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TAX AND LAND TRANSFER TAX BILL

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My Lord,

I have the Honour to transmit herewith copies of a Bill intituled an Ordinance relating to the Imposition, Assessment and Collection of Land Tax and Land Transfer Tax, which will be introduced at the next Session of Legislative Council. It is reasonable to suppose that the Bill will be amended in various particulars during discussion in Council and I am therefore deferring to send to Your Lordship the usual Comparative Table and Statement of Reasons until Council has considered and passed the Bill.

2. The main provision of the Bill, as regards the sections dealing with a graduated land tax, follow Australian precedent, though the principle of initial assessment by the prospective tax-payer is adopted, subsequent valuations should be satisfactorily dealt with by the system of district distribution of Land Department Staff.

It is anticipated that no special staff would be required to deal with this tax, though of course

THE RIGHT HONOURABLE

VISCOUNT MILNER, P.C., G.C.B., G.C.M.G., &c. &c.,

SECRETARY OF STATE FOR THE COLONIES,

DORNING STREET,

LONDON, S.W.

of course provision is inserted in the Bill for appointments under it.

3. The Land Transfer Tax proposed **161** consist in refusing registration to a transfer until a payment is made of 30% of the increased increment obtained by the transfer. As Hon. Mr. Loyal will observe, section 13 contains a clerical error which fails to express the intention correctly, and the amount of the tax is not to be the increase, but the increase of the unimproved value.

No special arrangements of staff are required for the collection of this tax, since it can be dealt with automatically by the re-constituted Registration section of the Department.

4. Appended to the Bill is a suggested scale of graduated land tax, which requires to be annually proclaimed, and is of course subject to annual modification.

5. The object of the Bill generally is to obtain a very considerable amount of revenue at an inconsiderable expense, and I see no reason why that object should not be attained.

I have the honour to be,

Your Lordship's

humble, obedient servant,

*H. B. Brown*  
ACTING SECRETARY.

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A Bill

for the Imposition, Assessment, and Collection of a Tax and Land Transfer Tax

## A Bill

## intituled

**An Ordinance relating to the Imposition, Assessment and Collection of Land Tax and Land Transfer Tax.**

## PART I

## INTRODUCTORY.

1. This Ordinance may be cited as "The Land Tax Ordinance." Short title
2. This Ordinance is divided into parts, as follows: Division of Ordinance
- Part I. Introduction.
- Part II. Administration of Ordinance.
- Part III. Land Tax and Land Transfer Tax.
- Part IV. Returns and Assessment.
- 10 Part V. Objections.
- Part VI. Collection and Recovery of Taxes.
- Part VII. Miscellaneous.
3. In this Ordinance, unless the context otherwise requires: Interpretation
- "Agent" includes every person who in the Protectorate for  
15 or on behalf of any other person outside of the Protectorate (hereinafter called "the principal") has the control or disposal of any land belonging to the principal, or the control, receipt, or disposal of any rents, issues, or proceeds derived from any such land.
- 20 "Local Authority" means a Municipal Council constituted under the Municipal Corporation Ordinance, 1908, or any Committee or other authority appointed under the East Africa Townships Ordinance, 1908, for the purposes of the said Ordinance.
- "Owner" in relation to land includes every person who jointly  
25 or severally, whether in law or in equity
- (a) is entitled to land for any estate in possession; or
- (b) is entitled to receive, or in receipt of, or if the land were let to a tenant would be entitled to receive, the rents or profits thereof, whether as beneficial owner, trustee, mortgagee in possession, or otherwise; and includes every person who by virtue  
30 of this Ordinance is deemed to be the owner. "Owned" has a meaning corresponding with that of owner.

"Joint owners" means persons who own land jointly or in common, whether as partners or otherwise.

"Land tax" or "Land Transfer Tax" means the taxes imposed by this Ordinance.

"Payer" means any person chargeable with land tax, or land transfer tax.

"Trustee" in addition to every person appointed or constituted trustee by act of parties, order, or declaration of a court, or by operation of law, includes—

(a) An executor or administrator, guardian, committee, receiver, or liquidator, and

(b) Every person having or taking upon himself the possession or control of land affected by any express or implied trust, or acting in any fiduciary capacity, or having the possession, control or management of the land as a person under legal or other disability.

"Person" includes a company.

"Company" includes all bodies corporate, whether or not incorporated.

"Improved value" in relation to land means the capital value which the land might be expected to realize if offered for sale on such reasonable terms and conditions as a bona fide seller would require.

"Unimproved value" in relation to land means the capital sum which the land might be expected to realize if offered for sale on such reasonable terms and conditions as a bona fide seller would require, assuming that the improvements (if any) thereon contemplated thereto and made or required by the owner to be made, or had not been made.

"Mortgage" includes any charge upon land, or interest therein, however created, for the security of money.

"Mortgagee" includes every person entitled in law or in equity to such charge or any part thereof.

## PART II

### ADMINISTRATION OF ORDINANCE

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4. (1) The collection and recovery of taxes imposed by virtue of this Ordinance shall be under the control, direction and management of the Commissioner of Lands (in this Ordinance referred to as "the Commissioner").

(2) The Governor may from time to time

(a) On the recommendation of the Commissioner appoint and employ such other officers and clerical staff as are necessary for the proper administration of or for the purposes of this Ordinance;

(b) Assign to any one he so appoints to office or employs to such duties and functions as he thinks fit.

## PART III

### LAND TAX AND LAND TRANSFER TAX.

Subject to the provisions of this Ordinance there shall be levied and paid to the Commissioner for year ending the thirty-first day of December, One thousand nine hundred and twenty-one, and every subsequent year for the use of His Majesty in aid of the General Revenues of the Protectorate, and in manner hereinafter directed, a land tax upon the unimproved value of all lands situate in the Protectorate at such rates as the Governor shall, with the approval of the Legislative Council from time to time declare by Proclamation, with the following exceptions—

(i) Unalienated Crown lands.

(ii) All land the property of, and occupied by or on behalf of His Majesty.

(iii) All land the property of the Crown which has not been alienated for a period of five years.

(iv) All land owned by any Local Authority.

(v) All land reserved by the Governor in Council under the Crown Lands Ordinance, 1915, for the use and support of Native tribes.

(vi) All land owned by or in trust for a charitable or educational institution, if the institution, however, formed or constituted, is carried on solely for charitable or educational purposes and not for pecuniary profit.

Land tax and land transfer tax to be collected etc. by the Commissioner of Lands.

Power of Governor to appoint other officers and clerical staff.

Land tax

Land exempt from taxation.

(vii) All land owned by or in trust for a religious society the proceeds whereof are devoted solely to the support of the aged or infirm clergy or ministers of the society or their wives or widows or children or to religious, charitable or educational purposes;

(viii) All land owned by or in trust for any person or society and used or occupied by that person or society solely as a site for:—

(1) A place of worship for a religious society, or a place of residence for any clergy or ministers or order of a religious society;

(2) A charitable or educational institution not carried on for pecuniary profit;

(3) A building owned and occupied by a society, club or association, not carried on for pecuniary profit;

(4) A public library, institute or museum;

(5) A public cemetery or public burial ground;

(6) A public garden, public recreation ground or public reserve;

(7) A public road.

Land tax shall be levied and paid by every owner of land in respect of all land of which he is the owner. Provided that in case of an owner of several estates or parcels of land (not being a trustee of different estates for the benefit of different persons or parcels) the aggregate of the values of such several estates or parcels shall be regarded for the purpose of taxation as aggregate represented the unimproved value of a single parcel.

Land tax shall be charged on land assessed at noon on the first day of December from 1884 according to the amount of the tax payable.

Any person whose name appears as being the owner of land in the assessment immediately preceding the financial year in which he dies shall be deemed to be the owner of that land under a will or intestacy or by operation of law or by instrument in writing at the time of his death, and shall be the person liable to pay the tax thereon.

Every person giving notice in writing to the Commissioner that he has sold or disposed of the land of which he is shown in the assessment, whether by sale, conveyance, assignment or otherwise, or that he has been deprived thereof by operation of law, and

who furnishes the Commissioner with full particulars, in writing, of the transaction, the price obtained for the land, the name and address of the purchaser or transferee thereof, or of such facts as relieve him from liability at law, such particulars to be verified by statutory declaration in the prescribed manner.

Provided that any person who shall pay the land tax for any year in respect of any land which he has parted with or disposed of by sale, conveyance, assignment, or otherwise before the first day of June in that year, shall be entitled to receive from the purchaser or transferee or any class of competent persons a fair and proper proportion of the amount of any tax payable thereon, as paid to the use of such purchaser or transferee.

Persons owning land as joint tenants, tenants in common, copartners, co-trustees, or on a joint account shall, in respect of land so owned and for the purposes of the land tax thereon, be deemed to be a single taxpayer, and shall be jointly and severally liable for the payment of the tax without regard to the relative shares or interests in the land.

The account of every taxpayer as to the tax payable in his representative capacity shall be kept separate and distinct from the account of the tax payable in his individual name; and the account of taxpayers jointly entitled to or interested in, whether as partners or otherwise, the same land, as several persons in respect of such land, shall be kept jointly and separately and distinct from the sole accounts of such taxpayers.

Let's and payment.

Date at which assessed determined for purposes of tax.

Person liable to pay the tax in case of death or intestacy or by operation of law or by instrument in writing affecting title to land. Decedent owner under Ordinances, unless Commissioner of Lands notified.

Joint tenants.

Keeping of accounts.

10. (1) Every agent for any owner of any land subject to land tax under this Ordinance who may be personally liable therefor shall be exempt from the provisions and every provision of any law subject to land tax under this Ordinance which is assessed respectively in respect of such land or of which he is such agent or a trustee of such land of which he is trustee, as the case may be.

(2) Every such agent and trustee shall, subject to the provisions of sub-section (1), be chargeable with the land tax payable in respect of such land in the same manner as if the land were his own, but he shall be assessed in respect thereof in a representative character only, and the provisions of this section shall apply and each such assessment shall be kept separate and distinct from the individual assessment (if any) of such agent or trustee.

(3) Every such agent shall be answerable for the doing of all such acts, matters or things as would be required to be done by the owner.

(4) Every such agent or trustee shall be subject to the same penalties or liability for any neglect, refusal or default in respect of the obligations and requirements of this Ordinance as the person whom such agent or trustee represents would be subject.

(5) Every such agent or trustee is hereby authorized to recover from any person for whom, or on whose behalf, he is chargeable to pay and has paid land tax, the amount of the land tax so paid by him, or to retain out of any money which shall come to him in his representative character so much, from time to time, as shall be sufficient to pay such land tax.

(6) Such agent or trustee shall not be personally liable for land tax to any further or greater extent than to the amount of such funds or securities for money as are or may be in his hands in his representative character or as trustee, or of which he shall have the controlling power, after necessary notice of such assessment has been provided.

11. The Commissioner may, if he thinks fit, from time to time, and at any time, require any taxpayer to furnish any information, in writing or by verbal communication, and to produce for examination by the Commissioner or by any person appointed by him for that purpose, all books, instruments, or other documents or writings in his possession or under his control so may be necessary to enable the Commissioner to determine the rate at which such taxpayer is liable to taxation under this Ordinance in respect of such land.

**Distribution of Burden of Land Taxation**

12. Every taxpayer shall be liable to the Commissioner for the full payment of the whole amount of the tax.

13. In any case where two or more persons are the owners or joint tenants, tenants in common, or partners, or co-owners, or as a joint tenant, the burden of the tax in respect of such land shall, as between such persons, be distributed amongst them in the relative proportions of the value of their shares or interests in the land taxed. And every taxpayer who shall have paid the land tax shall be entitled to recover from every other taxpayer or person of the land tax of the same land a proper proportion of the amount paid.

14. Where a taxpayer makes default in the payment of land tax then without in any way releasing him from his liability the following provisions shall apply as long as the default continues—

(a) If the tax is payable in respect of land subject to any lease or tenancy, or any other right, then the tenant or occupier shall be responsible for the payment of the tax, and it may be recovered from him as if he were a rate-paying taxpayer.

(b) An assessment made under this section by a third person shall be deemed to be made in behalf of the defendant.

11. The land transfer tax shall be paid to the Commissioner upon the first transfer of any land after the commencement of this Ordinance and on every subsequent transfer anything herein to the contrary notwithstanding a like tax at the same rate or the difference between the consideration expressed in such transfer and the consideration expressed in the transfer prior thereto.

Land transfer tax

12. No tax shall be payable under this section on any transmission of land of a deceased person or upon any transfer from executors or administrators to the devisee or devisees of such land or to the persons entitled thereto upon a distribution of the estate, and any value ascertained upon any such transmission or transfer shall not be deemed to be a value for the purposes of this Ordinance.

No tax payable on transmission by death

13. No transfer of land shall be registered in any register under any Ordinance relating to the registration of deeds or instruments affecting title to land until after the payment of any land transfer tax payable under this Ordinance.

Transfer not to be registered until tax paid

14. Unless otherwise agreed upon between the parties, any land transfer tax payable under this Ordinance shall be payable by the transferor.

Unless otherwise agreed tax payable by transferor

15. If any land transfer tax payable under this Ordinance is paid by any person other than the person liable for the payment thereof, it shall be recoverable from the person so liable in an action at the suit of the person by whom it was paid in any Court of competent jurisdiction as a debt due by such person.

16. Where part only of an original holding is transferred the amount of land transfer tax payable on such transfer shall be ascertained by determining what proportion such part bears to the original holding and the land transfer tax payable on such transfer shall be in the proportion so ascertained.

Tax payable on the part of the whole, etc.

PART VI

RETURNS, ASSESSMENT AND LIABILITY

Section 17

17. (1) For the purposes of assessment and levy of land tax every taxpayer shall each financial year, in the prescribed manner, and within the prescribed time, file a return setting forth a full and complete statement of all land owned by him at noon on the thirty-first day of December then last past, and of the improved and unimproved value of every parcel thereof.

Taxpayer to furnish returns

Provided that except as otherwise required by the Commissioner as prescribed, a taxpayer who in any financial year has furnished the full returns above mentioned may in each of the two succeeding years furnish, in lieu of such full returns as above mentioned, supplementary returns setting out a full and complete statement of all land of which he has become or ceased to be the owner since the thirty-first day of December preceding the last full return, and of the improved and unimproved value of every parcel thereof, with such other particulars as are prescribed.

(2) In addition to the returns specified in the last preceding section every person, whether a taxpayer or not, shall, as and when required by the Commissioner, make such further or other returns as the Commissioner requires for the purposes of this Ordinance, or such returns as may be necessary for the purpose of ascertaining the land transfer tax payable upon the first transfer of any land after the commencement of this Ordinance.

18. Any return purporting to be made or signed by or on behalf of any taxpayer or person shall be deemed to have been duly made and signed by him until the contrary is proved.

Returns deemed to be duly made

...the Commission shall not be bound by any return made by a taxpayer, but after the expiration of two years from the date of the making of such return, the Commission may, if it is satisfied that the taxpayer has omitted to disclose any income, or that the return is otherwise incorrect, require the taxpayer to furnish a statement of his income for the year in question, and to pay the tax thereon, together with interest and penalties, as if the return had been made at the time when the tax was due.

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...furnishing any return, the Commission may, if it is satisfied that any person has omitted to disclose any income, or that the return is otherwise incorrect, require the person to furnish a statement of his income for the year in question, and to pay the tax thereon, together with interest and penalties, as if the return had been made at the time when the tax was due.

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Evidence

...The production of any assessment or of any document under the hand of the Commissioner purporting to be a copy of an assessment shall be—

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1. Be conclusive evidence of the due making of the assessment; and

18. He compile evidence that the land is not an agricultural or agricultural land, except in the case of a plantation and the measure there shall be as in the case of other land.

19. The production of any documents in the hands of the Commissioner reporting to be a copy of an original or any return or statement shall for all purposes be sufficient evidence of the matters therein set forth without further proof.

20. It shall be as convenient as may be for any taxpayer or assessment to file to the Commissioner shall give to the owner to him a notice of such assessment.

21. The omission to give any such notice shall not invalidate any assessment.

22. No deduction from the unimproved value of any land shall be allowed in computing the amount due to which the land is subject, or in relation to any direct purchase money and a mortgagee shall be assessed and liable for land tax as if he were the owner of the land.

23. A mortgagee in all cases owing any interest shall be liable for the amount of such interest in respect of that mortgage estate or interest.

24. Any person in possession of land, or any other person in possession of land by way of security for money, so long as such person in possession (though not the mortgagee of any other person) be deemed to be the owner of the land, and the mortgagee shall be deemed to be the primary taxpayer, and the mortgagee in possession to be the secondary taxpayer, and there shall be deducted from the tax payable by the latter in respect of the land such amount (if any) as is necessary to prevent double taxation, but any such mortgagee or person in possession shall if the mortgagee makes default in the payment of land tax in respect of the land, be responsible for the payment of the tax due by the mortgagee which payment shall be deemed to be made by him on behalf of the mortgagee.

PART V.

OBJECTIONS.

25. 33. (1) All objections to the assessment of land shall be heard and determined by an Assessment Court constituted under this Ordinance.

26. (2) Each Assessment Court shall consist of three members, of whom one shall be the Magistrate exercising jurisdiction in the Magistrate's Court situated in or near the locality in which the subject-matter of the objection arises.

27. (3) Such Magistrate shall be the President of the Court.

28. (4) The other two members of the Court shall be appointed by the Governor-in-Council.

29. (5) The Clerk of such Court shall be appointed by the Magistrate.

30. (6) In any public notification or advertisement of an intended sitting of an Assessment Court the names of the members of whom the Court is constituted may be stated, and the production of a copy of any such public notification or advertisement purporting to be signed by or on behalf of the Commissioner shall be prima facie proof that the members of the Court so constituted are duly appointed and qualified.

31. The Commissioner shall prepare and lay before the Assessment Court, prior to the opening of the Court, a list of all objections to the assessment of land which are to be heard, and the members of the Court shall enter all decisions given by such Court in such list, and shall initial all such entries, and the Commissioner shall correct the assessment from such list accordingly, and shall make all such consequential alterations as may be necessary.

32. Subject to the provisions of Section 33, before the decision of the Assessment Court shall be final, and the value of property shall rest with the objector.

Notice of assessment to be given

Objections

Mortgagee liable of land tax

Objections to be heard by Assessment Court

Final decision

Decision of Court final

36. No writ or other remedy shall be granted in any Court or by any other authority in respect of the assessment or any other proceeding before it shall be subject to appeal to the High Court or Courts of law in the manner and subject to the provisions of the Civil Procedure Code.

Order of High Court.

37. On the hearing of the appeal the High Court may make such order as it thinks fit, and such order shall be final and conclusive on all points.

Costs of appeal.

38. The costs of the appeal shall be in the discretion of the High Court.

#### PART VI.

##### COLLECTION AND RECOVERY OF TAXES.

Mode for payment of tax to be appointed by Commissioner.

39. Land tax for each year shall be due and payable on such date as is specified in that behalf by the Commissioner by notice published in the Gazette not less than one month before the date so appointed.

If tax unpaid thirty days after due date, 10 per centum to be added.

40. If any tax remains unpaid at the expiration of thirty days after the due date thereof, ten per centum on the amount of the tax unpaid shall be and be deemed to be added thereto by way of additional tax, and shall be payable accordingly.

Provided that in any case where such non-payment is in consequence of the taxpayer having omitted or neglected to make full and complete returns, the Commissioner if satisfied that the taxpayer has not been guilty of wilful neglect or default, shall send to him notice of the amount of the overdue tax, and no additional tax shall be charged save in respect of so much of such overdue tax as remains unpaid at the expiration of thirty days from the date of such notice.

Tax recoverable by Commissioner.

41. All unpaid taxes shall be recoverable in any Court of competent jurisdiction by the Commissioner on behalf of the Crown, by suit in his official name.

Procedure for recovery of tax.

42. With respect to proceedings in any Court for the recovery of tax, the following provisions shall apply:—

(a) It shall be sufficient if the particulars of demand state the amount sought to be recovered, and the date on which the same was payable, with such further and other particulars as the Commissioner thinks necessary in order to fully inform the defendant of the nature of the demand.

(b) If the summons is served upon the defendant at least thirty days before the day appointed for hearing, then, unless eight days before such day a statement in writing, or on behalf of the defendant, showing a defence on the merits, is filed in the Court, judgment shall be given for the amount claimed and costs, without allowing any defence, and without the necessity of the Commissioner or any one on his behalf appearing in Court or proving the liability of the defendant.

Mode of service when defendant absent, or cannot be found.

43. If in any proceedings for the recovery of any tax against any taxpayer, the defendant:—

(a) is absent from the Protectorate and has not to the knowledge of the Commissioner, after reasonable inquiry in that behalf, any attorney or agent in the Protectorate on whom service of process can be effected; or

(b) cannot after reasonable inquiry be found, then notwithstanding any applied Act, Ordinance or rule of Court to the contrary, good service of any summons may, without leave of the Court, be effected on him by posting the same or a sealed copy thereof, in a letter addressed to him at his last known place of business or abode in the Protectorate.

##### SPECIAL PROVISIONS.

Commissioner or other officers may appear in proceedings.

44. In all proceedings under this Ordinance the Commissioner may appear either personally, or by attorney or by some officer in the public service of the Protectorate; and the appearance of any such attorney or officer, and his statement that he so appears by authority of the Commissioner shall be sufficient evidence of such authority for all purposes.

45. The following provisions shall apply in any case where, whether intentionally or not, a taxpayer neglects and omits in his lifetime by reason of not having duly made full and complete returns:

Provision when tax not paid during lifetime

6 (a) The Commissioner shall have the same powers and remedies against the executor and administrators of the taxpayer in respect of the estate of the taxpayer as he would have had against the taxpayer in his lifetime.

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10 (b) The assessment and administration shall, in such returns as the Commissioner requires for the purposes of this assessment.

15 (c) The assessment shall be at the rates payable in respect of the years for which the tax ought to have been paid, and the amount payable shall (where the taxpayer's default was intentional) be treble the amount of the difference between the tax so assessed and the amount actually paid by the taxpayer, and shall be a first charge on all the taxpayer's estate in the hands of the executor, administrator.

20 (d) No writ of *certiorari* shall prevent the operation of this section, and the Commissioner may take all such proceedings and remedies as such powers and remedies for the purpose of giving effect to this section and recovering the treble tax as in the case of ordinary assessment and taxation.

25 (e) No statute or regulation in any time in force shall prevent the recovery of the treble tax.

30 (f) Land and sea shall, by force of this Ordinance, and shall be a first charge on the land in respect of which the charge is made, and such charge shall have priority over all other charges, whether or not registered, in the hands of the executor or administrator of the estate of such taxpayer.

35 (g) The Commissioner shall, as soon as practicable to be done, issue a certificate with respect to the land charged, certifying that the land and sea are a first charge in respect thereof, and the Registrar shall issue such certificate accordingly.

40 (h) Every person who, under the provisions of this Ordinance, is liable to pay tax for or on behalf of any other person shall be entitled to recover the same from that other person as a debt payable with the eyes of recovery, or to retain the same out of any moneys in his hands belonging or payable to that other person.

### PART VII

#### MISCELLANEOUS

45 49. Every company which is a taxpayer and which carries on business in the Protectorate shall at all times be represented by a person residing in the Protectorate duly appointed by the company or by its duly authorized agent or attorney, and with respect to every such company and person the following provisions shall apply:

Public Officer of company

50 (a) The person so appointed shall for the purposes of the Ordinance be called the public officer of the company.

55 (b) The company shall keep the office of public officer constantly filled, and an appointment of a public officer shall be made to be duly made until a notice in writing is given, specifying the name of the person and the date of service, has been given to the Commissioner.

60 (c) If the company fails or neglects to let a public officer when and as often as such appointment becomes necessary, it shall be guilty of an offence, and shall be liable to a penalty not exceeding E£ 750. In every case during which the failure or neglect continues.

65 (d) Service of any document at the address or service on the public officer of a company shall be sufficient service upon the company for all the purposes of the Ordinance or the Regulations, and if at any time there is no public officer in service upon any person acting or appearing in all the business of the company shall be sufficient.

... shall be liable to the same penalties.

49 Everything done by the public officer which he is required to do in his representative capacity shall be deemed to have been done by the company. The absence or non-appointment of a public officer shall not exonerate the company from the necessity of complying with any of the provisions of this Ordinance or the Regulations, or from the penalties consequent on the failure to comply therewith, but the company shall be liable to the provisions of this Ordinance as if there were no requirement to appoint a public officer.

Contracts to evade tax void

50. Every contract, agreement, or arrangement made or entered into, in writing or verbally, either before or after the coming into operation of this Ordinance, shall be absolutely void in so far as directly or indirectly, it has or purports to have the purpose or effect of in any way directly or indirectly altering the incidence of any taxes, or relieving any person from liability to pay any taxes or make any return, or defeating, evading, or avoiding any duty or liability imposed on any person by this Ordinance, or preventing the operation of this Ordinance in any respect.

Release of taxpayer in case of partnership

51 In any case where it is shown to the satisfaction of the Commissioner that a taxpayer liable to pay tax has become bankrupt or insolvent, or has suffered such a loss that the exaction of the full amount of such tax will entail serious hardship the Commissioner may release such taxpayer wholly or in part from his liability and make such entries and alterations in the assessment books as are necessary for that purpose.

PENALTIES

Fine for neglect generally, refusing to give evidence, making false return, or evading tax

52. (1) Every person, whether liable to taxation or not, who—

(a) Refuses or neglects to duly attend and give evidence when required by the Commissioner or any officer duly authorized by him or to truly and fully answer any question put to him or to produce any book or paper required of him; or

(b) Fails or neglects to duly furnish any return as and when required by this Ordinance or by the Commissioner; or

(c) Knowingly and wilfully makes or delivers a false return, or makes any false answer, whether verbally or in writing, in relation to any matter or thing affecting his own or any other person's liability to or exemption from assessment or taxation; or

(d) By any act, default, neglect, fraud, or contrivance whatsoever evades or attempts to evade full assessment or taxation, or the payment of any tax,

commits an offence, and is held to a fine not exceeding Rs. 1,500, and not less than Rs. 50; and if he is convicted of any offence under paragraph (d), the convicting Court shall also inflict on him an additional fine of treble the amount of the tax the assessment or payment whereof he has evaded or attempted to evade.

(2) The payment of such fines shall not relieve any person from liability to assessment and payment of any taxes for which he would otherwise be liable.

(3) If any person aids or assists in the commission of any offence under this section he is liable to a fine not exceeding Rs. 150; and not less than Rs. 50.

(4) The term "person" throughout this section includes a company, and also an agent and a trustee.





W. Alexander Board  
Washington, D.C. 19  
2 July 1920

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Dear Mr. Patterson

I am much obliged  
to you for enabling me to read the Draft  
Laced Tag Bill which is now returned  
with checks.

May I trouble you to send the  
colored statistical sheet to the  
proper branch.

Yours faithfully

W. A. Wash.

2503577

April, 1920.

REC'D  
MAY 20 1920

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My Lord,

I have the honour to transmit herewith two authenticated and ten printed copies of "The Ordinance of Vendors (German East Africa) Surrender Ordinance, 1920" as passed by the Legislative Council on the 30th of January 1920, together with a memorandum by the Acting Attorney General.

I have assented to the Ordinance in the name of His Majesty.

Your Honourable

Obedient servant,

  
 ACTING GOVERNOR.

RIGHT HONOURABLE

VISCOUNT MILNER, P.C., G.C.B., G.C.M.G., &amp;c. &amp;c.,

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET,

LONDON, E.C.