

CHAPTER 347

THE TAX RESERVE CERTIFICATES ACT.

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CHAPTER 347

THE TAX RESERVE CERTIFICATES ACT.

Commencement: 27 June, 1957.

An Act to provide for the issue of tax reserve certificates, for the satisfaction of liability for tax therewith, and for other matters incidental thereto and connected therewith.

1. Interpretation.

In this Act, unless the context otherwise requires—

- (a) “certificate” means a tax reserve certificate issued under section 2 and includes a duplicate of it issued under section 11;
- (b) “Commissioner General” means the Commissioner General of Income Tax and any person empowered by law to exercise the powers of the Commissioner General;
- (c) “registered holder” means the person registered as the holder of the certificate under section 4;
- (d) “Secretary to the Treasury”, in relation to any power or duty to be exercised or performed under this Act, includes any person to whom that power or duty has been delegated under section 15;
- (e) “tax” means income tax and surtax.

2. Issue of certificates.

The Secretary to the Treasury may issue tax reserve certificates which shall be in such form and of such denominations and shall bear interest at such rate, and be subject to such other conditions as may be prescribed.

3. Purchase of certificates.

Any person, on making application in the prescribed manner to the Secretary to the Treasury and on paying an amount equal to the face value of the certificates, shall be entitled to purchase certificates.

4. Registration of purchase and transfer.

The purchaser of a certificate and, in the case of some other person becoming lawfully entitled to the certificate, that other person, shall be registered by the

Secretary to the Treasury as the registered holder of the certificate in the prescribed manner.

5. Satisfaction of tax by certificates.

At any time within three years from the date of the purchase of a certificate, the registered holder of the certificate may, in the prescribed manner, transfer to the Commissioner General, and the Commissioner General shall accept, any certificate at its face value in payment of the whole or part of any amount due and payable in respect of tax; except that the Commissioner General shall not be obliged to accept certificates of a face value greater than the amount of the tax payable by the registered holder.

6. Interest.

(1) There shall be paid on the face value of every certificate transferred to the Commissioner General under section 5 interest at the prescribed rate for every completed month commencing on the first day of the month after the date of its purchase and ending on the last day of the month immediately preceding that in which it is transferred in payment of tax under section 5; except that when a certificate is transferred to the Commissioner General on the last day of a month in payment of any tax payable on that day interest shall be payable in respect of that month also.

(2) Interest payable under subsection (1) shall be paid by the Secretary to the Treasury.

7. Certificates not normally transferable.

(1) Except as provided in section 5 and subsection (2), a certificate shall not be transferable.

(2) The Secretary to the Treasury shall authorise the transfer of a certificate if—

- (a) the registered holder is about to leave Uganda permanently or for a period which will, or is likely to, extend beyond three years from the date of the purchase of the certificate;
- (b) he or she is satisfied that undue hardship will be occasioned to the holder of the certificate if the transfer of the certificate is not permitted, or that for any other reason it is just and equitable to permit a transfer of the certificate.

(3) Nothing in subsection (1) shall prevent the transfer or transmission of a certificate by operation of law or the attachment or sale of any certificate in execution of any decree.

(4) On the transfer or transmission of a certificate under this Act or by operation of law or on the sale of any certificate which has been attached in execution of any decree, the transferee shall notify the Secretary to the Treasury in the prescribed manner.

8. Maximum holding.

No person may hold at any one time certificates to a value exceeding one hundred thousand pounds except with the prior approval in writing of the Secretary to the Treasury.

9. Redemption by registered holder.

(1) The registered holder of a certificate may at any time after the expiration of three years after the first day of the month following the date of purchase, on giving not less than three months' notice in writing to the Secretary to the Treasury, surrender the certificate to the Secretary to the Treasury by remitting it to him or her in the prescribed manner, and on so surrendering the certificate, shall be entitled to be paid an amount equivalent to the face value of the certificate.

(2) In the event of the death of the registered holder or in any other special circumstances, the Secretary to the Treasury may permit the surrender of a certificate before the expiration of the three years specified in subsection (1).

(3) No interest shall be payable in respect of any certificate surrendered under this section unless in the opinion of the Secretary to the Treasury the circumstances in which the certificate is surrendered justify the payment of interest and he or she authorises the payment of interest accordingly.

(4) If the Secretary to the Treasury authorises the payment of interest under subsection (3), interest shall be paid at the prescribed rate for every completed month commencing on the first day of the month after the date of the purchase of the certificate and ending on the last day of the month

immediately preceding that in which it is surrendered.

10. Redemption by Commissioner General.

The Commissioner General may at any time surrender a certificate to the Secretary to the Treasury by delivery and on so surrendering a certificate shall be entitled to be paid an amount equivalent to the face value of the certificate.

11. Issue of duplicate certificates.

(1) Subject to subsection (2), a duplicate of any certificate lost, destroyed or mutilated may, on application in the prescribed manner and on payment of the prescribed fee, be obtained by the registered holder from the Secretary to the Treasury.

(2) In the case of a lost certificate no duplicate may be issued until the loss has been advertised in the Gazette.

(3) The cost of the advertisement under subsection (2) shall be defrayed out of the fee payable under subsection (1).

(4) On the issue of a duplicate, the certificate which it replaces shall thereupon for all purposes become void.

(5) On the issue of a duplicate, the certificate which it replaces shall thereupon become the property of the Secretary to the Treasury and shall immediately be returned to him or her by any person into whose possession, custody or control it comes.

12. Surrender for other certificates.

(1) The registered holder may at any time on application in the prescribed manner surrender a certificate to the Secretary to the Treasury in exchange for two or more certificates of a face value less than, but in the aggregate equivalent to, the face value of the certificate so surrendered.

(2) Every certificate issued in exchange for a certificate surrendered under subsection (1) shall, for the purposes of section 6, be deemed to have been purchased on the date on which the surrendered certificate was purchased or deemed to be purchased.

13. Proceeds of certificates.

The monies received for the purchase of certificates shall be paid into and form part of the Consolidated Fund, and any amount required for the redemption of any certificate and for the payment of any interest on it shall be paid by the Secretary to the Treasury out of the Consolidated Fund which is charged with such payments and appropriated to that purpose.

14. Regulations.

The Minister may make regulations for better carrying out the purposes and provisions of this Act and for prescribing anything which is or may be prescribed.

15. Devolution of powers and duties of Secretary to the Treasury.

The Minister may, by statutory order, direct that all or any of the powers and duties of the Secretary to the Treasury under this Act shall be exercisable and may be performed by any person specified in the order, and thereupon the powers and duties so delegated shall accordingly be exercisable and may be performed by the person so specified.

16. Certificate deemed to be a cheque.

For the purposes of Chapter XXXIV of the Penal Code Act, a certificate shall be deemed to be a cheque.

17. No duty payable on transfer of certificate.

No duty shall be payable under the Stamps Act upon the transfer or surrender of any certificate.

18. Saving in respect of acts done bona fide.

Nothing in this Act shall be construed to render the Secretary to the Treasury or any other person to whom any power or duty under this Act has been lawfully delegated personally liable for any act bona fide done by him or her in exercise or purported exercise of any such power.

History: Cap. 170; S.I. 84/1968.

Cross References

Penal Code Act, Cap. 120.

Stamps Act, Cap. 342.