

laid on 03/04/2018 by Hon. David Bahati

BILLS
SUPPLEMENT No. 3

29th March, 2018.

BILLS SUPPLEMENT

to the Uganda Gazette No. 16, Volume CXI, dated 29th March, 2018.

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Bill No. 6 *Tax Procedures Code (Amendment) Bill* **2018**

THE TAX PROCEDURES CODE (AMENDMENT) BILL, 2018

MEMORANDUM

The object of the Bill is to amend the Tax Procedures Code Act, 2014, Act 14 of 2014 to provide for due dates for filing returns under the Lotteries and Gaming Act, 2016; to provide for the Minister to pay taxes on behalf of a person; to waive all unpaid taxes due and unpaid by Government as at 30th June 2018; to provide for electronic receipting and invoicing; and to provide for penal tax relating to electronic receipting and invoicing.

MATIA KASAIJA, (MP)

Minister of Finance, Planning and Economic Development.

THE TAX PROCEDURE CODE (AMENDMENT) BILL., 2018

ARRANGEMENT OF CLAUSES

Clause

1. Commencement
2. Amendment of the Tax Procedures Code Act, 2014
3. Amendment of section 40 of principal Act
4. Insertion of sections 73A and 73B in principal Act

A Bill for an Act

ENTITLED

THE TAX PROCEDURES CODE (AMENDMENT) ACT, 2018

An Act to amend the Tax Procedures Code Act, 2014, Act 14 of 2014 to provide for due dates for filing returns under the Lotteries and Gaming Act, 2016; to provide for the Minister to pay taxes on behalf of a person; to waive all taxes due and unpaid by Government as at 30th June 2018; to provide for electronic receipting and invoicing; and to provide for penal tax relating to electronic receipting and invoicing.

BE IT ENACTED by Parliament as follows:

1. Commencement

This Act shall come into force on 1st July, 2018.

2. Amendment of Tax Procedures Code Act, 2014

The Tax Procedures Code Act, 2014, in this Act referred to as the principal Act, is amended in section 16(8) by substituting for paragraph (g) the following—

“(g) in the case of the Lotteries and Gaming Act, 2016, a licensed person shall furnish returns with the Commissioner as follows—

- (i) a weekly return, by Wednesday of the following week; and
- (ii) a monthly return, by the fifteenth day of the following month;”.

3. Amendment of section 40 of principal Act.

Section 40 of the principal Act is amended by inserting immediately after subsection (2) the following —

“(2a) The Minister shall pay any tax due and payable by Government arising from any commitment made by Government to pay tax on behalf of a person, or owing from Government through the acquisition of goods and services.

(2b) All taxes due and unpaid by Government except tax withheld by Government under subsection (1) as at 31st June, 2018 are waived.

(2c) The Minister shall publish in the *Gazette* and in a news paper of national circulation, a list of all taxes waived under subsection (2b).”

4. Insertion of sections 73A and 73B principal Act.

The principal Act is amended by inserting immediately after section 73 the following section—

“73A. Electronic receipting and invoicing.

(1) A taxpayer may issue an e-invoice or e-receipt, or employ an electronic fiscal device which shall be linked to the centralised invoicing and receipting system or a device authenticated by the Uganda Revenue Authority.”

(2) The Commissioner shall, by notice in the *Gazette*, specify taxpayers for whom it shall be mandatory to issue e-invoices or e-receipts or employ electronic fiscal devices which shall be linked to the centralised invoicing and receipting system or devices authenticated by the Uganda Revenue Authority.

(3) A taxpayer specified by the Commissioner under subsection (2), shall issue electronic invoices or e- receipts or employ an electronic fiscal device in all business transactions.

73B. Penal tax relating to electronic receipting and invoicing

(1) A taxpayer specified under section 73A (2) who does not use an electronic fiscal device is liable to pay a penal tax equivalent to the tax due on the goods or services, or four hundred currency points, whichever is higher.

(2) A taxpayer specified under section 73A (2) who does not issue an e –invoice or e- receipt for goods or services or who tampers with an electronic fiscal device, is liable to pay a penal tax equivalent to the tax due on the goods or services or three hundred currency points, whichever is higher.

(3) A person who attempts to acquire or who acquires an electronic fiscal device that is not linked to the centralised invoicing and receipting system or authenticated by the Uganda Revenue Authority commits an offence and is liable, on conviction, to a term of imprisonment not exceeding three years or a fine not exceeding three hundred currency points, or both.”

Cross references

Lotteries and Gaming Act, 2016