

CHAPTER 180

THE FINANCE ACT, 1992.

Arrangement of Sections.

Section

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Schedule

<i>Schedule</i>	Fifth Schedule to the East African Customs and Transfer Tax Management Act.
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CHAPTER 180

THE FINANCE ACT, 1992.

Commencement: 14 February, 1992.

An Act to amend the East African Customs and Transfer Tax Management Act.

1. Construction of this Act.

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

2. Amendment of section 50.

The principal Act is amended in section 50(2) by substituting for the existing fine the fine of “one hundred thousand shillings”.

3. Amendment of section 114.

The principal Act is amended in section 114 by renumbering the existing provision as subsection (1) and inserting the following new subsections—

“(2) Where any duty payable to the Government under subsection (1) or as penalty under this Act by a person is not paid one month after the due date of payment, the Director-General may authorise distress to be levied upon the following items—

- (a) goods, chattels and effects any where in the country;
- (b) material for manufacturing or plant of a factory;
- (c) premises, vehicle or other property; or
- (d) animal; which are in the possession or custody of—
 - (e) that person;
 - (f) his agent; or
 - (g) any other person on his behalf.

(3) The warrant of distress to be issued by the Director-General shall—

- (a) be in the form set out in the Fifth Schedule to this

- Act;
- (b) specify the amount of duty for which the authority to distrain is given;
 - (c) specify the person authorised to distrain.

(4) A person authorised to distrain under subsection (3) may, if necessary, break open any building or place during the day time with the assistance of a police officer or other person who can lawfully give assistance.

(5) A person authorised to distrain shall keep the item distrained at the expense of the owner for fourteen days from the date of distress or until the amount due together with the costs and any other charges are paid in full before the end of the fourteen days and if payment is not effected after that period the person authorised to distrain may sell the item.

(6) Where an item is sold under subsection (5) the proceeds of the sale shall be applied as follows—

- (a) payment of the tax due to the Government;
- (b) payment of a fine imposed for nonpayment of the tax, if any;
- (c) payment of the expenses or other charges for levying of distress and for the sale; and
- (d) the balance, to be paid to the owner within six months from the date of the sale of the item.”.

4. Addition of a Fifth Schedule.

The principal Act is amended by adding a Fifth Schedule after the Fourth Schedule as set out in the Schedule to this Act.

5. Insertion of a new section 125A.

The principal Act is amended by inserting immediately after section 125 the following new section—

“Licensing of Agents.	125A.	(1) The Director-General may, as prescribed by regulation, license persons to act as agents for transacting business relating to the entry or clearance of any aircraft, vehicle, vessel, goods or
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baggage other than accompanied non-manifested personal baggage of a person travelling by air, land or sea.

(2) No person shall be licensed by the Director-General to act as agent under this Act unless the Director-General is satisfied that, that person has the ability, the necessary equipments, including a registered office, storage premises, facilities for the handling and safe custody of cargo and documents to effectively transact business in accordance with the provision of this Act.”.

6. Substitution of section 158.

The principal Act is amended by substituting for section 158 the following—

“158. (1) An officer, or a police officer or an authorised public officer may seize any aircraft, vessel, vehicle, goods, animal or other thing liable to forfeiture under this Act or which he has reasonable ground to believe is liable to forfeiture; and that aircraft, vessel, vehicle, goods, animal or other thing may be seized regardless of the fact that any court proceedings under this Act which renders that thing liable to forfeiture have been, or are about to be instituted.

(2) Where a thing is seized or detained as liable to forfeiture under this Act by a person other than a proper officer, that person, shall, subject to subsections (3) and (4)—

- (a) deliver that thing to the nearest office of Customs and Excise;
- (b) if delivery is not practicable, give to the Director-General notice in writing, at the nearest office of Customs and Excise, of the seizure or detention, with full particulars of the thing seized or detained.

(3) Any aircraft, vessel, vehicle, goods, animal or other thing seized and detained under this Act shall be taken to a customs warehouse or to such other place of security as the proper officer may consider appropriate.

(4) Where a person seizing or detaining a thing as liable to forfeiture under this Act is a police officer and that thing is or may be required for use in connection with any court proceedings to be brought otherwise than under this Act, the police officer may, subject to subsection (5) keep that thing in the custody of the police until those proceedings are completed or until it is decided that no proceedings shall be instituted.

(5) Where a thing seized is retained in the custody of the police under subsection (4) the following provisions shall apply—

- (a) the police officer shall give notice in writing of the seizure or detention and of the intention to retain the thing in the custody of the police, together with full particulars of the thing, to the Director-General at the nearest office of Customs and Excise;
- (b) an officer shall be permitted to examine that thing and take account at any time while it remains in the custody of the police;
- (c) the disposal of the thing and payment of duty in respect of that thing shall be determined by court;
- (d) where the court orders the release of that thing the Director-General shall assess and collect any duty payable on that thing prior to restoration of the thing to the owner.

(6) If a person, not being a proper officer, who seized, detained or has custody of the things seized or detained, fails to comply with the requirements of this section or with any direction of the Director-General he shall be guilty of an offence and liable to imprisonment for a term not exceeding three years or to a fine not exceeding five million shillings or to both such imprisonment and fine.

(7) The Director-General may, at any time prior to the commencement of any proceedings relating to any aircraft, vessel, vehicle, goods, animal or other thing which had been seized under this Act, if he is satisfied that it was not liable to seizure, release and return it to the person from whom it was seized.

(8) No officer shall be liable to any legal proceedings for any action taken in good faith and in accordance with this section.”.

“FIFTH SCHEDULE (s. 114)

WARRANT OF DISTRESS.

To:

I, _____, the
Director-General
of Customs and Excise Department by virtue of the power vested in me by
section 114(3) of the East African Customs and Transfer Tax Management
Act do hereby authorize you to collect and recover the sum of _____
due for duty from _____ having
his
premises at _____ and for the
recovery
thereof I further authorise that you, with the aid (if necessary) of your
assistants and calling to your assistance any police officer (if necessary)
which assistance they are hereby required to give, do forth levy by distress
the said sum together with the costs and charges of and incidental to the
taking and keeping of such distress, on the goods, chattels or other
distrainable things of the said person wherever the same may be found, and
all vessels, vehicles, animals, and other articles, used within Uganda in
commercial transactions which you may find in any premises or any lands in
the use or possession of the said tax payer or any person on his behalf or in
trust for him.

And for the purpose of levying such distress you are hereby authorised,
if necessary, with such assistance as aforesaid to break open any building or
place in the day time.

GIVEN under my hand at _____
this ____ day of _____, 20 ____.”

History: Statute 1/1992; Act 17/1994, s. 20; Statute 9/1996, s. 19; Act
1/1999, ss. 11, 16; Act 7/1999, ss. 12, 22.

Cross Reference

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