

GOVERNMENT OF ZAMBIA

ACT

No. 35 of 1989

Date of Assent: 26th December, 1989

An Act to provide for the imposition and payment of mineral export tax and tax on revenue from copper, and to provide for matters connected with or incidental to the foregoing.

[29th December, 1989]

ENACTED by the Parliament of Zambia.

1. This Act may be cited as the Mineral Tax Act, 1989, and shall come into operation on 1st April, 1990.

2. (1) In this Act, unless the context otherwise requires—

“charge year” shall have the meaning ascribed to it in the Income Tax Act;

“Commissioner” means the Commissioner of Taxes appointed under the Income Tax Act;

“Deputy Commissioner” means a Deputy Commissioner appointed under the Income Tax Act;

“export” means export for sale.

(2) Unless the context otherwise requires, words and expressions not defined in this Act but defined in the Income Tax Act shall in this Act have the meanings assigned to them in the Income Tax Act.

3. (1) The Commissioner shall, subject to the directions of the Minister, be responsible for giving effect to the provisions of this Act, and shall for that purpose have all the powers conferred on him by the Income Tax Act.

(2) The Commissioner may, by writing under his hand and subject to such conditions as he may specify, delegate to a Deputy Commissioner or to any officer in the department responsible for taxes any powers conferred or any duty imposed on him by this section

Enactment

Title and Commencement

Interpretation

Cap. 668

Cap. 668

Cap. 668

Cap. 668

Functions and powers of the Commissioner

Cap. 668

Imposition
and pay-
ment of
mineral
export tax

4. (1) There shall be charged, levied and collected, from every person or partnership exporting any mineral out of Zambia, a mineral export tax at the rate of 20 per centum of the value in kwacha of the total amount realised from the export and sale of such mineral.

(2) The tax shall be levied at the end of each month during each charge year and shall be based on the total amount received during such month.

(3) The Tax shall become due and payable within fourteen days following the end of the month to which the tax relates:

Provided that the Commissioner may, for sufficient cause shown, allow such longer period as he may determine either generally or in any particular case.

Exemptions

5. (1) Pursuant to the provisions of any agreement to which the Republic is a party, the Minister may, by statutory instrument, exempt any person or partnership from payment of mineral export tax under section *four*.

(2) The Minister may, by statutory instrument, reduce, for such period and to such extent as he thinks fit, the rate of mineral export tax payable by any person under section *four*.

(3) Statutory instruments made under this section may, be made with retrospective effect.

Imposition
and pay-
ment of tax
on copper
revenue

6. (1) There shall be charged, levied and collected from every person or persons in partnership for each charge year a tax on the revenue from copper when the average monthly price of copper on the London Metal Exchange exceeds one hundred United States cents per pound weight as set out in the Schedule to this Act:

Provided that where revenue from copper is taxed under this section it shall not be liable to tax under the Income Tax Act.

(2) The tax on the revenue from copper shall be levied at the end of each month of each charge year and shall become due and payable within fourteen days following the month for which it is charged:

Provided that the Commissioner may, for sufficient cause shown, allow such longer period as he may determine either generally or in any particular case.

Penalty for
late pay-
ment

7. Where any amount of tax is not paid within the period prescribed by or allowed under this Act a penalty equal to five per centum of the unpaid amount shall be charged for each month or part thereof for which the tax remains unpaid, and for the purposes of recovery and collection such penalty shall be deemed to be part of the tax:

Provided that the Commissioner may, for sufficient cause shown, remit the whole or any part of the penalty.

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8. Subject to the provisions of this Act, sections *sixty-nine, seventy, seventy-nine, seventy-nine A, Seventy-nine B, seventy-nine C, eighty-two B, eighty-three, eighty-four, eighty-six and ninety-two* of the Income Tax Act, shall, with necessary modifications apply to the recovery of the tax under this Act.

Recovery,
etc., of tax
Cap. 688

9. Every person or partnership liable to tax under this Act shall register with the Commissioner within thirty days following the commencement of this Act, or, in the case of a person or partnership becoming liable to tax after the commencement of this Act, within thirty days of so becoming liable.

Registration

10. Any tax or penalty chargeable under this Act shall not be allowed as a deduction under the Income Tax Act:

Tax not a
deduction
under
Cap. 688

Provided that the Minister may, by statutory instrument, exempt any person from the application of this section.

11. Subject to the provisions of this Act, the provisions of Part X of the Income Tax Act, relating to contraventions of the provisions of the Income Tax Act and to penalties for such contraventions shall, with necessary modifications apply to the contraventions of this Act, as if a contravention of any provision of this Act were a contravention of the provisions of the Income Tax Act.

Offences
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Cap. 688

Cap. 688

12. Subject to section *thirteen* the Mineral (Export Tax) Act, 1983 is hereby repealed.

Repeal of
Act No. 5
of 1983

13. Notwithstanding section *twelve* any orders or regulations made under the Mineral (Export Tax) Act shall remain in full force and effect until amended, revoked or replaced by orders and regulations made under this Act.

Savings

14. The Minister may, by statutory instrument, make regulations for the proper carrying out of the purposes of this Act.

Regulations

SCHEDULE

(Section 5)

TAX ON COPPER REVENUE

Where the price—	Rate per centum
does not exceed 100 cents	Nil
exceeds 100 cents but does not exceed 105	60
exceeds 105 but does not exceed 110	70
exceeds 110 cents but does not exceed 115	80
exceeds 115 cents but does not exceed 120	95
exceeds 120 cents	100