification Number (TIN) and valid Tax Clearance Certificate issued by the Tanzania Revenue Authority.”.

PART XI

AMENDMENT OF THE MOTOR VEHICLES (TAX ON REGISTRATION AND TRANSFER) ACT, (CAP. 124)

Construction Cap. 124 **55.** This Part shall be read as one with the Motor Vehicles (Tax on Registration and Transfer) Act, hereinafter referred to as the “principal Act”.

Amendment of First Schedule **56.** The principal Act is amended in paragraph 3 of the First Schedule, by-

(a) deleting a “full stop” appearing at the end of the proviso and substituting for it a “semicolon”; and

(b) adding immediately after the proviso the following:
“Provided further that, registration tax for special registration number shall be five hundred thousand shillings in addition to the registration tax.”

PART XII

AMENDMENT OF THE NATIONAL PARKS ACT, (CAP. 282)

Construction Cap. 282 **57.** This Part shall be read as one with the National Parks Act, hereinafter referred to as the “principal Act.”

Amendment of section 9 **58.** The principal Act is amended in section 9, by-
(a) designating the contents of section 9 as subsection (1); and
(b) adding immediately after subsection (1) as designated the following:

“(2) Any sum, fees, monies, charges payable under this Act or any subsidiary legislation made thereunder shall be collected by the Tanzania Revenue Authority and remitted to

the Consolidated Fund.”

Repeal and
replacement
of section 10

59. The principal Act is amended by repealing section 10 and replacing for it the following:

“Management of funds and resources Annual estimates

10. The funds and resources of the Trustees shall be managed s under this Act.

10A.-(1) The Board of Trustees shall, before the commencement of each financial year, cause to be prepared estimates of the revenue and expenditure for that year.

(2) The annual estimates shall contain all estimated expenditure of the funds of the Trustees for the financial year concerned and the Board of Trustees shall approve recurrent and development expenditure.

(3) The annual estimates shall be submitted to the Minister for approval and laying before the National Assembly in accordance with the provisions of the Budget Act.”

Cap. 439

Repeal of
section 11

60. The principal Act is amended by repealing section 11.

PART XIII

AMENDMENT OF THE NGORONGORO CONSERVATION AREA ACT, (CAP. 284)

Construction
Cap. 284

61. This Part shall be read as one with the Ngorongoro Conservation Area Act, hereinafter referred to as the “principal Act.”

Amendment
of section 12

62. The principal Act is amended in section 12, by-

(a) designating the contents of section 12 as subsection (1); and

(b) adding immediately after subsection (1) as designated the following:

“(2) Any sum, fees, monies, charges

payable to the Authority under this Act or any subsidiary legislation made thereunder shall be collected by the Tanzania Revenue Authority and remitted to the Consolidated Fund.”

Repeal and replacement of section 13

63. The principal Act is amended by repealing section 13 and replacing for it the following:

“Management of funds and resources

13. The funds and resources of the Authority shall be managed and administered by the Board in accordance with the financial laws and other relevant laws and shall be utilized to defray expenses in connection with performance of functions of the Authority under this Act.

Annual estimates

13A.-(1) The Board shall, before the commencement of each financial year, cause to be prepared estimates of the revenue and expenditure for that year.

(2) The annual estimates shall contain all estimated expenditure of the funds of the Authority for the financial year concerned and the Board shall approve recurrent and development expenditure.

(3) The annual estimates shall be submitted to the Minister for approval and laying before the National Assembly in accordance with the provisions of the Budget Act.”

Cap. 439

Repeal of section 14

64. The principal Act is amended by repealing section 14.

PART XIV

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

Construction Cap. 393

65. This Part shall be read as one with the Tanzania Revenue Authority Act, hereinafter referred to as the “principal Act.”

Amendment of First Schedule

66. The principal Act is amended in Part B of the First Schedule by adding immediately after item 50 the following:

GN. No. 135 of 2014 “51. The Ngorongoro Conservation Area Act Cap. 284.”

52. The Wildlife Conservation (The Tanzania Wildlife Management Authority) Establishment Order, 2014.”

PART XV

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

- Construction
Cap. 438 **67.** This part shall be read as one with the Tax Administration Act, hereinafter referred to as the “principal Act”.
- Amendment
of section 27 **68.** The principal Act is amended in section 27 by adding immediately after subsection (2) the following:
 “(3) A taxpayer’s representative referred to under this section shall be a practising advocate, a tax consultant or such other person authorised by power of attorney by the taxpayer.”
- Amendment
of section 44 **69.** The principal Act is amended in section 44 by adding immediately after subsection (3) the following:
 “(4) Information or document requested by the Commissioner General under subsection (1) shall be submitted within a period of fourteen days from the date of service of the notice.
 (5) The Commissioner General may, upon receipt of an application, extend the time referred to in subsection (4) where the applicant has shown sufficient cause, and such extension shall not be unreasonably withheld.

 (6) A person who fails to submit information or documents within the time prescribed under subsection (4) or (5) shall be precluded from using such document or information as evidence at the stage of objection or appeal.”
- Amendment
of section 50 **70.** The principal Act is amended in section 50(2), by-
(a) deleting the word “or” appearing at the end of paragraph (b);
(b) deleting a “full stop” appearing at the end of

paragraph (c) and substituting for it a “semicolon” and the word “or”;

- (c) adding immediately after paragraph (c) the following:

“(d) any matter decided under any tax law on account of agreement, consent or admission.”

Amendment
of section 51

71. The principal Act is amended in section 51, by-

- (a) adding immediately after subsection (4) the following:

“(5) An objection to a tax decision shall be accompanied by relevant document or information which the tax payer intends to rely upon to support his objection.

(6) The information or document which the tax payer intends to rely upon shall be submitted at the time of lodging the notice of objection.”;

- (b) renumbering subsections (5) to (9) as subsections (7) to (11) respectively; and

- (c) adding immediately after the renumbered subsection (11) the following:

“(12) Where the Commissioner General has reasonable cause to believe that the objector intends to permanently leave the United Republic, the tax payable under subsection (7) shall be the whole of the assessed tax.”

Amendment
of section 52

72. The principal Act is amended in section 52 by adding immediately after subsection (5) the following:

“(6) The provisions of section 44(1) relating to production of documents shall apply to submission of evidence or information referred to in subsection (1).

(7) The evidence or information referred to in subsection (1) shall be submitted within the time prescribed by the Commissioner General in the notice:

Provided that, the time prescribed by the Commissioner General shall not exceed thirty days from the date of service of the notice.

(8) The Commissioner General may, upon receipt of sufficient reasons adduced by

the objector, extend the time for submission of evidence or information for a period not exceeding seven days from the date of service of the notice of extension.

(9) Where the objector fails to submit the document or information required by the Commissioner General in terms of subsection (1) within the time prescribed or extended, such objector shall not be permitted to rely on such document or information at the time of hearing of an appeal.

(10) The Commissioner General shall determine an objection to a tax decision within six months from the date of admission of the notice of objection.

(11) Where the Commissioner General fails to determine the objection within the time prescribed under subsection (10), the tax assessment or tax decision shall be treated as confirmed and the objector shall have the right to appeal to the Board in accordance with the Tax Revenue Appeals Act.”

Cap. 408

PART XVI

AMENDMENT OF THE TREASURY REGISTRAR (POWERS AND FUNCTIONS) ACT, (CAP. 370)

Construction
Cap. 370 **73.** This Part shall be read as one with the Treasury Registrar (Powers and Functions) Act, hereinafter referred to as the “principal Act”.

Amendment
of section
10A **74.** The principal Act is amended in section 10A(1) by deleting the words “is not financed through Government budget” appearing between the word “corporation” and “shall”.

PART XVII

AMENDMENT OF THE TRUSTEES’ INCORPORATION ACT, (CAP. 318)

Construction
Cap. 318 **75.** This Part shall be read as one with the Trustees’ Incorporation Act, hereinafter referred to as the “principal Act”.

- Amendment of section 1A
- Cap. 332
- Cap 423
- Amendment of section 2
- 76.** The principal Act is amended in section 1A by adding in the appropriate alphabetical order the following new definitions:
- ““arrangement” has the meaning ascribed to it under the Income Tax Act;
- “beneficial owner” means a natural person-
- (a) who directly or indirectly ultimately owns or exercises substantial control over an entity or an arrangement;
- (b) who has a substantial economic interest in or receives substantial economic benefit from an entity or an arrangement directly or indirectly whether acting alone or together with other persons;
- (c) on whose behalf an arrangement is conducted; or
- (d) who exercises significant control or influence over a person or arrangement through a formal or informal agreement;”.
- ““politically exposed person” has the meaning ascribed to it under the Anti-Money Laundering Act;” ;
- 77.** The principal Act is amended in section 2, by-
- (a) inserting the words “particulars of beneficial owner and” between the words “contain” and “such” appearing in subsection (2); and
- (b) adding immediately after subsection (2) the following:
- “(3) Particulars of beneficial owner referred to under subsection (2) shall include-
- (a) full name and any former or other name;
- (b) date and place of birth;
- (c) telephone number;
- (d) nationality, national identity number, passport number or other appropriate identification and proof of identity;
- (e) residential, postal and email address, if any;
- (f) place of work and position held;

- (g) nature of the interest including the details of the legal, financial, security, debenture or informal arrangement giving rise to the beneficial ownership; and
 - (h) oath or affirmation as to whether the beneficial owner is a politically exposed person or not.”; and
- (c) renumbering subsections (3) and (4) as subsections (4) and (5) respectively.

Addition of section 15A

78. The principal Act is amended by adding immediately after section 15 the following:

“Records of non-resident beneficiary and beneficial owner
15A. A trust shall submit to the Administrator General records of non-resident beneficiary and beneficial owner of the trust.”

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

Construction Cap. 148

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

Amendment of section 59 Act No.1 of 2005

80. The principal Act is amended in section 59(3)(e) by inserting the words “or for such further period as the Commissioner for Customs may authorise pursuant to the East African Community Customs Management Act, 2004” between the words “days” and “while” appearing in subparagraph (ii).

Amendment of section 68

- 81.** The principal Act is amended in section 68(3), by-
- (a) deleting a “semicolon” and the word “and” appearing at the end of paragraph (c) and substituting for them a “full stop”; and
 - (b) deleting paragraph (d).

Amendment of Schedule

82. The principal Act is amended in Part I of the Schedule by adding immediately after sub item 4 of Item 13 the following:

“ 5. Crop agricultural insurance ”

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

Construction
Cap. 82 **83.** This Part shall be read as one with the Vocational
Education and Training Act, hereinafter referred to as the
“principal Act”.

Amendment
of section 14 **84.** The principal Act is amended in section 14 by
deleting the words “four point five *per centum*” appearing in
subsection (2) and substituting for them the words “four *per
centum*”.

Passed by the National Assembly on the 15th June, 2020.

STEPHEN KAGAIGAI
Clerk of the National Assembly