

TITLE 23

Chapter 23:04

PREVIOUS CHAPTER**FINANCE ACT**

ACTS 30/1965, 4/1966, 41/1966, 56/1966 (s. 7), 65/1966, 4/1967 (s. 35), 6/1967, 29/1967 (s. 32), 35/1967, 30/1968, 37/1968, 10/1969, 36/1969 (s. 3), 39/1969, 49/1969 (ss. 16-19), 58/1969, 10/1970, 21/1970, 23/1970 (s. 56), 32/1970, 43/1970, 6/1971 (s. 67), 41/1971, 42/1971 (s. 4), 1/1972 (s. 91), 20/1972, 33/1972 (s. 18), 8/1973 (Part 1), 21/1973, 27/1973 (s. 102), 23/1974, 32/1975, 38/1976, 22/1976 (ss. 2 and 3), 16/1977, 27/1977, 12/1978 (s. 4), 23/1978, 35/1978, 22/1979, 1/1980, 11/1980, 10/1981, 55/1981, 30/1982, 19/1983, 32/1983, 7/1984, 24/1984, 19/1985, 20/1986, 17/1987, 4/1988, 16/1988, 22/1989, 10/1990, 19/1990, 21/1991, 17/1992, 12/1993, 19/1994, 4/1995, 17/1995, 23/1995, 4/1996, (modified by SI 94/1996), 10/1996 (modified by SI 94/1996), 13/1996, 17/1997, 23/1997, 29/1998, 9/1999, 21/1999, 22/1999, 18/2000, 27/2001, 12/2002, 14/2002, 15/2002 and 10/2003. S.I.14/2004.

ARRANGEMENT OF SECTIONS

[CHAPTERS II, III, VI and VII - Not relevant to this Service.]

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AN ACT to make provision for the revenues and public funds of Zimbabwe and to provide for matters connected therewith or incidental thereto.

[Dates of commencement: Chapter I, 1st April, 1988; Chapter II, 5th July, 1965; Chapter III, 23rd February, 1966; Chapter IV, 1st April, 1967; Chapter V, 1st April, 1967; Chapter VI, 1st February, 1968; Chapter VII, 6th September, 1968; Chapter VIII, 1st August, 1981.]

PRELIMINARY

1 Short title

This Act may be cited as the Finance Act [Chapter 23:04].

2 Interpretation

(1) In this Act—

(a) any reference to a Chapter shall be construed as a reference to a Chapter of this Act;

(b) any reference to a Schedule shall be construed as a reference to a Schedule to the Chapter in which the reference appears.

(2) Subsection (4) of section 10 of the Interpretation Act [Chapter 1:01] shall apply in construing this Act as if the definition of “division” in that subsection included a Chapter of this Act.

3 Regulations

The Minister responsible for finance may make such regulations as he may consider necessary or expedient for the administration of this Act and the better carrying out of its purposes.

CHAPTER I

INCOME TAX AND OTHER TAXES LEVIED IN TERMS OF THE INCOME TAX ACT

PART I

PRELIMINARY

4 Interpretation in Chapter I

(1) In this Chapter—

“blind person” means a person whose eyesight is so defective during more than half of the period of assessment that he is unable to perform any work for which eyesight is essential;

“family taxpayer” . . .

[Definition repealed by s 2 of Act 13 of 1996 with effect from the year of assessment beginning on 1 April 1997.]

“period of assessment” means—

(a) the year of assessment; or

(b) the period within or deemed by the Taxes Act to be within the year of assessment in respect of which an assessment is made in terms of the Taxes Act; as the case may be;

“specified amount” means the appropriate amount specified in Part I of the Schedule in respect of the year of assessment concerned;

“specified percentage” means the appropriate percentage specified in Part II of the Schedule in respect of the year of assessment concerned;

“Taxes Act” means the Income Tax Act [Chapter 23:06];

“taxpayer” means any person in respect of whom an assessment is made in terms of the Taxes Act.

(2) For the purposes of this Chapter—

- (a) an expression to which a meaning is assigned in subsection (1) of section 2 or in subsection (1) of section 8 of the Taxes Act shall have the same meaning in this Chapter, unless the expression is otherwise defined in this Chapter;
- (b) subsections (2) and (3) of section 2 and section 4 of the Taxes Act shall be deemed to be contained in this Chapter.

PART II

CREDITS TO BE DEDUCTED FROM INCOME TAX

5 Credits to which section 7 of Taxes Act relates

(1) Subject to this Part and to section 50 of the Taxes Act, the credits to be deducted from the income tax with which a person is chargeable in pursuance of section 7 of that Act shall—

- (a) if the period of assessment is twelve months, be the credits for which provision is made in this Part;
- (b) if the period of assessment is less than twelve months, be—
 - (i) the credit for which provision is made in section ten, reduced proportionately; and
 - (ii) the credits for which provision is made in sections eleven, twelve and thirteen.

(2) Notwithstanding any other provision of this Act, the total amount of credits to be deducted in terms of—

- (a) . . .

[Paragraph (a) repealed by s 3(b) of Act 13 of 1996 with effect from the year of assessment beginning on 1 April 1997.]

- (b) . . .

- (c) . . .

[Subparagraphs (b) and (c) repealed by s 2(b)(ii) of Act 17 of 1997, with effect from the year of assessment beginning on 1 April 1996]

(d) any provision of this Part from the income tax with which any person is chargeable in any year of assessment shall not exceed the total income tax with which that person is chargeable in respect of that year of assessment.

(3) Notwithstanding any other provision of this Act, no credit shall be deducted from the income tax with which a company or trust is chargeable in any year of assessment.

6

[Section 6 repealed by s 5 of Act 13 of 1996 with effect from the year of assessment beginning on 1 April 1997.]

7

[Section 7 repealed by s 3 of Act 17 of 1995 with effect from the year of assessment beginning on 1 April 1996.]

8

[Section 8 repealed by s 3 of Act 17 of 1995 with effect from the year of assessment beginning on 1 April 1996.]

9

[Section 9 repealed by s 3 of Act 17 of 1995 with effect from the year of assessment beginning on 1 April 1996.]

10 Taxpayers over 59 years of age

A credit of the specified amount shall be deducted from the income tax with which a taxpayer is chargeable, where he had attained the age of fifty-nine years prior to the commencement of the year of assessment.

Provided that, if the period of assessment is less than twelve months, the amount referred to in this paragraph shall be reduced proportionately.

[Subparagraph (b) repealed by s 2 of Act 29 of 1998 with effect from the year of assessment beginning 1 January 1999, subparagraph (a) falling away.]

11 Blind persons

A credit of the specified amount shall be deducted from the income tax with which a taxpayer who is a blind person is chargeable:

Provided that any portion of such credit which is not applied in reduction of the income tax with which a blind person who is married is chargeable shall be allowed as a deduction from the income tax with which his or her spouse is chargeable.

12 Invalid appliances and medical expenses

(1) In this section—

“invalid appliance or fitting” includes—

(a) a wheelchair or any mechanically propelled vehicle which is specially designed and constructed for the carriage of one person, being a person suffering from a physical defect or disability; or

(b) any artificial limb, leg calipers or crutch; or

(c) any special fitting for the modification or adaptation of a motor vehicle, bed, bathroom or toilet to enable its use by a person suffering from a physical defect or disability; or

(d) spectacles or contact lenses;

“medical expenses” means—

(a) the sum of any payments made for the purchase, hire, repair, modification or maintenance of any invalid appliance or fitting which the Commissioner is satisfied is necessary for use by a taxpayer or his spouse or any child or the taxpayer as a consequence of any mental or physical defect or disability; and

(b) the sum of any payments made for—

(i) services rendered to a taxpayer, his spouse and minor children or one or more of them by a medical or dental practitioner; and

(ii) drugs and medicines supplied to a taxpayer, his spouse and minor children or one or more of them on the prescription of a medical or dental practitioner; and

(iii) the accommodation, maintenance, nursing and treatment, including blood transfusions and X-ray and laboratory examinations, tests and the like, of a taxpayer, his spouse and minor children or one or more of them in or at a hospital, maternity-home, nursing-home, sanatorium, surgery, clinic or similar institution; and

(iv) the conveyance by ambulance, including an air ambulance, of a taxpayer, his spouse and minor children or one or more of them;

and

(c) the amount of any contributions paid to a medical aid society in respect of the taxpayer or his spouse or any minor children.

(2) Subject to subsection (4), a credit to be determined in accordance with subsection (3) shall be deducted from the income tax with which a taxpayer is chargeable in respect of payments which the taxpayer made in the period of assessment by way of medical expenses.

(3) The amount of the credit deductible in terms of subsection (2) shall be calculated at the rate of one dollar for every two dollars paid by way of medical expenses.

(4) No credit shall be deducted in terms of subsection (2) in respect of any payment such as is referred to in paragraph (a) or (b) of the definition of “medical expenses” in subsection (1) if the taxpayer is not at any time during the period of assessment ordinarily resident in Zimbabwe.

(5) For the purposes of this section—

(a) a payment made from the deceased estate of a taxpayer by way of medical expenses which are incurred before the death of the deceased shall be treated as having been made immediately before the death of the deceased; and

(b) a taxpayer shall not be treated as having made a payment by way of medical expenses to the extent that the taxpayer, his spouse or dependant is entitled to a refund or payment from any source whatsoever in connection with the medical expenses to meet which the payment was made.

(6) The provisions of the Taxes Act relating to objections or appeals shall apply, mutatis mutandis, in respect of any decision made by the Commissioner in terms of this section.

13 Mentally or physically disabled persons

(1) Subject to this section, a credit of the specified amount shall be deducted from the income tax with which a taxpayer is chargeable, where it is proved to the satisfaction of the Commissioner that the taxpayer is mentally or physically disabled to a substantial degree, but is not blind.

(2) Subject to this section, a credit of the specified amount shall be deducted from the income tax with which a taxpayer, other than a married woman, is chargeable in respect of each child of the taxpayer who is proved to the satisfaction of the Commissioner to be mentally or physically disabled to a substantial degree.

(3) Any portion of a credit deductible in terms of subsection (1) or (2) which is not applied in reduction of the income tax with which a married person is chargeable shall be allowed as a deduction from the income tax with which his or her spouse is chargeable.

(4) No credit shall be deductible in terms of subsection (1) or (2) if the taxpayer is not at any time in the period of assessment ordinarily resident in Zimbabwe.

(5) A person shall not be regarded for the purposes of subsection (1) or (2) as being mentally or physically disabled if his disablement is of a temporary or transitional nature.

(6) The provisions of the Taxes Act providing for objections or appeals shall apply, mutatis mutandis, in respect of any decision made by the Commissioner in terms of this section.

PART II B

[Part IIB inserted by s.29 of Finance Act No.18 of 2000 with effect from 17th November, 2000. Repealed by Section 28 of the Finance Act 10 of 2003 with effect from 1st January, 2004.]

1. The rate of sales tax and tax on imports in respect of the motor vehicles specified below other than vehicles so specified -

(a) of less than one tonne;

(b) of a type commonly known as "Twin / Double Cab" vehicles; or

(c) having a seating capacity of less than fifteen persons including the driver, shall be ten per centum and ten per centum respectively:-

[Para 1 rates were reduced from 15% to 10% by S.I. 291B of 2002 with effect from the 1st January, 2003 (as confirmed by s.32 of Act 15 of 2002); and then purportedly amended by S.I. 15F of 2003 with apparent effect from the 8th January, 2003, by increasing the import tax rate to 15% (which was not confirmed in terms of Section 30(2) of this Act by the 3rd September, 2003). Therefore the increase is void and the import tax rate for the vehicles below reverts to 10% from the 1st January, 2003. Refunds may be due to importers i.t.o. Section 30(2) of the Act above.]

[inserted by sect.6 of the Finance Act No.27 of 2001, with effect from the 17th November,2000.]

8702 Public transport type passenger motor vehicles designed for the transport of ten persons or more.

[inserted by sect.6 of the Finance Act No.27 of 2001, with effect from the 17th November,2000.]

8702.1010 Diesel or semi-diesel vehicles for the transport of 20 or more persons including the driver

8702.1090 Diesel or semi-diesel vehicles for the transport of less than 20 persons including the driver

8702.9010 Petrol vehicles for the transport of 20 or more persons including the driver

8702.9090 Petrol vehicles for the transport of less than 20 persons including the driver

8704.2190 Other goods vehicles, diesel or semi-diesel, not exceeding 5 tonnes

8704.2290 Other goods vehicles, diesel or semi-diesel, 5-20 tonnes

8704.2390 Other goods vehicles, diesel or semi-diesel, more than 20 tonnes

8704.3190 Other goods vehicles, spark-ignition piston, not exceeding 5 tonnes

8704.3290 Other goods vehicles, spark-ignition piston, more than 20 tonnes

8704.9090 Other goods vehicles, not elsewhere specified.

2. The rate of sales tax and tax on imports in respect of the motor vehicles specified in paragraphs (a), (b) and (c) of paragraph 1 shall be twenty five per centum and twenty-five per centum respectively.

[Para 2 rates were reduced from 25% to 15% by S.I. 291B of 2002 with effect from the 1st January,2003(as confirmed by Act 15 of 2002) and then purportedly amended by S.I. 15F of 2003 with apparent effect from the 8th January,2003,by increasing the import tax rate to 25% (which was not confirmed in terms of Section 30(2) of this Act by the 3rd September,2003). Therefore the increase was void and the import tax rate reverted to 15% from the 1st January, 2003: until ,on the 30th December,2003 ,Section 24(a) of Act 10 of 2003 purports to increase both the sales tax and import tax for the vehicles specified in (a),(b)and (c) above from 15% to 25% - with retrospective effect to the 1st January 2003 - Editor.]

PART IIC

[inserted by section 29 (b) of Finance Act 18 of 2000 with effect from 17th November, 2000. In force - and therefore still Part of this Service by virtue of the retrospective effect – until repealed by Section 28 of the Finance Act 10 of 2003 with effect from the 1st January, 2004.]

The rate of sales tax on the letting out on hire of a motor vehicle having seating accommodation for not more than eight persons including the driver and which is driven by-

- (a) the hirer; or
- (b) a member of the family of the hirer; or
- (c) one of the directors of the hirer if the hirer is a company; or
- (d) one of the regular employees of the hirer;

shall be fifteen per centum.

PART IID

[inserted by S.I. 291B of 2002, confirmed by Act 15 of 2002 from 1st January, 2003. Repealed by Section 28 of the Finance Act 10 of 2003 with effect from the 1st January, 2004.]

The rate of –

- (a) sales tax; and
- (b) tax on imports ;

in respect of the motor cars and vehicles specified in the second column below, when classified under the subheadings specified opposite thereto in the first column, shall be fifteen per centum and twenty five per centum respectively:

87 03 Motor cars and other motor vehicles principally designed for the transport of persons, including station wagons and racing cars, but excluding ambulances and hearses.

Import rate increased to 25% by S.I. 15A of 2003 from 3 January, 2003 not confirmed by 3rd September, 2003 – therefore void. Act 10 of 2003, promulgated on the 30th December, 2003, purports to back-date this increase from 15% to 25% with effect from the 1st January 2003, to cover the void period - Editor.]

PART III

[Repealed by Section 28 of the Finance Act 10 of 2003 with effect from the 1st January, 2004.]

The rate of sales tax and tax on imports in respect of goods and services, other than those specified in any other Part of this Schedule, shall be fifteen per centum.

[Parts III and IV repealed and Part III substituted by s 2(a)(ii) of SI 165 of 1995 with effect from 1 August 1995. The repeal and substitution were confirmed by s 17 of the Finance (No 3) Act 17 of 1995. The Standard rate was increased from 15% to 17½% by SI 258B of 1997 and confirmed by the Finance (No 2) Act 23 of 1997 with effect from 1 December 1997. It was reduced from 17½% to 15% by SI 267 of 1998 with effect from 1 November 1998 and confirmed by s 30 of the Finance Act 29 of 1998.]

PART III

RATES OF INCOME TAX AND OTHER TAXES LEVIED IN TERMS OF THE INCOME TAX ACT

14 Income tax for periods of assessment after 1.4.88

(1) In this section—

“approved BOOT or BOT arrangement” means a contract or other arrangement approved by the Commissioner, under which a person undertakes to construct an item of infrastructure for the State or a statutory corporation in consideration for the right to operate or control it for a specified period, after which period he will transfer or restore ownership or control of the item to the State or the statutory corporation concerned;

[Definition inserted by s 2 of Act 17 of 1997 from 1 January 1999, and amended by s 2 of the Finance Act 27 of 2001 with effect from the 1 January 2002.]

“approved tourist development zone” means a tourist development zone declared under regulations made in terms of paragraph (k) of subsection (2) of section 57 of the Tourism Act [Chapter 14:20] and approved by the Commissioner;

[Definition inserted by s 2 of the Finance Act 27 of 2001 from the 1 January 2002.]

“Authority” means the Zimbabwe Tourism Authority established in terms of the Tourism Act [Chapter 14:20].

[Definition inserted by s 2 of the Finance Act 27 of 2001 from the 1 January 2002.]

“contractor”, in relation to an approved BOOT or BOT arrangement, means the

person who enters into the arrangement with the State or the statutory corporation concerned;

[Definition of “contractor” inserted by s 2 of Act 17 of 1997 from 1 January 1999, and amended by the Finance Act 27 of 2001 from the 1 January 2002.]

“growth point area” means an area which the Minister has declared to be a growth point area in terms of the definition of that term in subparagraph (1) of paragraph 1 of the Fourteenth Schedule to the Taxes Act;

“manufacturing operations” means any process of production which substantially changes the original form of, or substantially adds value to, the thing or things constituting the product;

[Inserted by Act 15 of 2002 from 1 January, 2003.]

“new project” means a project which—

- (a) is referred to in subsection (3) or (3a); and
- (b) is approved by the Commissioner as a new project;

“operator” and “tourist facility” have meanings given to those terms in section 2 of the Tourism Act [Chapter 14:20];

[Definition inserted by s 2 of the Finance Act 27 of 2001 with effect from the year of assessment beginning 1 January 2002.]

“taxable income from employment” means any part of the taxable income of a person, other than a company, a trust or a pension fund, which consists of remuneration as defined in the Thirteenth Schedule to the Taxes Act;

“taxable income from trade or investment” means any part of the taxable income of a person, other than a company or a trust, which is received by or accrues to him from any trade, investment or other activity, but does not include taxable income from employment;

“trust” does not include a deceased or insolvent estate or the estate of an individual under a legal disability.

(2) Subject to this section and section 50 of the Taxes Act, the income tax with which a person is chargeable in the year of assessment beginning on the 1st January 1999, or any subsequent year of assessment shall be calculated—

(a) in the case of a person other than a company, a trust or a pension fund, at the specified percentage of each dollar of each of the following parts of his taxable income from employment—

(i) so much as does not exceed two million four hundred thousand dollars;

(ii) so much as exceeds two million four hundred thousand dollars but does not exceed two million six hundred and forty thousand dollars;

(iii) so much as exceeds two million six hundred and forty thousand dollars but does not exceed two million eight hundred and eighty thousand dollars

(iv) so much as exceeds two million eight hundred and eighty thousand dollars

but does not exceed three million one hundred and twenty thousand dollars;

(v) so much as exceeds three million one hundred and twenty thousand dollars but does not exceed three million three hundred and sixty thousand dollars;

(vi) so much as exceeds three million three hundred and sixty thousand dollars but does not exceed four million five hundred thousand dollars;

(vii) so much as exceeds four million five hundred thousand dollars;

[Subs (a) amended by Act 21 of 1999 from 1 January 2000, by Act 18 of 2000 from 1 January 2001, by Act 27 of 2001 from 1st January 2002 by Act 15 of 2002 from 1st January, 2003 by Act 10 of 2003 from 1 January, 2004.]

(b) in the case of a person other than a company, a trust or a pension fund, at the specified percentage of each dollar of his taxable income from trade or investment, other than income referred to in paragraph (e), (f), (g), (h) or (i);

(c) in the case of a company or a trust, other than a pension fund, at the specified percentage of each dollar of its taxable income, other than income referred to in paragraph (e), (f), (g), (h) or (i);

(d) in the case of a pension fund, at the specified percentage of each dollar of its taxable income from trade or investment;

Provided that this paragraph shall not apply in respect of any period before the date specified in terms of subparagraph (i) of paragraph 2 of the Third Schedule to the Taxes Act

[Proviso inserted by s 2 of Finance Act No. 22 of 1999 with effect from the year of assessment beginning 1 January 1998.]

(e) in respect of that part of the taxable income of a licensed investor which is attributable to the operations to which his investment licence relates, at the specified percentage of each dollar of that taxable income;

(f) in respect of that part of the taxable income of the holder of a special mining lease which is attributable to special mining lease operations as defined in the Taxes Act, determined in accordance with the Twenty-Second Schedule to that Act, at the specified percentage of each dollar of that income;

(f 1) in respect of that part of the taxable income of a company or a trust derived from mining operations, at the specified percentage of each dollar of such part of its taxable income;

[Subparagraph (f 1) inserted by Act 18 of 2000 from 1 January 2001.]

(g) in respect of that part of the taxable income of a contractor under an approved BOOT or BOT arrangement which is attributable to his operations under the arrangement—

(i) for the first five years after the commencement of the arrangement, at the percentage of each dollar of that income specified in Part II of the Schedule in respect of those years;

(ii) for the second five-year period after the commencement of the arrangement, at the percentage of each dollar of that income specified in Part II of the Schedule in respect of that period;

(iii) for the third five-year period after the commencement of the arrangement, at the percentage of each dollar of that income specified in Part II of the Schedule in respect of that period;

[Subparagraph (iii) amended by Act 18 of 2000 with effect from 1 January 2001.]

(iv) thereafter, at the specified percentage applicable to persons referred to in paragraph (b) or (c), as the case may be;

[Subparagraph (iv) inserted by Act 18 of 2000 with effect from 1 January 2001.]

(h) in respect of that part of the income of an industrial park developer which is attributable to the operation of his industrial park, at the specified percentage of each dollar of that income;

(i) in respect of that part of the taxable income of the operator of a tourist facility in an approved tourist development zone which is attributable to his operation of that facility, at the specified percentage of each dollar of that income.

[(i) inserted by Act 27 of 2001 from 1st January, 2002, substituted by section 30(a)(i) of the General Laws Amendment (No.2) Act 14from 1 January 2002.]

(3) Where a person, on or after the 1st April, 1991, commences manufacturing operations in a new project in a growth point area, the income tax with which the person is chargeable, in respect of so much of his taxable income as in the opinion of

the Commissioner is derived from such operations in the year of assessment in which he commences such operations and in each of the four years of assessment next following that year of assessment, shall be at the specified percentage of each dollar of the taxable income derived from such operations.

(3a1) Where a person, on or after the 1st April, 1991, commences operations in a new project in a growth point area for the provision of any one or more of the following things in that growth point area—

- (a) roads;
- (b) bridges;
- (c) sanitation;
- (d) water reticulation;

the income tax with which the person is chargeable, in respect of so much of his taxable income as in the opinion of the Commissioner, is derived from such operations in the year of assessment in which he commences such operations and in each of the four years of assessment next following that year of assessment, shall be at the specified percentage of each dollar of the taxable income derived from such operations.

[subsection (3a1) inserted by section 30(a)(ii) of the General Laws Amendment (No.2) Act 14 with effect from the year of assessment beginning 1 January 2002. See the Schedule on the increased percentage]

(3a) Where a company conducts manufacturing operations and, in any year of assessment, fifty per centum of its total manufacturing output is exported from Zimbabwe, the income tax with which the company is chargeable, in respect of so much of its taxable income as, in the opinion of the Commissioner, is derived from manufacturing operations conducted in Zimbabwe during that year of assessment, shall be at the specified percentage of each dollar of the taxable income derived from such manufacturing.

[Subsection (3a) substituted by s 2 of the Finance Act 27 of 2001, and amended by section 30 of the General Laws Amendment (No.2) Act 14 of 2002 by deleting “..or processing ..” with effect from the year of assessment beginning 1 January 2002, and further amended by Act 15 of 2002 by reducing the % output from 60% to 50% with effect from 1 January, 2003.]

(3b) For the purposes of subsection (3a) percentages of a company’s manufacturing output shall be calculated by quantity or volume rather than according to value.

[Subsection (3b) substituted by s 2 of the Finance Act 27 of 2001 and amended by section 30 of the General Laws Amendment (No.2) Act 14 of 2002 with effect from the year of assessment beginning 1 January 2002.]

(3c) Where, in any year of assessment, sixty per centum or more of the turnover of an operator of a tourist facility consists of receipts in foreign currency, the income tax with which the operator is chargeable, in respect of so much of his taxable income as, in the opinion of the Commissioner, is derived from the operation of that facility during that year of assessment, shall be at the specified percentage of each dollar of the taxable income derived from such operation.

[Subsection (3c) substituted by s 2 of the Finance Act 27 of 2001 and amended by section 30 of the General Laws Amendment (No.2) Act 14 of 2002 with effect from the year of assessment beginning 1 January 2002.]

(3d)–(3 f)

[Subsections (3d), (3e) and (3 f) repealed by s 2(b) of Act 18 of 2000 with effect from the year of assessment beginning on 1 January 2001.]

(4) Subject to subsection (5) and to section 50 of the Taxes Act, if in the year of assessment beginning on the 1st April, 1988, or any subsequent year of assessment,

the taxable income of a person, other than a company or a trust, includes—

- (a) any amount referred to in proviso (iv) to paragraph (b) of the definition of “gross income” in subsection (1) of section 8 of the Taxes Act; or
- (b) any amount included by virtue of paragraph (c) of the definition of “gross income” in subsection (1) of section 8 of the Taxes Act; or
- (c) any amount referred to in paragraph 5 of the Seventh Schedule to the Taxes Act;

the income tax with which that person is chargeable in respect of that year of assessment shall be calculated—

(i) in respect of so much of the taxable income as would remain had the amount specified in paragraph (a), (b) or (c), as the case may be, not been included (hereinafter called “the first amount”), at the appropriate rates referred to in paragraph (a) of subsection (2); and

(ii) in respect of each dollar of so much of the taxable income as would remain were the first amount deducted, at the highest rate at which any part of the first amount is chargeable:

Provided that, if the first amount consists of taxable income from employment and does not exceed the amount referred to in subparagraph (i) of paragraph (a) of subsection (2), then so much of the person’s taxable income as exceeds that second-mentioned amount shall be chargeable at the rate applicable to the amounts referred to in subparagraph (ii) of that paragraph.

(5) If in the year of assessment beginning on the 1st April, 1988, or any subsequent year of assessment, the taxable income of a person includes any amount by way of dividends from a company incorporated outside Zimbabwe, that amount—

(a) shall be charged to tax at the specified percentage; and

(b) shall be deducted from the person’s taxable income prior to the application of subsections (2), (3), (4) and (6) to that income:

Provided that, where the taxable income, excluding the dividends, of a person other than a company or trust is less than—

(i) one thousand eight hundred dollars, in respect of the years of assessment beginning on the 1st April, 1988, and the 1st April, 1989; or

(ii) two thousand dollars, in respect of the year of assessment beginning on the 1st April, 1990;

(iii) three thousand six hundred dollars, in respect of the year of assessment beginning on the 1st April, 1991;

(iv) four thousand eight hundred dollars, in respect of the years of assessment beginning on the 1st April, 1992, and the 1st April, 1993;

(v) six thousand dollars in respect of the year of assessment beginning on the 1st April, 1994;

(vi) nine thousand dollars in respect of the years of assessment beginning on the 1st April, 1995, and the 1st April, 1996;

(vii) nine thousand three hundred and sixty dollars, in respect of the years of assessment beginning on the 1st April, 1997, and the 1st January, 1998.

(viii) twenty-four thousand dollars, in respect of the year of assessment beginning on the 1st January, 1999;

(ix) thirty thousand dollars, in respect of the year of assessment beginning on the 1st January, 2000, or any subsequent year of assessment;

the amount to be charged to tax in terms of paragraph (a) shall be reduced by the difference between his taxable income, excluding the dividends, and the appropriate amount referred to in paragraphs (i) to (ix) of this proviso in respect of the year of assessment concerned.

(6)

(7) In respect of the year of assessment beginning on the 1st April, 1992, as a consequence of the drought that has prevailed in Zimbabwe there shall be charged, in the case of a person other than a company or a trust, a sum equal to five per centum of the amount of income tax with which he is chargeable in terms of paragraph (a) of subsection (2) in respect of that year of assessment, after the deduction of any credits that are to be deducted under Part II of this Chapter, and such sum shall be payable in addition to the income tax with which such person is chargeable under this section.

(8) In respect of the years of assessment beginning on the 1st April, 1991, and the 1st April, 1992, as a consequence of the drought that has prevailed in Zimbabwe there shall be charged, in the case of a company or a trust, a sum equal to five per centum of the amount of income tax with which the company or trust is chargeable in terms of paragraph (b) of subsection (2) in respect of the year of assessment concerned, and such sum shall be payable in addition to the income tax with which the company or trust is chargeable under this section.

(9) In respect of the years of assessment beginning on the 1st April, 1995, and the 1st April, 1996 there shall be charged, in the case of a person other than a company or a trust, a sum equal to five per centum of the amount of income tax with which he is chargeable in terms of paragraph (a) of subsection (2) in respect of the year of assessment concerned, after the deduction of any credits that are to be deducted under Part II of this Chapter, and such sum shall be payable in addition to the income tax with which such person is chargeable under this section.

(10) In respect of the years of assessment beginning on the 1st April, 1994, and the 1st April, 1995 there shall be charged, in the case of a company or a trust, a sum equal to five per centum of the income tax with which the company or trust is chargeable in terms of paragraph (b) of subsection (2) in respect of the year of assessment concerned, and such sum shall be payable in addition to the income tax with which the company or trust is chargeable under this section.

(11) In respect of the years of assessment beginning on the 1st April, 1997, and the 1st January, 1998, there shall be charged, in the case of a person other than a company or trust, a development levy equal to five per centum of the amount of income tax with which he is chargeable in terms of paragraph (a) or (b) of subsection (2) in respect of that year of assessment, after the deduction of any credits that are to be deducted under Part II of this Chapter, and the levy shall be payable in addition to the income tax with which the person is chargeable under this section.

(12) In respect of the years of assessment beginning on the 1st April, 1996, the 1st April, 1997, and the 1st January, 1998, there shall be charged, in the case of a company or trust, a development levy equal to five per centum of the amount of income tax with which the company or trust is chargeable in terms of paragraph (c) of subsection (2) in respect of that year of assessment, and the levy shall be payable in addition to the income tax with which the company or trust is chargeable under this section.

(13) In respect of the years of assessment beginning 1st January, 1999, and ending on the 31st December, 2000, there shall be charged, in the case of a person other than a company or trust, a tax surcharge equal to twenty-five per centum of the income tax with which he is chargeable in terms of paragraph (a) of subsection (2) in respect of that year of assessment, on that part of his taxable income from employment which exceeds seven hundred and twenty thousand dollars before the deduction of any credits that are to be deducted under Part II of this Chapter, and the surcharge shall be payable in addition to the income tax with which the person is chargeable under this section.

[Subsections (13) inserted by s 4(f) of Act 29 of 1998 from 1 January 1999, amended by s 2(c) of Act 18 of 2000 from 1 January 2001, and further amended by Act 27 of 2001 with effect from the year of assessment beginning 1 January 2002.]

Savings clause in section 29 of the Finance Act No. 27 of 2002

1. No adjustment of tax surcharge shall be made in respect of a person who was charged in terms of subsection (13) of section 14 of the Finance Act before it was substituted by this Act, if it was charged in pursuance of an assessment made before the date of commencement of this Act. (31st December,2001.)

2. The collection of any income tax or sales tax which, but for this Act, would have been invalid, is hereby validated.

(13a) In respect of the year of assessment beginning on the 1st of January, 2001, and ending on the 31st December, 2001, there shall be charged, in the case of a person other than a company or trust, a tax surcharge equal to thirty per centum of the income tax with which he is chargeable in terms of paragraph (a) of subsection (2) in respect of that year of assessment, on that part of his taxable income from employment which exceeds eight hundred and forty thousand dollars before the deduction of any credits that are to be deducted under Part II of this Chapter, and the surcharge shall be payable in addition to the income tax with which the person is chargeable under this section.

[Subsection (13a) inserted by Act 27 of 2001 from the 1 January 2002.]

(14) In respect of the year of assessment beginning on the 1st January, 2000, and any subsequent year of assessment, there shall be charged, in the case of a person other than a company or trust, an AIDS levy equal to three per centum of the amount of income tax with which he is chargeable in terms of paragraph (a) or (b) of subsection (2) in respect of that year of assessment, after the deduction of any credits that are to be deducted under Part II of this Chapter, and the levy shall be payable in addition to the income tax with which the person is chargeable under this section.

(15) In respect of the year of assessment beginning on the 1st January, 1999, and any subsequent year of assessment, there shall be charged, in the case of a company or trust, an AIDS levy equal to three per centum of the amount of income tax with which the company or trust is chargeable in terms of paragraph (c) of sub section (2) in respect of that year of assessment, and the levy shall be payable in addition to the income tax with which the company or trust is chargeable under this section.

15 Non-resident shareholders' tax

The non-resident shareholders' tax chargeable in terms of section 26 of the Taxes Act shall be calculated—

(a) in the case of a dividend distributed from a security which, on the date of distribution, is listed in the official list kept by the Committee of the Zimbabwe Stock Exchange in terms of paragraph (a) of subsection (1) of section 16 of the Zimbabwe Stock Exchange Act [Chapter 24:18], at the rate of fifteen per centum;

(b) in the case of any other dividend, at the rate of twenty per centum; of each dollar of the dividend from which the tax is to be withheld and paid in terms of the Ninth Schedule to the Taxes Act.

16

[Section 16 repealed by s 5 of Act 29 of 1998 with effect from the year of assessment beginning 1 January 1999.]

17 Resident shareholders' tax

The resident shareholders' tax chargeable in terms of section 28 of the Taxes Act shall be calculated—

(a) in the case of a dividend distributed from a security which, on the date of distribution, is listed in the official list kept by the Committee of the Zimbabwe

Stock Exchange in terms of paragraph (a) of subsection (1) of section 16 of the Zimbabwe Stock Exchange Act [Chapter 24:18] at the rate of fifteen per centum;

(b) in the case of any other dividend, at the rate of twenty per centum; of each dollar of the dividend from which the tax is to be withheld and paid in terms of the Fifteenth Schedule to the Taxes Act.

18 Non-residents' tax on interest

The non-residents' tax on interest chargeable in terms of section 29 of the Taxes Act shall be calculated at the rate of ten per centum of each dollar of the interest from which such tax is to be withheld and paid in terms of the Sixteenth Schedule to that Act.

19 Non-residents' tax on fees

The non-residents' tax on fees chargeable in terms of section 30 of the Taxes Act shall be calculated at the rate of twenty per centum of each dollar of the fees from which such tax is to be withheld and paid in terms of the Seventeenth Schedule to that Act.

20 Non-residents' tax on remittances

The non-residents' tax on remittances chargeable in terms of section 31 of the Taxes Act shall be calculated at the rate of twenty per centum of each dollar of the remittance from which such tax is to be paid in terms of the Eighteenth Schedule to that Act.

21 Non-residents' tax on royalties

The non-residents' tax on royalties chargeable in terms of section 32 of the Taxes Act shall be calculated at the rate of twenty per centum of each dollar of the royalty from which such tax is to be withheld and paid in terms of the Nineteenth Schedule to that Act.

22 Residents' tax on interest

The residents' tax on interest chargeable in terms of section 34 of the Taxes Act shall be calculated at the rate of twenty per centum of each dollar of the interest from which such tax is to be withheld and paid in terms of the Twenty-First Schedule to the Taxes Act.

[Section 22 substituted by Act 18 of 2000 with effect from 1 January 2001.]

22A Tobacco levy

The tobacco levy chargeable in terms of section 36A of the Taxes Act shall be calculated—

(a) in respect of sellers of auction tobacco, at the rate of two and one-half per centum of each dollar of the price from which the levy is to be withheld and paid in terms of the Twenty-Fourth Schedule to that Act;

(b) in respect of buyers of auction tobacco, at the rate of one and one-half per centum of the price referred to in paragraph (a).

[Section 22A inserted by Act 4 of 1996 with effect from 1 April 1996 and substituted by Act 10 of 1996. Rate reduced from 5% by Finance Act (No. 2) 21 of 1999 from 1 January 2000 and further amended by Act 18 of 2000 from 1 January 2001.]

22B Automated financial transactions tax

The automated financial transactions tax chargeable in terms of section 36B of the Taxes Act shall be calculated at the rate of fifty dollars for each transaction on which the tax is payable.

[Section 22B inserted by Act 13 of 1996 from 1st September 1996. Rate increased from 15 cents by Act 21 of 1999 from 1st January 2000, further amended by Act 18 of 2000 from 1st January, 2001, and increased from 150 cents by Act 15 of 2002 from 1st January, 2003 and further from five hundred cents by Act 10 of 2003 from 1st January, 2004.]

22C Informal traders tax

The informal traders tax chargeable in terms of section 36C of the Taxes Act shall be calculated at the rate of ten per centum of each dollar of the rent upon which the tax is chargeable in terms of the Twenty-Sixth Schedule to the Taxes Act.

[Section 22C inserted by s 3 of Act 17 of 1997 from 1 January 1998.]

22D Demutualisation levy

The demutualisation levy chargeable in terms of section 36D of the Taxes Act shall be calculated, in respect of each Zimbabwean member of the mutual society concerned, at the rate of two and one-half per centum of the amount upon which the levy is payable in terms of paragraph 2 of the Twenty-Seventh Schedule to the Taxes Act.

22E Carbon Tax

(1) Subject to subsection (2), the carbon tax chargeable in terms of section 36E of the Taxes Act shall be calculated in respect of each motor vehicle for which a person is liable to pay the tax at the following rates in accordance with the following ranges of engine capacity of a motor vehicle^{3/4}

(a) twenty thousand dollars, in the case of a motor vehicle whose engine capacity does not exceed one thousand five hundred cubic centimetres;

(b) thirty-five thousand dollars, in the case of a motor vehicle whose capacity exceeds one thousand five hundred cubic centimetres but does not exceed two thousand cubic centimetres;

(c) fifty thousand dollars, in the case of a motor vehicle whose capacity exceeds two thousand cubic centimetres but does not exceed three thousand cubic centimetres;

(d) one hundred thousand dollars, in the case of a motor vehicle whose capacity exceeds three thousand cubic centimetres.

(2) Notwithstanding section 41 of the Reserve Bank Act [Chapter 22:15] and the Exchange Control Act [Chapter 22:05], a visitor to Zimbabwe who uses within Zimbabwe a motor vehicle registered outside Zimbabwe shall, upon entering Zimbabwe, and for each month or part of a month during which he or she visits Zimbabwe, pay the required carbon tax in respect of such vehicle to the Zimbabwe Revenue Authority in United States dollars (or the equivalent in Euros or in any other currency denominated under the Exchange Control (General) Order, 1996 (Statutory Instrument 110 of 1996) at the prevailing international cross rate of exchange), at the following rates in accordance with the following ranges of engine capacity of a motor vehicle^{3/4}

(a) seventy-two United States dollars, in the case of a motor vehicle whose engine capacity does not exceed one thousand five hundred cubic centimetres;

(b) one hundred and thirty-two United States dollars, in the case of a motor vehicle whose capacity exceeds one thousand five hundred cubic centimetres but does not exceed two thousand cubic centimetres;

(c) one hundred and eighty United States dollars, in the case of a motor vehicle whose capacity exceeds two thousand cubic centimetres but does not exceed three thousand cubic centimetres;

(d) three hundred and sixty United States dollars, in the case of a motor vehicle whose capacity exceeds three thousand cubic centimetres:

Provided that—

(i) if a visitor to Zimbabwe stays in Zimbabwe for a longer period than the period for which he or she originally paid carbon tax, he or she shall, at any time before leaving Zimbabwe, pay the additional carbon tax in respect of such vehicle to the Zimbabwe Revenue Authority in foreign currency as provided in this subsection;

(ii) where any amount of carbon tax may require payment to be made in coins, the Commissioner-General is authorised to increase or reduce the amount to the nearest figure to enable payment to be made in notes only;

(iii) if the period during which a visitor stays in Zimbabwe begins in one calendar month and continues to the next calendar month without exceeding thirty days, thirty days' carbon tax shall be payable.

[Section 22E inserted by Act 18 of 2000 from 1st January, 2001, amended by Act 15 of 2002 from 1st January, 2003 and amended by Act 10 of 2003 from 1st January, 2004.]

22F Banking Institution Levy

The banking institution tax chargeable in terms of section 36F of the Taxes Act shall be calculated at the rate of five per centum of each dollar of the net profit upon which the tax is chargeable in terms of the Twenty-Ninth Schedule to the Taxes Act.

[Section 22F inserted by Act 27 of 2001 from 1 January 2001.]

22G Intermediated money transfer tax

The intermediated money transfer tax chargeable in terms of section 36G of the Taxes Act shall be calculated at the rate of fifty dollars for each transaction on which the tax is payable.

[Section 22G inserted by Act 15 of 2002 from 1st January, 2003 and amended by Act 10 of 2003 from 1st January, 2004.]

22H NOCZIM debt redemption levy

The NOCZIM debt redemption levy chargeable in terms of section 36H of the Taxes Act shall be calculated at the rate of one hundred and ten dollars per litre of a petroleum product purchased by an oil company from NOCZIM, or one hundred and ten dollars per litre of the petroleum product imported by an oil company, as the case may be.

[New section inserted by Act 10 of 2003 from 1st December, 2003.]

PART IV

EMPLOYEES TAX

23 Matters to be regarded by Commissioner in relation to employees tax

The Commissioner, in exercising the powers conferred on him by paragraph 3 of the Thirteenth Schedule to the Taxes Act—

(a) shall have regard to the rates of income tax referred to in section fourteen; and

(b) may have regard to the credits referred to in section twelve, in so far as they relate to payments referred to in paragraph (c) of the definition of "medical expenses" in subsection (1) of that section;

(c) in the case of directives, may have regard to the credits referred to in sections ten to thirteen.

[Section 23 substituted by s 8 of Act 13 of 1996 from 1 April 1997.]

Schedule to Chapter I (Section 4)

CREDITS AND RATES OF INCOME TAX

PART I

CREDITS

Section	Nature of credit	Specified amount
\$		
10	Credit for taxpayers over 59 years of age	120 000
11	Blind persons credit	120 000
13	Mentally or physically disabled persons credit	120 000

[amended by Act 27 of 2001 from 1st January, 2002, by Act 15 of 2002 from 1st January,2003. and by Act 10 of 2003 from 1st January,2004.]

PART II

RATES OF INCOME TAX

Section	Level of taxable income	Specified percentage
	%	
14(2)(a)(i)	Up to \$ 2 400 000 .	0
14(2)(a)(ii)	\$2 400 001 to \$2 640 000	20
14(2)(a)(iii)	\$2 640 001 to \$ 2 880 000	25
14(2)(a)(iv)	\$2 880 001 to \$ 3 120 000	30
14(2)(a)(v)	\$3 120 001 to \$3 360 000	35
14(2)(a)(vi)	\$ 360 001 to \$4 500 000	40
14(2)(a)(vii)	\$4 500 001 and more	45

[amended by Act 15 of 2002 from 1st January,2003 and by Act 10 of 2003 from 1st January,2004.]

Section	Nature of taxable income	Specified percentage
	%	
14(2)(b)	Taxable income of individual from trade or investment	35
14(2)(c)	Taxable income of company or trust	35
14(2)(d)	Taxable income of pension fund from trade or investment	15
	[But see the proviso to s 14(2)(d)].	
14(2)(e)	Taxable income of licensed investor (after the fifth year of his operations as such)	15
14(2)(f)	Taxable income of holder of special mining lease	35
14(2)(g)	Taxable income of person engaged in approved BOOT or BOT arrangement:	
	[amended by section 30(b) of the General Laws Amendment (No.2) Act 14 of 2002 with effect from the year of assessment beginning 1 January 2002.]	
	First five years of the arrangement:	0
	Second five years of the arrangement:	15
14(2)(h)	Taxable income of industrial park developer (after the fifth year of his operations a such)	15
14(2)(i)	Taxable income of operator of a tourist facility in approved tourist development zone (after the fifth year of his operation as such)	
	[Inserted by s 5 of Finance Act 27 of 2001 and amended by s. 30(b) of the General Laws Amendment (No.2) Act 14 of 2002 with effect from the year of assessment beginning 1 January 2002.]	

15

14(3) Taxable income of person engaged in new project manufacturing in growth point area
[repealed ?- Ed.]

10

14(3a) Taxable income from manufacturing or processing of company which exports fifty per centum or more of its output.

[amended by section 30(b) of the General Laws Amendment (No.2) Act 14 of 2002 by deleting ..”or processing..” with effect from the year of assessment beginning 1 January 2002 and amended by Act 15 of 2002 by reinstating the phrase, but reducing the % from 60 to 50, from 1 January, 2003.]

20

14(3c) Taxable income from operation of tourist facility sixty per centum or more of whose turnover consists in foreign currency receipts.

[Inserted by Act 27/2001 and amended by section 30(b) of the General Laws Amendment (No.2) Act 14 of 2002 with effect from the year of assessment beginning 1 January 2002.] 20

14(5) Dividends from company incorporated outside Zimbabwe 20

[New schedule substituted by s 7 of Act 18 of 2000 from the year of assessment beginning on 1 January 2001, amended as above.]

CHAPTER II

STAMP DUTIES

24 Interpretation in Chapter II

(1) In this Chapter—

“principal Act” means the Stamp Duties Act [Chapter 23:09];

“this Act” includes the principal Act.

(2) Any expression to which a meaning has been or may be construed as having been assigned in the principal Act shall, when used in this Chapter, have the same meaning.

25 Duties prescribed

For the purposes of section 5 of the principal Act, the duties payable on instruments and other matters shall be as prescribed in the Schedule.

Schedule to Chapter II (Section 25)

STAMP DUTY ON INSTRUMENTS AND OTHER MATTERS

ARRANGEMENT OF ITEMS

Item

1. Bonds.
2. Brokers’ Notes.
3. Cheques.
4. Policies of Insurance.
5. Registration in the Deeds Registry of the Acquisition of Immovable

Property.

ITEM 1. BONDS

§ c

Any mortgage bond or notarial bond, or any cession or substitution of debtor in respect of a notarial bond—

for every \$100 or part thereof of the debt secured or to be secured 0 40

Exemptions to Item:

(a) Any sum separately secured by a bond to cover any costs incurred in connection with the debt.

(b) Any bond which is auxiliary or collateral to, or substituted for, a previously made and duly stamped bond executed by the same person and for the same debt or obligation.

(c) Any bond which is executed by way of suretyship only, where there exists a duly stamped bond for the same debt or obligation executed by the principal debtor or obligor.

(d) Any cession or substitution of debtor in respect of a bond mentioned in exemption (b), not being a substituted bond.

(e) Any cession or substitution of debtor in respect of a bond mentioned in exemption (c).

ITEM 2. BROKERS' NOTES

\$ c

(1) In respect of the purchase or sale of any marketable security —
for every \$100 or part thereof of the consideration 1 00

[Amended by Finance (No 3) Act 13 of 1996 from 31 October 1996, and further amended by Section 18 of the Finance Act No.27 of 2001 with effect from the 1st January, 2002.]

(2) In respect of the purchase or sale of any movable property other than a marketable security—

for every \$100 or part thereof of the consideration 0 10

(3) In respect of the purchase or sale of any immovable property
35

Exemptions to Item:

(a) A broker's note where the value of the consideration does not exceed \$20.

(b) A broker's note in respect of any public loan raised by the State or a local authority.

(c) A broker's note in respect of any marketable security issued by a statutory body as defined in section 2 of the Audit and Exchequer Act [Chapter 22:03] or by a local authority or building society.

ITEM 3. CHEQUES

\$ c

Any cheque as defined in section 72 of the Bills of Exchange Act [Chapter 14:02] 5 00

[Duty increased from 15c to 80c by Act 21 of 1999 from 1st January 2000, to \$ 1.50 by Act 18 of 2000 from 1st January 2001, and to \$ 5.00 by Act 15 of 2002 from 1 January, 2003.]

Exemptions to Item:

(a) A cheque drawn by any employee of the State for the purpose of the State.

(b) A draft or order by any banker on another banker which is not available for payment or credit to any third person and is used solely for settling or clearing accounts between such bankers.

ITEM 4. POLICIES OF INSURANCE

\$ c

(1) Any policy or certificate of insurance or renewal thereof or any other document which is in the form of a guarantee, fidelity, security or surety bond and is

signed by an insurance company or by any person transacting business on behalf of brokers or underwriters at Lloyd's (in this paragraph called a policy), where such policy is not otherwise provided for in this Item—

for every dollar or part thereof of the premium payable for the period for which the policy is issued or renewed or, if the policy is not renewable, of each and every premium payable

Maximum 100 00

Minimum—

(a) if the policy is not renewable and the period of the policy—

(i) does not exceed 31 days 0 50

(ii) exceeds 31 days 2 00

(b) if the policy is renewable and the period of the policy or the renewal thereof—

(i) does not exceed 31 days 0 50

(ii) exceeds 31 days, for every year or part of a year for which the policy is issued or renewed 2 00

(2) Any ticket, coupon, notice, bill or other document purporting to be an insurance or to entitle a person to insurance in the event of death, accident, sickness or the like 5% of the annual receipts from the sale or issue for valuable consideration of any such documents

(3) Any policy or certificate of insurance of any crop in respect of damage or destruction by hail 5 00

(4) Any policy or certificate of marine insurance executed outside Zimbabwe, or any renewal thereof 5 00

(5) Any interim policy of insurance the currency of which does not exceed four calendar months 3 00

Provided that the duty on any such interim policy shall not exceed that payable upon a final policy covering a like risk.

(6) Any endorsement made after the issue of a policy shall be stamped as a new policy if the effect of such endorsement is—

(a) to substitute some other person for the person insured; or

(b) to substitute some other matter or thing for the matter or thing which is the subject of the policy; or

(c) to increase the amount of the insurance; or

(d) to make a material alteration to the subject matter of the policy:

Provided that in the case of a policy such as is described in paragraph (1), duty shall be payable in terms of this paragraph only in respect of any increase in the premium payable in terms of such endorsement.

Exemptions to Item:

(a) A policy of life insurance, including a funeral policy.

(b) A policy, bond or document which assures an annuity or a pension on retirement

(c) An interim cover note issued in respect of a policy of insurance to be issued within Zimbabwe.

(d) A policy or instrument issued solely for the purpose of effecting re-insurance by one insurance company or association in respect of another insurance company or association.

(e) A certificate of insurance relating to a duly stamped policy of insurance.

(f) A policy or instrument issued solely for the purpose of a bond or guarantee executed in terms of the Customs and Excise Act [Chapter 23:02].

ITEM 5. REGISTRATION IN THE DEEDS REGISTRY OF THE ACQUISITION OF IMMOVABLE PROPERTY

§ c

(1) For the registration in the Deeds Registry of any acquisition of property—

(a) in respect of so much of the value of the property as does not exceed \$5 000—

for every \$100 or part thereof of the value 0 70

(b) in respect of so much of the value of the property as exceeds \$5 000 but does not exceed \$15 000—

for every \$100 or part thereof of the value 3 00

(c) in respect of so much of the value of the property as exceeds \$15 000 but does not exceed \$100 000—

for every \$100 or part thereof of the value 5 00

(d) in respect of so much of the value of the property as exceeds \$100 000—

for every \$100 or part thereof of the value 6 00

(2) Expressions which have a meaning assigned to them in Part V of the principal Act shall, when used in this Item, have the same meaning.

Exemptions to Item:

(a) An acquisition of property whereby no change of beneficial interest in the property acquired is effected:

Provided that this exemption shall not apply where property which has been transferred to an administrator in circumstances mentioned in exemption (i) is subsequently transferred to the person on whose behalf it has been held by the administrator, except where that person is an heir or legatee referred to in exemption (c).

(b) An ecclesiastical, charitable or educational institution which is recognized in Zimbabwe as being of a public character and is approved by the Minister, in respect of property or any portion thereof acquired for a purpose which does not consist in the main of the acquisition of gain by the institution or any other person:

Provided that—

(i) if, within ten years after the date of acquisition of the property, the property or any portion thereof is used for a purpose which consists in the main of the acquisition of gain by the institution or any other person, duty shall become due and payable on the fair value of such property or such portion thereof as determined by the Registrar of Deeds in terms of subsections (4) and (5) of section 23 of the principal Act, taking the date when the property or portion thereof was first so used as being the date of acquisition of the property. If, after that date, the duty is still unpaid, the Registrar of Deeds shall make a note on the title deeds to the property and in his register stating that transfer of the property is prohibited until the duty has been paid; and until the duty has been paid no transfer of the property shall be passed;

(ii) where the acquisition of immovable property by an ecclesiastical, charitable or educational institution was registered in the Deeds Registry prior to the 1st October, 1972, and that institution was exempted from the duty payable in terms of the Item then in force, proviso (i) shall apply in determining whether any duty shall become due and payable after the date of the registration of the acquisition of the immovable property.

(c) An heir or legatee, or a tutor, curator or trustee acquiring for and in the name of an heir or legatee, in respect of property acquired by intestate or testamentary succession or as a result of a redistribution of the assets of a deceased estate in the process of liquidation.

For the purposes of this paragraph—

(i) “heir or legatee” does not include a person who is not—

A. a blood relation of either the deceased or his spouse; or

B. a legally adopted child of either the deceased or his spouse; or

C. the spouse of any relation or child referred to in subparagraph A or B;

(ii) the heir ab intestato of a person to whom customary law applies shall be determined in accordance with customary law;

(d) A surviving spouse in respect of property acquired in any manner from the estate of the deceased spouse.

(e) A joint owner of property in respect of the acquisition of a defined portion of the property allotted to him upon partition of the property, but not in respect of any consideration payable by him in order to equalize the partition or for any other reason.

(f) A joint owner of property who acquires the sole ownership in the whole or a portion of the property, in respect of so much of the value of the property in which sole ownership is acquired as represents his share in the joint ownership of that property.

(g) A registration to correct an error in the registration of the acquisition of any property, if the duty payable in respect of that acquisition has been duly paid.

(h) A divorced spouse in respect of property awarded to such spouse by the divorce order.

(i) A transfer of property in a deceased estate to an administrator where such property has, by will or by an order of court, been placed under the administration of such administrator.

(j) A registration of property required as a result of the termination of the appointment of an administrator of a trust under a will or other written instrument or of a trustee of an insolvent estate.

(k) A vesting of the property in an insolvent estate in the trustee of such estate or a restoration of such property by the trustee to the insolvent.

(l) A vesting of the property on the liquidation of a company in the liquidator of such company or a restoration of such property by the liquidator to the company.

(m) An acquisition of property in respect of which transfer duty is payable in terms of section 275 of the Mines and Minerals Act [Chapter 21:05].

(n) An acquisition of property—

(i) by a company from the wholly owned subsidiary of the company; or

(ii) by the wholly owned subsidiary of a company from the company; or

(iii) by the wholly owned subsidiary of a company from another wholly owned subsidiary of the company;

if the Registrar of Deeds is satisfied that the company and its wholly owned subsidiary or the company and its wholly owned subsidiaries, as the case may

be, are registered in terms of the Companies Act [Chapter 24:03] or the Insurance Act [Chapter 24:07], as the case may be:

Provided that if, within ten years after the date of acquisition of the property by the wholly owned subsidiary of a company and whilst the property is registered in the name of the wholly owned subsidiary of the company, the wholly owned subsidiary of the company ceases to be wholly owned by the company, duty shall become due and payable on the fair value of such property as determined by the Registrar of Deeds in terms of subsections (4) and (5) of section 23 of the principal Act, taking the date when the wholly owned subsidiary of the company ceased to be wholly owned by the company as being the date of acquisition of the property. If after that date the duty is still unpaid, the Registrar of Deeds shall make a note on the title deeds to the property and in his register stating that transfer of the property is prohibited until the duty has been paid; and until the duty has been paid no transfer of the property shall be passed.

In this exemption—

“company” includes—

- (a) a company as defined in the Companies Act [Chapter 24:03]; and
- (b) an insurer registered in terms of the Insurance Act [Chapter 24:07];

“wholly owned subsidiary” has the meaning assigned to it in the Companies Act [Chapter 24:03].

(o) An acquisition of property by a local authority from the State by way of a transaction not involving purchase and sale where—

- (i) the Secretary of the Ministry responsible for transferring the property certifies to the Commissioner that the property is to be used for public purposes; or
- (ii) the property has been reserved by the State for the inhabitants of the area of the local authority.

(p) An acquisition of property by a local authority in terms of the Regional, Town and Country Planning Act [Chapter 29:12], where the property—

- (i) is acquired for public purposes; or
- (ii) consists of a road, the ownership of which vests in the local authority in terms of the said Act.

(q) An acquisition of property—

- (i) by a pension or provident fund from a company all the shares of which are owned by that fund; or
- (ii) by a company all the shares of which are owned by a pension or provident fund from that fund; or
- (iii) by a company all the shares of which are owned by a pension or provident fund from another company all the shares of which are owned by that same fund:

Provided that if in the case of property acquired by such a company, within ten years after the date of acquisition of such property by that company and whilst such property is registered in the name of that company, the shares of that company cease to be wholly owned by the pension or provident fund concerned, duty shall become due and payable on the fair value of such property as determined by the Registrar of Deeds in terms of subsections (4) and (5) of section 23 of the principal Act, taking the date when all the shares of the company ceased to be wholly owned by the pension or provident fund as being the date of acquisition of the property. If, after that date, the duty is still unpaid, the Registrar of Deeds shall make a note on the title deeds to the property and in his register stating that transfer of the property is prohibited until the duty has been paid, and until the duty has been paid no transfer of the property shall be passed.

In this exemption—

“pension or provident fund” means a pension fund or provident fund which is registered or provisionally registered in terms of the Pension and Provident Funds Act [Chapter 24:09];

“company” has the meaning assigned to it in the Companies Act [Chapter 24:03].

(r) An acquisition of property by a petroleum operator, approved by the Minister by notice in the Gazette, where the property is acquired for the purposes of petroleum operations.

In this exemption, “petroleum operations” and “petroleum operator” have the respective meanings given them by subsection (1) of section 2 of the Income Tax Act [Chapter 23:06].

(s) An acquisition of property in respect of which an election has been made in terms of subparagraph (2) of paragraph 7 of the Eighth Schedule to the Income Tax Act [Chapter 23:06].

(t) An acquisition of property in the circumstances described in paragraph (a) of subsection (1) of section 15 of the Capital Gains Tax Act [Chapter 23:01].

CHAPTER III

LICENCES TARIFF

26 Interpretation in Chapter III

Any expression to which a meaning has been or may be construed as having been assigned in any enactment referred to in section twenty-seven shall, when used in this Chapter, have the same meaning.

27 Imposition of fees for certain licences

There shall be charged, levied and collected for the benefit of the Consolidated Revenue Fund the fees set out in the Schedule in respect of the licences therein mentioned, subject to any enactment for the time being in force relating thereto:

Provided that, where any such fees are collected by a revenue officer who is not an employee of the State, there may be paid to the employer of that revenue officer in respect of the collection of the fee such administration fee as the Minister responsible for finance may determine, and for that purpose the revenue officer concerned—

(a) may, before paying the fees collected by him to the Consolidated Revenue Fund, deduct therefrom the amount of the administration fee as determined by the Minister responsible for finance; and

(b) shall pay to the Consolidated Revenue Fund the balance of the fees so collected.

Schedule to Chapter III (Section 27)

LICENCE FEES

LICENCES ISSUED UNDER MISCELLANEOUS ACTS

Licence or permit and other fees	Yearly licence fee	Fee for licence not requiring renewal
\$ c	\$ c	
1. Pool promoter of a pool betting business promoted within Zimbabwe	100 00	
2. Representative of the promoter of a pool betting business promoted outside Zimbabwe	100 00	
3. Copper dealer	10 00	
4. Casino licence, other than a temporary casino licence		2000 00

CHAPTER IV

VALUE ADDED TAX

28 Interpretation in Chapter IV

(1) In this Chapter—

“principal Act” means the Value Added Tax Act [Chapter 23:12];

[Substituted by Section 85 of Act 12 of 2002 with effect from the 1st January, 2004.]

“value added tax” means the tax imposed in terms of Part III of the principal Act;

[Substituted by Section 85 of Act 12 of 2002 with effect from the 1st January, 2004.]

(2) Any expression to which a meaning has been or may be construed as having been assigned in the principal Act shall, when used in this Chapter, have the same meaning.

29 Rates of value added tax

The rate of value added tax shall be as set out in the Schedule.

[Substituted by Section 85 of Act 12 of 2002 with effect from the 1st January, 2004.]

All reference to ‘tax on imports’ has been omitted herein, for sense sake – Editor.]

30 Amendment of rates imposed by section 29

(1) The Minister responsible for finance may, by statutory instrument, amend or replace the rate mentioned in section twenty-nine, and the rate as so amended or replaced shall, subject to subsection (2), accordingly be charged, levied and collected with effect from the date specified in such instrument, which shall not be earlier than the date the statutory instrument is published in the Gazette.

[amended by Section 30 of the Finance Act No.27 of 2001 with effect from 31st December, 2001.]

(2) If any provision contained in a statutory instrument made in terms of subsection (1) is not confirmed by a Bill which—

(a) passes its second reading stage in Parliament on one of the twenty-eight days on which Parliament sits next after the coming into operation of the instrument; and

(b) becomes law not later than six months after the date of such second reading;

that provision shall become void as from the date specified in the instrument as that on which the rate of tax shall be amended or replaced, and so much of the rate of tax as was amended or replaced, as the case may be, by that provision shall be deemed not to have been so amended or replaced.

31 Adjustments of tax

(1) If Parliament does not enact any increase of tax imposed in terms of subsection (1) of section thirty or enacts a lower increase of any tax so imposed, any registered operator or importer, as the case may be, who has paid such tax shall on application be entitled to a refund—

(a) in the case of an increase of tax not being enacted, of an amount equal to the difference between the tax paid by him and the existing tax; and

(b) in the case of a lower increase of tax being enacted, of an amount equal to the difference between the tax paid by him and the new increased tax.

(2) If Parliament—

(a) does not enact a reduction in a rate of tax made in terms of subsection (1) of section thirty; or

(b) enacts a less reduction in the rate of tax referred to in paragraph (a) than that made in terms of subsection (1) of section thirty; or

(c) does not enact a withdrawal of tax made in terms of subsection (1) of

section thirty; or

(d) enacts the tax referred to in paragraph (c) at a reduced rate; no payment by way of tax under-collected or tax not collected shall be required from any person in respect of the tax paid at the reduced rate or, as the case may be, in respect of tax payable during the period when, in terms of subsection (1) of section thirty, the rate of tax was reduced or, as the case may be, the tax was withdrawn.

Schedule to Chapter IV (Section 29)

PART I

GENERAL RATE OF VALUE ADDED TAX

The rate of value added tax in respect of—

(a) goods or services supplied by any registered operator in the course or furtherance of any trade carried on by the registered operator; and
(b) the importation of any goods into Zimbabwe by any person; and
(c) the supply of any imported services by any person; and
(d) motor vehicles sold by persons who are not motor dealers, whether on their own account or on behalf of other persons;

shall be fifteen per centum.

[Schedule repealed and substituted by sections 27 and 28 of the Finance Act 10 of 2003 with effect from the 1st January, 2004 December, 2003. S.I. 14 of 2004 repeals it and further substitutes the new above Part 1 with effect from the 30th January, 2004 - Editor.]

PART II

VALUE ADDED TAX ON BETTING AND GAMING

The rate of value added tax in respect of the transactions or receipts mentioned in the first column of the Schedule shall be that specified in the second column opposite thereto.

Any expression to which a meaning has been or may be construed as having been assigned in any enactment mentioned in the Schedule shall, when used in this Part, have the same meaning.

PART IIA

The rate of sales tax and tax on imports in respect of programs for computers, when recorded on discs or tapes and packaged in shrink-wrapped packaging, shall be fifteen per centum.

[Part IIA inserted by s. 15 of Finance (No.2) Act No.21 of 1999 with effect from 1st January 2000.]

Transactions or Receipts

Rate of Tax

1. Any bet made at any place other than a race-course by any person with a bookmaker licensed in terms of the Betting and Totalizator Control Act [Chapter 10:02] on a horse race.
1. (a) Fifteen per centum on the amount payable by the bookmaker to such person in respect of such bet excluding the amount representing the amount staked.

(b) Fifteen per centum on the amount of the net winnings of such bookmaker in respect of each period of six months commencing on the 1st April and the 1st October each year.

2. Any bet made on a horse race at a racecourse on a race day by any person with a bookmaker licensed in terms of the Betting and Totalizator Control Act [Chapter 10:02].
2. (a) Fifteen per centum on the amount payable by the bookmaker to such person in respect of such bet excluding the amount representing the amount staked.

(b) Fifteen per centum on the amount of the net winnings

of such bookmaker in respect of each period of six months commencing on the 1st April and the 1st October each year.

3. Any bet made at any place, other than a racecourse on a race day, by any person with a bookmaker licensed in terms of the Betting and Totalizator Control Act [Chapter 10:02] on any sporting event other than a horse race.

3. (a) Fifteen per centum on the amount payable by the bookmaker to such person in respect of such bet excluding the amount representing the amount staked.

(b) Fifteen per centum on the amount of the net winnings of such bookmaker in respect of each period of six months commencing on the 1st April and the 1st October each year.

4. Any bet or stake made by way of pool betting by any person with a licensed pool promoter or with a licensed representative, licensed in terms of the Pools Control Act [Chapter 10:19].
4. Fifteen per centum on the aggregate total bets or stakes in each pool competition.

5. Any bet made by way of fixed odds betting by any person with a bookmaker licensed in terms of the Betting and Totalizator Control Act [Chapter 10:02].
5. Fifteen per centum on the aggregate total bets made with such bookmaker in each fixed odds betting competition.

6. Any bet or stake made by any person through the medium of a totalizator licensed in terms of the Betting and Totalizator Control Act [Chapter 10:02].
6. Fifteen per centum on the gross takings of such totalizator.

7. Gaming revenue received by the holder of a casino licence in terms of the Casino Act [Chapter 10:03] other than a temporary casino licence in terms of that Act.
7. Fifteen per centum of the gaming revenue received in each quarter during the currency of the licence.

8. Banker's revenue received by a banker in terms of the Casino Act [Chapter 10:03], other than a banker referred to in item 10.

8. Fifteen per centum of the banker's revenue received.

9. Gaming revenue received by the holder of a temporary casino licence in terms of the Casino Act [Chapter 10:03].
9. Fifteen per centum of the gaming revenue received during the validity of the licence.

10. Banker's revenue received by a banker in terms of the Casino Act [Chapter 10:03] under an agreement with the holder of a temporary casino licence in terms of that Act.

10. Fifteen per centum of the banker's revenue received in terms of the agreement with the holder of the temporary casino licence.

CHAPTER V
BETTING AND GAMING TAX
[Chapter V repealed by S.I. 14/2004.]

CHAPTER VI
ESTATE DUTY

34 Interpretation in Chapter VI

(1) In this Chapter—

(a) “principal Act” means the Estate Duty Act [Chapter 23:03];

(b) every expression has the same meaning it would have when used in the principal Act.

(2) The expression “this Act” when used in the principal Act shall be construed as including a reference to this Chapter.

35 Rate of estate duty

For the purposes of section 3 of the principal Act the rate of estate duty shall be as set out in the Schedule.

Schedule to Chapter VI (Section 35)

RATE OF ESTATE DUTY

1. In the case of the estate of a person who died before the 1st August, 1981, the rate of estate duty chargeable upon each dollar of the dutiable amount shall be arrived at by multiplying fifteen thousandths (0,015) of a cent by a number equal to the number of complete one hundred dollars contained in the dutiable amount, any part of one hundred dollars being regarded as a complete one hundred dollars:

Provided that—

(i) the maximum rate upon each dollar of the dutiable amount shall be twelve and one-half cents;

(ii) there shall be deducted from the amount of duty determined at the rate so calculated a rebate—

(a) in the case of the estate of a person who died before the 1st October, 1972, of one thousand three hundred and fifty dollars;

(b) in the case of the estate of a person who died on or after the 1st October, 1972, but before the 1st August, 1981, of five thousand four hundred dollars;

and from the remaining amount there shall be deducted a sum equal to twenty per centum of such remaining amount.

2. In the case of the estate of a person who died on or after the 1st August, 1981, but before the 1st August, 1982, the rate of estate duty chargeable on each dollar of the dutiable amount shall be arrived at by multiplying two hundredths (0,02) of a cent by a number equal to the number of complete one hundred dollars contained in the dutiable amount, any part of one hundred dollars being regarded as a complete one hundred dollars:

Provided that—

(i) the maximum rate of duty shall be twenty cents;

(ii) there shall be deducted from the amount of the duty so determined a rebate of one thousand eight hundred dollars, which rebate shall be reduced by one hundred dollars for every complete one thousand dollars by which the dutiable amount exceeds thirty thousand dollars.

3. In the case of the estate of a person who died on or after the 1st August, 1982 but before the 1st April, 1989, the rate of estate duty chargeable on each dollar of the dutiable amount shall be arrived at by multiplying two hundredths (0,02) of a cent by a number equal to the number of complete one hundred dollars contained in the dutiable amount, any part of one hundred dollars being regarded as a complete one hundred dollars:

Provided that—

(i) the maximum rate of duty shall be twenty cents;

(ii) there shall be deducted from the amount of duty so determined—

(a) in the case of the estate of a person who died leaving no spouse, a rebate of one thousand eight hundred dollars, which rebate shall be reduced by one hundred dollars for every complete one thousand dollars by which the dutiable amount exceeds thirty thousand dollars;

(b) in the case of the estate of a person who died leaving a spouse, a rebate of seven thousand two hundred dollars, which rebate shall be reduced by four hundred dollars for every complete one thousand dollars by which the dutiable amount exceeds sixty thousand dollars.

4. In the case of the estate of a person who died on or after the 1st April, 1989, but before the 1st April, 1993, the rate of estate duty chargeable on each dollar of the dutiable amount shall be arrived at by multiplying two hundredths (0,02) of a cent by a number equal to the number of complete one hundred dollars contained in the dutiable amount, any part of one hundred dollars being regarded as a complete one hundred dollars:

Provided that—

- (i) the maximum rate of duty shall be twenty cents;
- (ii) there shall be deducted from the amount of duty so determined—
 - (a) in the case of the estate of a person who died leaving no spouse, a rebate of five thousand dollars, which rebate shall be reduced by one hundred dollars for every complete one thousand dollars by which the dutiable amount exceeds fifty thousand dollars;
 - (b) in the case of the estate of a person who died leaving a spouse, a rebate of twenty thousand dollars, which rebate shall be reduced by four hundred dollars for every complete one thousand dollars by which the dutiable amount exceeds one hundred thousand dollars.

5. In the case of the estate of a person who died on or after the 1st April, 1993, but before the 1st April, 1994, the rate of estate duty chargeable on each dollar of the dutiable amount shall be arrived at by multiplying two-hundredths (0,02) of a cent by a number equal to the number of complete one hundred dollars contained in the dutiable amount, any part of one hundred dollars being regarded as a complete one hundred dollars:

Provided that—

- (i) the maximum rate of duty shall be twenty cents;
- (ii) there shall be deducted from the amount of duty so determined—
 - (a) in the case of the estate of a person who died leaving no spouse, a rebate of five thousand dollars, which rebate shall be reduced by one hundred dollars for every complete one thousand dollars by which the dutiable amount exceeds one hundred and twenty-five thousand dollars;
 - (b) in the case of the estate of a person who died leaving a spouse, a rebate of twenty thousand dollars, which rebate shall be reduced by four hundred dollars for every complete one thousand dollars by which the dutiable amount exceeds two hundred and fifty thousand dollars.

6. In the case of the estate of a person who died on or after the 1st April, 1994, but before the 1st January, 2000, the rate of estate duty chargeable on each dollar of the dutiable amount shall be arrived at by multiplying two-hundredths (0,02) of a cent by a number equal to the number of complete one hundred dollars contained in the dutiable amount, any part of one hundred dollars being regarded as a complete one hundred dollars:

Provided that—

- (i) the maximum rate of duty shall be twenty cents;
- (ii) there shall be deducted from the amount of duty so determined—
 - (a) in case of the estate of a person who died leaving no spouse, a rebate of twenty-five thousand dollars, which rebate shall be reduced by one hundred dollars for every complete one thousand dollars by which the dutiable amount exceeds one hundred and twenty five thousand dollars.
 - (b) in case of the estate of a person who died leaving a spouse, a rebate of fifty thousand dollars, which rebate shall be reduced by four hundred dollars for every complete one thousand dollars by which the dutiable amount exceeds two hundred and fifty thousand dollars.

6A. In the case of the estate of a person who died on or after the 1st January, 2000 but before the 1st January, 2003, the rate of estate duty chargeable on each dollar of the dutiable amount shall be arrived at by multiplying two-hundredths (0,02) of a cent by a number equal to the number of complete one hundred dollars contained in the dutiable amount, any part of one hundred dollars being regarded as a complete one hundred dollars:

[Amended by Act 15 of 2002 from 1 January, 2003.]

Provided that—

(i) the maximum rate of duty shall be twenty cents;
(ii) there shall be deducted from the amount of duty so determined—
(a) in case of the estate of a person who died leaving no spouse, a rebate of fifty thousand dollars, which rebate shall be reduced by one hundred dollars for every complete one thousand dollars by which the dutiable amount exceeds two hundred and fifty thousand dollars.

(b) in case of the estate of a person who died leaving a spouse, a rebate of eighty thousand dollars, which rebate shall be reduced by four hundred dollars for every complete one thousand dollars by which the dutiable amount exceeds four hundred thousand dollars.

6B. In the case of the estate of a person who died on or after the 1st January, 2003, the rate of estate duty chargeable on each dollar of the dutiable amount shall be arrived at by multiplying two-hundredths (0,02) of a cent by a number equal to the number of complete one hundred dollars contained in the dutiable amount, any part of one hundred dollars being regarded as a complete one hundred dollars:

Provided that—

(i) the maximum rate of duty shall be twenty cents;
(ii) there shall be deducted from the amount of duty so determined—
(a) in case of the estate of a person who died leaving a spouse or any minor child or both a spouse and any minor child, a rebate of five million dollars, which rebate shall be reduced by four hundred dollars for every complete one thousand dollars by which the dutiable amount exceeds ten million dollars;

(b) in case of the estate of a person who died leaving no spouse or minor children, a rebate of fifty thousand dollars, which rebate shall be reduced by one hundred dollars for every complete one thousand dollars by which the dutiable amount exceeds two hundred and fifty thousand dollars.

[Inserted by Act 15 of 2002 from 1 January, 2003.]

7. Where estate duty becomes payable upon the value of any movable or immovable property or on a value determined by reference to the value of any movable or immovable property and duty has, upon the death of any person (hereinafter referred to as the first-dying person), who died within five years prior to the death of the deceased, become payable upon the value of that movable or immovable property or upon a value determined by reference to the value of that movable or immovable property (or any movable or immovable property for which the Master is satisfied that that movable or immovable property has been substituted), the duty attributable to the value of that movable or immovable property or, as the case may be, the value determined by reference to the value of that movable or immovable property, but not exceeding (in either case) an amount equal to the value on which duty has become payable on the death of the first-dying person, shall be reduced by a percentage according to the following scale—

(a) if the deceased dies within one year of the death of the first-dying person, one hundred per centum;

(b) if the deceased dies more than one year but not more than two years

after the death of the first-dying person, eighty per centum;

(c) if the deceased dies more than two years but not more than three years after the death of the first-dying person, sixty per centum;

(d) if the deceased dies more than three years but not more than four years after the death of the first-dying person, forty per centum;

(e) if the deceased dies more than four years but not more than five years after the death of the first-dying person, twenty per centum;

subject to a maximum reduction equal to so much of the duty previously payable upon the death of the first-dying person as is attributable to the value of that movable or immovable property or, as the case may be, to an amount equal to the value determined by reference to the value of that movable or immovable property and as is proved to the satisfaction of the Master to have been borne by the deceased or by the estate of the first-dying person.

8. In the case of any amount which—

(a) is due and recoverable under an insurance policy referred to in paragraph (f) of the proviso to paragraph (a) of subsection (3) of section 4 of the principal Act; and

(b) is deemed to be property of the deceased;

estate duty shall be charged at the same rate per dollar as is chargeable on the remainder of the deceased's estate excluding such amount.

CHAPTER VII

MINING DUTY AND FEES

36 Interpretation in Chapter VII

(1) In this Chapter—

(a) “principal Act” means the Mines and Minerals Act [Chapter 21:05];

(b) every expression has the same meaning it would have when used in the principal Act.

(2) The expression “this Act” when used in the principal Act shall be construed as including a reference to this Chapter.

37 Rates of mining duty and fees.

Schedule to Chapter VII (Section 37)

RATES OF MINING DUTY AND FEES

Provision of principal Act Rate of Duty or Fee

§ c

1. Section 275

(Transfer Duty) \$1 for each \$100 or part thereof of the consideration.

2. Section 276

(Fee for the registration of hypothecation of mining locations)

(1) Hypothecations passed before Secretary—

Amount secured

exceeding but not exceeding

\$ \$

0 20 0 20

20 40 0 30

40 60 0 50

60 100 0 75

100 200 1 00

200 300 1 50

300 400 2 00

400 600 2 50

600	800	3	00
800	1000	4	00
1000	1200	5	00
1200	1400	6	00
1400	1600	7	00
1600	1800	8	00
1800	2000	9	00

And for every additional \$200 or part thereof 0 50
 (2) For the registration of every deed of hypothecation 2
 00

3. Section 278
 (Fee for the registration of options on mining locations)

A primary fee of 2 00
 and

(a) where consideration is given, for every \$100 or part thereof of the consideration 1 00

(b) where no consideration is given 2 00

4. Section 280

(Fee for the registration of tribute agreements) 2 00

CHAPTER VIII
 CAPITAL GAINS TAX

37A Interpretation in Chapter VIII

Any word or expression to which a meaning has been assigned in the Capital Gains Tax Act [Chapter 23:01] shall bear the same meaning when used in this Chapter.

38 Rates of capital gains tax

The capital gains tax chargeable in terms of section 6 of the Capital Gains Tax Act [Chapter 23:01], shall be calculated—

(a)

[Repealed by section 30(b) of the General Laws Amendment (No.2) Act with effect from the year of assessment beginning 1 January 2002.]

(b) in the case of a capital gain arising from the sale or disposal of a principal private residence, as defined in section 21 of the Capital Gains Tax Act [Chapter 23:01], by an individual who had attained the age of fifty-nine years prior to the commencement of the year of assessment, at the rate of ten cents;

(c) in any other case, at the rate of twenty cents;

for each dollar of the capital gain determined in accordance with the Capital Gains Tax Act [Chapter 23:01].

39 Rates of capital gains tax withholding tax

The rates of capital gains withholding tax chargeable in terms of Part IIIA of the Capital Gains Tax Act [Chapter 23:01] shall be as follows—

(a) in the case of a sale of immovable property, ten per centum of the price at which the property was sold;

(b) in the case of a sale of a marketable security that is a listed security, five per centum of the price at which the security was sold;

(c) in the case of a sale of a marketable security other than a security referred to in paragraph (b), ten per centum of the price at which the security was sold.

[Inserted by Act 29 of 1998, amended by Act 22 of 1999 from 7 July 1999.]

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