

- (b) a company registered in Sierra Leone with, at least, 51% of the shares being held by residents of Sierra Leone, whose office is in Sierra Leone or a co-operative registered in Sierra Leone";
- (iv) by the insertion immediately, after subparagraph (ii) of subsection (2) (b) of the following:—
  - "(iii) for the purposes of subparagraphs (i) and (ii), forested land does not qualify"
- (b) in the Sixth Schedule -
  - (i) in paragraph 1, delete all the words after the words "thirty percent";
  - (ii) in paragraph 3 (b), add to the words "non-affiliates" the words "including recognized financial institutions";
  - (iii) in paragraph 6, by the substitution for "one and one half", of "one half".

Passed in Parliament this *11th* day of *July* in the year of our Lord two thousand and eleven.

IBRAHIM S. SESAY,  
*Clerk of Parliament.*

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed Parliament and found by me to be a true and correct printed copy of the said Bill.

IBRAHIM S. SESAY,  
*Clerk of Parliament.*

# ACT

*Supplement to the Sierra Leone Gazette Vol. CXLII, No. 70*  
*dated 10th November, 2011*

SIGNED this *15th* day of *September* 2011.

DR. ERNEST BAI KOROMA,  
*President.*



No. 12



2011

**Sierra Leone**

**THE FINANCE ACT, 2011.**

Short title.

**Being an Act to provide for the imposition and alteration of  
taxation for the year 2011 and for other related matters.**

[ ] Date of commencement.

ENACTED by the President and Members of Parliament in this  
present Parliament assembled.

Commence- ment.	<b>1.</b> Unless otherwise provided, this Act shall be deemed to have come into operation on 1st January, 2011.
Amendment of Act No. 8 of 2000.	<b>2.</b> The Income Tax Act, 2000 is amended—
	(a) by the insertion of the following immediately after section 97 thereof:—
“Failure to file a return of income.	97A. Any person who fails to file a return of income without reasonable excuse, as determined by the Commissioner-General, shall be liable on conviction to a fine not exceeding Le5,000,000 or to imprisonment for a term not exceeding 2 years or to both”.
	(b) by the repeal and replacement of section 100 by the following:—
“Extention of time to file returns.	100 (1) Upon application in writing by the tax-payer filed by the due date for a return, the Commissioner-General may extend the period in which a return of income is to be made by a maximum period of sixty days upon payment of a fee of Le5,000,000.
	(2) A taxpayer who fails to file a return within the maximum period of sixty days prescribed in subsection (1), shall be liable to a surcharge consisting of the average treasury bill rate plus 3% both of the fee for every day that the failure continues.
	(3) The granting of an extension of time under subsection (1) does not affect the due date for the payment of income tax under section 105”.
	(c) In the First Schedule, by the substitution for the rates in Part I thereof of the following:—

<u>“If chargeable income is:</u>	<u>The tax is:”</u>
Not over Le 1,800,000	Nil
Over Le 1,800,000 but not over 3,600,000	15%
Over Le 3,600,000 but not over 9,000,000	25%
Over Le 9,000,000	30%”
(d) in paragraph 12 of the Ninth Schedule, by the substitution for the penalties prescribed therein of the following:—	
(i) "section 154, tax evasion	- Le 50,000,000
section 155, impeding tax administration	- Le 50,000,000
section 156, failure to preserve secrecy	- Le 50,000,000
section 157, contempt of Board	- Le 40,000,000
section 158, making false statement	- Le 50,000,000
section 160, failure to comply with notice or information requested	- Le 40,000,000
section 161, aiding and abetting any offence mentioned herein	- Le 40,000,000
section 162, offence by tax official	- Le 50,000,000

- (ii) each of the fines prescribed in subparagraph (i) is subject to the following qualification:-  
 "rising by the average treasury bond rate compounded annually".
- (e) in subsection (1) of section 159 thereof, by the substitution for the words "ten percent of the taxpayer's chargeable income from that source" of the following:-  
 "the higher of ten percent of the annual turnover from that source and Le 50,000,000 or imprisonment for a term not exceeding one year or both".

Amendment  
of Act No. 3  
of 1969.

**3.** The Control of Betting and Lotteries Act, 1969 is amended in section 3A—

- (a) by renumbering the existing provision as subsection (1); and
- (b) inserting the following provisions:—  
 "(2) The deadline for the withholding of any monies under subsection (1) shall be not later than fifteen days after the end of the month in which the draw is made or such monies are withheld.
- (3) Section 129 of the Income Tax Act, 2000 shall apply to the failure to withhold the tax imposed by subsection (1).
- (4) A withholding agent of any prize-winning money shall submit to the Commissioner-General the following particulars in respect of every person to whom any prize winning money is paid, namely:—

- (a) name and contact address of that person;
- (b) Taxpayer Identification Number (TIN);
- (c) total prize - money won;
- (d) total tax withheld;
- (e) tax winnings for the month."

**4.** Part II of the Schedule to the Customs Tariff Act 1978 is amended—  
 Amendment  
of Act No.  
16 of 1978.

- (a) by the insertion immediately after paragraph (e) thereof, of the following items with 10% duty and numbered as paragraphs (e 1) to (e 9) respectively:-

"for specially prepared infant's food under HS Code 0402.10.21  
 for specially prepared infant's food under HS Code 0402.29.21  
 for specially prepared infant's food under HS Code 1901.10.00  
 for specially prepared infant's food under HS Code 1904.10.10  
 for specially prepared infant's feeding rusks under HS Code 1905.40.10  
 for specially prepared infant's food under HS Code 2005.10.10  
 for specially prepared infant's food under HS Code 2007.10.10  
 for specially prepared infant's food under HS Code 2014.20.10  
 for specially prepared infant's food under HS Code 2016.90.10"

- (b) in respect of paragraph (v) (paraffin wax), by the insertion at the end thereof of the following:—

" but the import duty of 20% shall be calculated, instead of using the CIF value, by using the following reference values, as appropriate:-

- (i) 46g (1 x 30 x 8) shall range from \$22.5 to \$22.8 per carton;
- (ii) 81.2g (1 x 15 x 10) shall range from \$25.0 to \$25.5 per carton".

Surcharge on right-hand driven vehicles.

**5.** There is hereby imposed on imported right hand - driven vehicles a surcharge of 40% of the C.I.F. value thereof.

Failure to submit electronic manifest

**6.** (1) The requirement for the submission of manifests by shipping agents shall be as follows:-

- (a) Submission shall be within 24 hours after the arrival of the respective vessel;
- (b) all manifests shall be in electronic form.

(2) Any shipping agent who contravenes subsection(1) shall be liable to a fine of not less than two hundred thousand leones and not more than two million five hundred thousand leones.

Abandonment of unfinished customs declaration.

**7.** Any person who in the process of clearing imported goods leaves any declaration form in the Automated System of Customs Data (ASYCUDA) beyond the normal period of seven days needed to complete the process or abandons such form in the system, commits an offence, and shall be liable on conviction to a fine of not less than two hundred thousand leones and not more than two million five hundred thousand leones.

Excise duty bond by oil companies.

**8.** An oil marketing company liable to excise duty levied on petroleum fuel shall, at the point of discharge thereof from the respective vessel, provide to the National Revenue Authority a bond equivalent to the value of the excise duty as a guarantee for the payment of the duty.

**9.** The fees for an auctioneer licence shall be ten million leones Auctioneer licence fees.

**10.** The Goods and Services Tax Act, 2009 is amended as follows:- Amendment of Act No. 6 of 2009.

- (a) in section 17, by the repeal of subsection (5) thereof;
- (b) in paragraph (a) of subsection (1) of section 24, by the deletion of the word "taxable";
- (c) in section 42 (9) (b), for the reference to section 42 (1) (b) substitute a reference to section 42 (1) (c);
- (d) immediately after section 49 thereof, insert the following:-

"Seizure of assets for non-payment of tax

- 49A (1) The Commissioner-General may recover unpaid GST, penalty or interest by the issue of a warrant to tax officers specified therein to enter a place and seize the goods and property of the taxpayer.
- (2) The warrant shall be in the form prescribed in regulations under this Act specifying the taxpayer against whose property the proceedings are authorized, the location of the property and the tax debt to which the warrant relates.
- (3) The Commissioner-General may require a police officer to be present while the seizure is being conducted.
- (4) A warrant under subsections (1) and (2) may only be issued after 14 days from the date the Commissioner-General notifies the taxpayer in writing of the Commissioner-General's intention to proceed with the seizure.