

CHAPTER 184

THE FINANCE ACT (No. 1), 1996.

Arrangement of Sections.

Section

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Schedule

<i>Schedule</i>	Penalties and fines amended.
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CHAPTER 184

THE FINANCE ACT (No. 1), 1996.

Commencement: 16 June, 1995.

An Act to provide for the alteration of certain taxes and duties and to amend certain written laws relating to those taxes and for other purposes connected with the above.

1. Construction of this Act.

This Act shall be read as one with the East African Customs and Transfer Tax Management Act, in this Part referred to as the Act.

2. Amendment to section 2.

The Act is amended in section 2 by substituting for subsection (2)(a) the following—

“(a) goods shall be deemed to be entered when the entry made and signed by the owner in the prescribed manner, is lodged and has been processed by the proper officer”.

3. Amendment to section 28.

The Act is amended in section 28—

(a) by substituting for subsection (1) the following—

“(1) Save as otherwise provided in the Customs laws, the whole of the cargo of any aircraft or vessel which is unloaded or is to be unloaded, shall be entered by the owners within a period of twenty-one days after the commencement of discharge either for—

- (a) home consumption;
- (b) warehousing;
- (c) transshipment;
- (d) export ex-warehouse;
- (e) removal to another warehouse;
- (f) use as stores for aircraft or vessels; or
- (g) re-warehousing.”;

- (b) by inserting immediately after subsection (4) the following new subsections—

“(5) Where goods are entered for home consumption and are liable to taxes, payment of taxes should be effected within a period of forty-five days.

(6) A person who contravenes subsection (5) is liable to payment of a fine of 1% of the taxes assessed to be paid.”.

4. Amendment to section 106.

The Act is amended in section 106 by deleting the proviso occurring in subsection (1).

5. Amendment to section 108.

The Act is amended in section 108 by substituting for subsection (2)(c) the following—

- “(c) the rate of exchange to be used in determining the equivalent of the Shilling in foreign currency shall be—
- (i) the weighted average selling rates of the previous month’s exchange rates for the purpose of imports;
 - and (ii) the weighted average buying rates of the previous month’s exchange rates for the purpose of exports.”.

6. Miscellaneous fines and penalties.

The fines and penalties specified under the second column of the Schedule to this Act are substituted for the fines and penalties appearing in the section indicated in the first column.

Penalties and fines amended.

Section	Penalty or fine
19(2)	Fine not exceeding one hundred thousand shillings
31(2)	Fine not exceeding fifty thousand shillings
71(2)	Fine not exceeding two hundred thousand shillings
80(3)	Fine not exceeding 200% of the value of such deficiency or surplus in cargo or stores
87(2)	Fine not exceeding one million shillings
89(2)	Fine not exceeding five hundred thousand shillings
145(c)(i)	Fine not exceeding three million shillings and any vessel and goods in respect of which such offence has been committed shall be liable to forfeiture
145(c)(ii)	Fine not exceeding five million and liability to forfeiture
145(c)(iii)	Fine not exceeding five million and liability to forfeiture
146	Imprisonment for a term not exceeding five years or to a fine equal to ten percent of the CIF value of the goods or to three times the duty and taxes, whichever is greater or to both such fine and imprisonment
151	Fine not exceeding shillings two hundred thousand and liability to forfeiture
152	Fine not exceeding shillings two hundred thousand and liability to forfeiture
168(1)(a)	One hundred thousand shillings
168(1)(b)	Four hundred thousand shillings
168(1)(c)	Four hundred thousand shillings
174	Substitute for shillings ten thousand shillings five million whenever it occurs
186(2)	Fine not exceeding two hundred thousand shillings

History: Statute 9/1996; Act 3/1996, ss. 9, 11; Act 1/1999, ss. 16, 17; Act 7/1999, s. 17.

Cross Reference

East African Customs and Transfer Tax Management Act, Laws of the Community, 1970 Revision, Cap. 27.