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Laws

Act

2022

The National Payment Systems (Electronic Money Transaction Levy) Regulations, 2022

The United Republic of Tanzania

Ministry of Finance

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THE NATIONAL PAYMENT SYSTEMS ACT,
(CAP. 437)

REGULATIONS

(Made under section 46A (2))

THE NATIONAL PAYMENT SYSTEMS (ELECTRONIC MONEY
TRANSACTION LEVY) REGULATIONS, 2022

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THE NATIONAL PAYMENT SYSTEMS ACT,

(CAP. 437)

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(Made under section 46A(2))

THE NATIONAL PAYMENT SYSTEMS (ELECTRONIC MONEY
TRANSACTION LEVY) REGULATIONS, 2022

PART I
PRELIMINARY PROVISIONS

Citation and
commencement

1. These Regulations may be cited as the National Payment Systems (Electronic Money Transaction Levy) Regulations, 2022 and shall come into effect on the 1st day of July, 2022.

Application

2. These Regulations shall apply to electronic money transactions through a payment system licensed under the Act.

Interpretation

3. In these Regulations, unless the context otherwise requires-

Cap.437

“Act” means the National Payment Systems Act;

Cap. 399

“Authority” means the Tanzania Revenue Authority established under the Tanzania Revenue Authority Act;

“Bank” means the Bank of Tanzania;

“business” means an undertaking by a person contracted by a collector for collection or disbursement of payments or float distribution services;

“collector” means a bank, financial institution or electronic money issuer;

“Commissioner General” means the Commissioner General of the Authority;

“electronic money transaction” means a transaction which enables a user to transfer or withdraw money electronically;

“levy” means a levy on electronic money transactions established under section 46A of the Act;

“merchant” means a special account designated by a collector and operated by a person through which payment is

- received from a user for sale of goods or services;
“Minister” means the Minister responsible for finance;
“transfer” means the transfer of electronic money from-
(a) a user’s mobile money account to a user’s mobile money account;
(b) a user’s mobile money account to a user’s bank account;
(c) a user’s bank account to a user’s bank account; or
(d) a user’s bank account to a user’s mobile money account;
“user” means a person who transfers or withdraws money electronically or over the counter other than the Government, merchant or business;
“withdrawal” means withdrawal of cash from a user’s mobile money account or bank account at a collector, collector’s agent or automated teller machine.

PART II

COLLECTION OF ELECTRONIC MONEY TRANSACTION LEVY

Source of levy

4.-(1) Pursuant to section 46A of the Act, the source of levy shall be electronic money transaction by a user and shall be at a rate prescribed in the Schedule to these Regulations.

(2) The levy shall not form part of the consideration for and part of the electronic money transaction covered under these Regulations.

Collector’s obligations

5.-(1) A collector shall collect levy from a user at a rate prescribed in the Schedule and remit it to the Authority within seven days of the month following the month to which the levy relates.

(2) A collector who fails to remit the levy on or before the prescribed period shall be liable for interest for each month or part thereof during which the failure continues compounded at the statutory rate issued by the Bank.

Time and manner of submitting returns

6.-(1) A collector shall file with the Authority, within seven days of the month following the month to which the levy relates, a return for the prescribed period in the manner and form approved by the Authority.

(2) The prescribed period shall be the calendar month to which the levy relates unless the Authority, by notice in writing, determines another period.

(3) Notwithstanding subregulation (1), a collector may apply to the Authority for an extension of time to file a return where reasonable grounds exist to warrant an extension of time:

Provided that, an extension of time granted under this subregulation shall not exceed seven days.

(4) Notwithstanding the provisions of subregulation (3), the extension of time granted shall not preclude the obligation to remit levy.

(5) A collector who fails to file a return on or before the prescribed period shall be liable to a penalty of one million shillings for each month or part thereof during which the failure continues.

Deposit of
moneys
collected as
levy

7.-(1) The Authority shall cause all monies collected as levy under these Regulations to be deposited into the Consolidated Fund.

(2) Notwithstanding the generality of subregulation (1), where levy has been collected in Mainland Tanzania and the levy involves electronic money transaction made in Tanzania Zanzibar, the collector shall remit such levy to the Zanzibar Revenue Board within seven days following the month after which such levy was collected.

PART III

MONITORING OF ELECTRONIC MONEY TRANSACTIONS

Monitoring

8.-(1) For the purpose of monitoring transactions to which the levy relates, the Authority shall maintain a system for monitoring electronic money transactions.

(2) Notwithstanding the generality of subregulation (1), the Authority shall-

- (a) verify the returns of the collector;
- (b) conduct inspection at the collector's premises to ensure compliance with these Regulations;
- (c) request any data or information from the collector pursuant to these Regulations; and
- (d) take actions against non-compliance of these Regulations.

(3) The data or information requested under these Regulations shall be provided by the collector within fourteen days.

(4) A collector who fails to submit the requested data or information within the prescribed time without reasonable cause shall be liable to a penalty of five hundred thousand shillings for each day during which the failure continues.

Disclosure of
information

9.-(1) The Authority or any person employed by the Authority shall not disclose any information received or obtained during the exercise of its powers or performance of its duties under these Regulations.

National Payment Systems (Electronic Money Transaction Levy)

GN NO. 478V (Contd)

(2) Subregulation (1) shall not apply where information is required-

- (a) by any law enforcement agency, court of law or other lawfully constituted tribunal; or
- (b) for purposes of national security.

(3) Notwithstanding the provisions of this regulation, any authorised person who executes or assists in the execution of a directive and obtains knowledge of any information may-

- (a) disclose such information to another law enforcement officer to the extent that such disclosure is necessary for the proper performance of the official duties of the authorised person or the law enforcement officer receiving the disclosure; or
- (b) use such information to the extent that it is necessary for the proper performance of official duties.

Appeals

10. Any person who is aggrieved by the decision of the Authority under these Regulations may, within thirty days, appeal to the Minister.

Power to vary
or amend
Schedule

11. The Minister may amend or vary the amounts corresponding to the rates prescribed in the Schedule to these Regulations:

Provided that, the amendment or variation shall not exceed the range of rates provided for in the Act.

Offences and
penalty

12.-(1) Any person who contravenes the provisions of these Regulations commits an offence and shall, upon conviction, be liable to a fine of not less than five million shillings or imprisonment for a term of not less than twelve months or to both.

(2) Notwithstanding subregulation (1), where a person commits an offence under these Regulations, the Commissioner General may, where such person admits in writing, compound such offence by collecting from that person a sum of money not exceeding the amount of the fine prescribed for the offence.

Revocation
GN. No.
496A of 2021

13. The National Payment Systems (Electronic Mobile Money Transfer and Withdrawal Transactions Levy) Regulations, 2021 are hereby revoked.

SCHEDULE

National Payment Systems (Electronic Money Transaction Levy)
GN NO. 478V (Contd)

(Made under regulation 4)

CHARGEABLE RATE FOR ELECTRONIC MONEY TRANSACTIONS LEVY

No.	Electronic Money Transactions amount in TZS	Rate in TZS
1.	100 to 2,999	10
2.	3,000 to 3,999	15
3.	4,000 to 4,999	30
4.	5,000 to 6,999	60
5.	7,000 to 9,999	70
6.	10,000 to 14,999	128
7.	15,000 to 19,999	243
8.	20,000 to 29,999	383
9.	30,000 to 39,999	439
10.	40,000 to 49,999	599
11.	50,000 to 99,999	818
12.	100,000 to 199,999	1,009
13.	200,000 to 299,999	1,173
14.	300,000 to 399,999	1,397
15.	400,000 to 499,999	1,636
16.	500,000 to 599,999	2,075
17.	600,000 to 699,999	2,554
18.	700,000 to 799,999	2,833
19.	800,000 to 899,999	3,000
20.	900,000 to 1,000,000	3,551
21.	1,000,001 to 3,000,000	3,751
22.	3,000,001 and above	4,000

Dodoma,
1st July, 2022

MWIGULU LAMECK NCHEMBA MADELU
Minister for Finance and Planning