

Uganda

## Stamps Act Chapter 342

Legislation as at 31 December 2000

Note: This Ordinance was **repealed** on 2014-07-01 by [Stamp Duty Act, 2014](#) (Act 13 of 2014).

Note: There are **outstanding amendments** that have not yet been applied:  
Act 12 of 2002.

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# Uganda

## Stamps Act

### Chapter 342

Commenced on 30 April 1915

*[This is the version of this document as it was at 31 December 2000 to 30 June 2001.]*

*[Note: This legislation was revised and consolidated as at 31 December 2000 and 31 December 2023 by the Law Reform Commission of Uganda. All subsequent amendments have been researched and applied by Laws.Africa for ULII.]*

*[Repealed by [Stamp Duty Act, 2014 \(Act 13 of 2014\)](#) on 1 July 2014]*

**An Act to provide for stamp duties.**

### Part I – Interpretation

#### 1. Interpretation

In this Act, unless there is something repugnant in the subject or context—

- (a) “**banker**” includes a bank and any person acting as a banker;
- (b) “**bill of exchange**” means a bill of exchange as defined by section 2 of the Bills of Exchange Act and includes also a draft, order, cheque, letter of credit, and any other document, entitling or purporting to entitle any person, whether named in it or not, to payment by any other person of, or to draw upon any other person for, any sum of money;
- (c) “**bill of exchange payable on demand**” includes—
  - (i) an order for the payment of any sum of money by a bill of exchange or promissory note, or for the delivery of any bill of exchange or promissory note in satisfaction of any sum of money, or for the payment of any sum of money out of any particular fund which may or may not be available, or upon any condition or contingency which may or may not be performed or happen;
  - (ii) an order for the payment of any sum of money weekly, monthly or at any other stated periods; and
  - (iii) a letter of credit, that is to say, any instrument by which one person authorises another to give credit to the person in whose favour it is drawn;
- (d) “**bill of lading**” includes a “through bill of lading”, but does not include a mate’s receipt;
- (e) “**bond**” includes—
  - (i) any instrument by which a person obliges himself or herself to pay money to another, on condition that the obligation shall be void if a specified act is performed, or is not performed, as the case may be;
  - (ii) any instrument attested by a witness and not payable to order or bearer, by which a person obliges himself or herself to pay money to another; and
  - (iii) any instrument so attested, by which a person obliges himself or herself to deliver grain or other agricultural produce to another;
- (f) “**chargeable**” means, as applied to an instrument executed or first executed after the commencement of this Act, chargeable under this Act, and, as applied to any other instrument,

**Repealed**

chargeable under the law in force in Uganda when the instrument was executed or, where several persons executed the instrument at different times, first executed;

- (g) “**cheque**” means a bill of exchange drawn on a specified banker and not expressed to be payable otherwise than on demand;
- (h) “**conveyance**” includes a conveyance on sale and every instrument by which property, whether movable or immovable, is transferred inter vivos and which is not otherwise specifically provided for by the Schedule to this Act;
- (i) “**conveyance on sale**” includes every instrument and every decree or order of a court by which any property, or any estate or interest in any property, upon its sale is transferred to or vested in a purchaser, or any other person on the purchaser’s behalf or by his or her direction;
- (j) “**deed**” includes any instrument which confers any right or passes any interest or gives any title or authority;
- (k) “**duly stamped**”, as applied to an instrument, means that the instrument bears an adhesive or impressed stamp of not less than the proper amount, and that the stamp has been affixed or used in accordance with the law for the time being in force in Uganda;
- (l) “**executed**” and “**execution**”, used with reference to instruments, mean “**signed**” and “**signature**”;
- (m) “**impressed stamp**” includes—
  - (i) labels affixed and impressed by the proper officer; and
  - (ii) stamps embossed or engraved on stamped paper;
- (n) “**instrument**” includes every document by which any right or liability is, or purports to be, created, transferred, limited, extended, extinguished or recorded;
- (o) “**instrument of partition**” means any instrument by which co-owners of any property divide or agree to divide the property in severalty, and includes also a final order for effecting a partition passed by any civil court and an award by an arbitrator directing a partition;
- (p) “**lease**” means a lease of immovable property, an underlease or sublease, and any agreement to let or sublet the same, and includes also—
  - (i) a grant for a term of the right to use and enjoy any easement, profit a prendre, or incorporeal right;
  - (ii) any instrument by which tolls of any description are let;
  - (iii) any writing on an application for a lease intended to signify that the application is granted;
- (q) “**marketable security**” means a security of such a description as to be capable of being sold on a stock market;
- (r) “**mortgage deed**” includes every instrument by which, for the purpose of securing money advanced, or to be advanced, by way of loan, or an existing or future debt, or the performance of an engagement, one person transfers, or creates, to, or in favour of, another, a right over or in respect of specified property;
- (s) “**paper**” includes vellum, parchment or any other material on which an instrument may be written;
- (t) “**policy of insurance**” includes—
  - (i) any instrument by which one person, in consideration of a premium, engages to indemnify another against loss, damage or liability arising from an unknown or contingent event;
  - (ii) a life policy, and any policy insuring any person against accident or sickness, and any other personal insurance;

- (u) **“policy of sea insurance”** or “sea policy”—
  - (i) means any insurance made upon any ship or vessel (whether for marine or inland navigation), or upon the machinery, tackle or furniture of any ship or vessel, or upon any goods, merchandise or property of any description on board of any ship or vessel, or upon the freight of, or any other interest which may be lawfully insured in, or relating to, any ship or vessel; and
  - (ii) includes any insurance of goods, merchandise or property for any transit which includes, not only a sea risk within the meaning of subparagraph (i), but also any other risk incidental to the transit insured from the commencement of the transit to the ultimate destination covered by the insurance;
  - (iii) where any person, in consideration of any sum of money paid or to be paid for additional freight or otherwise, agrees to take upon himself or herself any risk attending goods, merchandise or property of any description while on board of any ship or vessel, or engages to indemnify the owner of any such goods, merchandise or property from any risk, loss or damage, the agreement or engagement shall be deemed to be a contract for sea insurance;
- (v) **“power of attorney”** includes any instrument (not chargeable with a fee under the law relating to court fees for the time being in force) empowering a specified person to act for and in the name of the person executing it;
- (w) **“promissory note”** means a promissory note as defined by section 82 of the Bills of Exchange Act and includes a note promising the payment of any sum of money out of any particular fund which may or may not be available, or upon any condition or contingency which may or may not be performed or happen;
- (x) **“receipt”** includes any note, memorandum or writing whether the same is or is not signed with the name of any person—
  - (i) by which any money, or any bill of exchange, cheque or promissory note is acknowledged to have been received;
  - (ii) by which any other movable property is acknowledged to have been received in satisfaction of a debt;
  - (iii) by which any debt or demand, or any part of a debt or demand, is acknowledged to have been satisfied or discharged; or
  - (iv) which signifies or imports any such acknowledgement;
- (y) **“revenue authority”** means the officer appointed in that behalf by the Minister by statutory order;
- (z) **“settlement”** means any nontestamentary disposition in writing of movable or immovable property made—
  - (i) in consideration of marriage;
  - (ii) for the purpose of distributing property of the settlor among his or her family or those for whom he or she desires to provide, or for the purpose of providing for some person dependent on him or her; or
  - (iii) for any religious or charitable purpose, and includes an agreement in writing to make such a disposition, and where any such disposition has not been made in writing any instrument recording, whether by way of declaration of trust or otherwise, the terms of any such disposition.

## Part II – Stamp duties

### *Liability of instruments to duty*

## 2. Instruments chargeable with duty

- (1) Subject to this Act and the exemptions contained in the Schedule to this Act, the following instruments shall be chargeable with duty of the amount indicated in that Schedule as the proper duty therefor respectively—
  - (a) every instrument mentioned in that Schedule which, not having been previously executed by any person, is executed in Uganda after the commencement of this Act and relates to any property situate, or to any matter or thing done or to be done, in Uganda;
  - (b) every bill of exchange, cheque or promissory note drawn or made out of Uganda after the commencement of this Act and accepted or paid, or presented for acceptance or payment, or endorsed, transferred or otherwise negotiated, in Uganda; and
  - (c) every instrument (other than a bill of exchange, cheque or promissory note) mentioned in that Schedule, which, not having been previously executed by any person, is executed out of Uganda after the commencement of this Act, relates to any property situate, or to any matter or thing done or to be done, in Uganda and is received in Uganda.
- (2)
  - (a) Notwithstanding subsection (1)—

no duty shall be chargeable in respect of any instrument executed by, or on behalf of, or in favour of, the Government in cases where, but for this exemption, the Government would be liable to pay the duty chargeable in respect of the instrument; and
  - (b) every bill of exchange, cheque or promissory note drawn or made in Kenya or Tanzania and accepted and paid or presented for acceptance or payment, or endorsed, transferred or otherwise negotiated in Uganda, and which has previously been duly stamped in Kenya or Tanzania shall be deemed to be duly stamped in Uganda.
- (3) For the purpose of subsection (2)(a), the expression “Government” shall be deemed to include the Uganda Peoples’ Defence Forces.
- (4) The Minister may, by statutory instrument, amend the Schedule to this Act.
- (5) An instrument made under subsection (4) shall be laid before Parliament and shall be subject to annulment by Parliament, and shall cease to have effect when so annulled, but without prejudice to anything contained in that instrument or the making of a further instrument.

## 3. Several instruments used in single transaction of sale, mortgage or settlement

- (1) Where, in the case of any sale, mortgage or settlement, several instruments are employed for completing the transaction, the principal instrument only shall be chargeable with the duty prescribed in the Schedule to this Act for the conveyance, mortgage or settlement, and each of the other instruments shall be chargeable with a duty of two shillings instead of the duty, if any, prescribed for it in that Schedule; except that a power of attorney empowering a person to execute or to register such instrument or instruments shall be chargeable with the duty prescribed in the Schedule for the power of attorney.
- (2) The parties may determine for themselves which of the instruments so employed shall, for the purposes of subsection (1), be deemed to be the principal instrument; but the duty chargeable on the instrument so determined shall be the highest duty which would be chargeable in respect of any of the instruments employed.
- (3) Any instrument modifying the terms of a mortgage in respect of the reduction of principal or raising or reducing the rate of interest or varying the terms of repayment of principal shall be dutiable as an agreement.



#### **4. Instruments relating to several distinct matters**

Any instrument comprising or relating to several distinct matters shall be chargeable with the aggregate amount of the duties with which separate instruments, each comprising or relating to one of such matters, would be chargeable under this Act.

#### **5. Instruments coming within several descriptions in Schedule**

- (1) Subject to [section 4](#), an instrument so framed as to come within two or more of the descriptions in the Schedule to this Act shall, where the duties chargeable under those descriptions are different, be chargeable only with the highest of the duties.
- (2) Notwithstanding subsection (1), nothing in this Act shall render chargeable with duty exceeding two shillings a counterpart or duplicate of any instrument chargeable with duty and in respect of which the proper duty has been paid.

#### **6. Policies of sea insurance**

- (1) No contract for sea insurance, other than such insurance as is referred to in section 506 of the Merchant Shipping Act, 1894, of the United Kingdom, shall be valid unless the same is expressed in a sea policy.
- (2) No sea policy made for time shall be made for any time exceeding twelve months.
- (3) No sea policy shall be valid unless it specifies the particular risk or adventure, or the time, for which it is made, the names of the subscribers or underwriters and the amount or amounts insured.
- (4) Where any sea insurance is made for or upon a voyage and also for time, or to extend to or cover any time beyond thirty days after the ship shall have arrived at her destination and been there moored at anchor, the policy shall be charged with duty as a policy for or upon a voyage, and also with duty as a policy for time.

#### **7. Composition of stamp duty on policies of insurance against accident**

- (1) Where any person issuing policies of insurance against accident shall, in the opinion of the revenue authority, so carry on the business of such insurance as to render it impracticable or inexpedient to require that the duty chargeable under article 49 of the Schedule to this Act shall be paid upon the policies, the revenue authority may, at the request of that person, enter into an agreement with the person for the delivery to him or her of quarterly accounts of all sums received in respect of premiums on the policies of insurance.
- (2) The agreement shall be in such form and shall contain such terms and conditions as the revenue authority may think proper, and the person with whom the agreement is entered into shall observe the rules set out in the Second Part of the Schedule to this Act.
- (3) After an agreement has been entered into, in accordance with this section, between the revenue authority and any person, during the period for which the agreement is in force no policies of insurance against accident issued by that person shall be chargeable with any duty, but in lieu of and by way of composition for that duty there shall be charged on the aggregate amount of all sums received in respect of premiums on such policies a duty at the rate of 5 percent as a stamp duty.
- (4) If the duty charged is not paid upon the delivery of the account, it shall be a debt due to the revenue authority from the person by or on whose behalf the account is delivered.
- (5) In the case of neglect to deliver such an account as is required or to pay the duty in conformity with this section, the person shall be liable to pay to the revenue authority a sum equal to 10 percent upon the amount of duty payable, and a like penalty for every month after the first month during which the neglect continues.

## 8. Rules for the compounding of duty on cheques

- (1) Notwithstanding anything contained in any of the provisions of this Act, the Minister may, by statutory instrument, make rules respecting the compounding of duty on cheques by bankers; and without restricting the generality of the foregoing provisions, the rules may provide for—
  - (a) the procedure to be adopted in, and the terms and conditions to be observed in, the compounding of stamp duty on cheques;
  - (b) the rendering of accounts to the commissioner/treasury officer of accounts in respect of cheques issued pursuant to the rules;
  - (c) the time within which the accounts shall be rendered, and the particulars which may be given together with the accounts; and
  - (d) the penalty (which shall not in any case exceed a fine of one thousand shillings) and any interest to be charged on the duty due and not paid which may be imposed on any banker who makes default in delivering the accounts or on paying the duty payable on the accounts.
- (2) When rules permitting the compounding of stamp duty on cheques have been made, any cheques issued by a banker in accordance with the provisions of such rules shall not be chargeable with stamp duty, but the banker shall pay to the commissioner/treasury officer of accounts such sums as would, but for the rules, have been chargeable by way of stamp duty on the cheques issued during the period specified in the rules.

## 9. Stamp duty on capital of companies

- (1) Where any company is to be incorporated in Uganda with limited liability, or where the nominal share capital of any company so incorporated is to be increased, there shall be delivered as the case may be to the registrar of companies—
  - (a) a statement of the amount which is to form the nominal share capital of the company to be incorporated; or
  - (b) a statement of the increase of the nominal share capital which may embody the notice of increased capital required by section 65 of the Companies Act.
- (2) The statements referred to in subsection (1) shall be charged with an ad valorem duty of five shillings for every one thousand shillings and for any fraction of one thousand shillings over any multiple of one thousand shillings of the amount of the capital or increase of capital as the case may be.
- (3) The statement of the amount of any increase of nominal capital which is required to be delivered under subsection (1)(b) shall be delivered to the registrar of companies within thirty days after the passing of the resolution authorising the increase, and, in default of delivery, the duty, with interest on the duty at the rate of 5 percent per year from the passing of the resolution, shall be recoverable summarily as a civil debt from the company.

## 10. Power to reduce, remit or compound duties

The Minister may, by statutory instrument—

- (a) in relation to the whole or any part of Uganda, reduce or grant exemption from the payment of the duties with which any instruments or any particular class of instruments, or any of the instruments belonging to such class, or any instruments when executed by or in favour of any particular class of persons, or by or in favour of any members of such class, are chargeable; and
- (b) provide for the composition or consolidation of duties in the case of issues by any incorporated company or other body corporate of debentures, bonds or other marketable securities.

### 11. Exemption of savings bank documents from stamp duty

- (1) Notwithstanding anything in this Act, no power, warrant or letters of attorney granted or to be granted by the managing director of the PostBank Uganda Limited, nor any power, warrant or letters of attorney given by any depositor in the savings bank to any other person, authorising that person to make any deposit of any sum of money in the savings bank on behalf of the depositor or to sign any document or instrument required by the rules or regulations of the savings bank to be signed on making the deposit or to receive back any sum of money deposited in the savings bank, or the interest arising from that deposit, nor any receipt nor any entry in any book of receipts for money deposited in the savings bank, nor for any money received by any depositor, his or her executors or administrators, assigns, attorneys or agents, from the funds thereof, nor any draft or order, nor any appointment of any agent, nor any certificate, or other instrument or document required or authorised to be given, issued, signed, made or produced in pursuance of the Post Office Savings Bank Act, or of any Act amending or replacing it, shall be subject to, or be charged with, any stamp duty.
- (2) “Savings bank” in this section means the savings bank established under the Post Office Savings Bank Act, or any Act amending or replacing it.

#### *Stamps and the mode of using them*

### 12. Duties how to be paid

- (1) Except as otherwise expressly provided in this Act, all duties with which any instruments are chargeable shall be paid, and the payment shall be indicated on the instruments by means of stamps in such manner as the Minister may by rules direct.
- (2) Rules made under subsection (1) may among other matters regulate—
  - (a) in the case of each kind of instrument, the description of stamps which may be used;
  - (b) in the case of instruments stamped with impressed stamps, the number of stamps which may be used;
  - (c) in the case of bills of exchange or promissory notes, the size of the paper on which they are written.

### 13. Provisional use of stamps previously usable

Until rules are made under [section 12](#), any stamps which might lawfully be used immediately before the commencement of this Act for the payment of duties with which any instruments were chargeable may be used for the purpose of this Act.

### 14. Cancellation of adhesive stamps

- (1) Any person who—
  - (a) affixes any adhesive stamp to any instrument chargeable with duty which has been executed by any person shall, when affixing the stamp, cancel the stamp so that it cannot be used again; and
  - (b) executes any instrument on any paper bearing an adhesive stamp shall, at the time of execution, unless the stamp has been already cancelled in the manner aforesaid, cancel it so that it cannot be used again.
- (2) Any instrument bearing an adhesive stamp which has not been cancelled so that it cannot be used again shall, so far as the stamp is concerned, be deemed to be unstamped.

- (3) The person required by subsection (1) to cancel an adhesive stamp shall cancel it by writing on or across the stamp his or her name or initials or the name or initials of his or her firm with the true date of his or her so writing; but the Minister may by rule or statutory instrument prescribe any other mode of cancellation of adhesive stamps on any particular instrument or any particular class of instruments.

#### **15. Instruments stamped with impressed stamps how to be written**

Every instrument written upon paper stamped with an impressed stamp shall be written in such manner that the stamp may appear on the face of the instrument and cannot be used for or applied to any other instrument.

#### **16. Only one instrument to be on same stamp**

- (1) No second instrument chargeable with duty shall be written upon a piece of stamped paper upon which an instrument chargeable with duty has already been written.
- (2) Nothing in this section shall prevent any endorsement which is duly stamped or is not chargeable with duty being made upon any instrument for the purpose of transferring any right created or evidenced by the instrument, or of acknowledging the receipt of any money or goods, the payment or delivery of which is secured by the instrument.

#### **17. Instrument written contrary to section 15 or 16 deemed unstamped**

Every instrument written in contravention of section 15 or 16 shall be deemed to be unstamped.

#### **18. Denoting duty**

Where the duty with which an instrument is chargeable, or its exemption from duty, depends in any manner upon the duty actually paid in respect of another instrument, the payment of the last-mentioned duty shall, if application is made in writing to the revenue authority for that purpose, and on production of both the instruments, be denoted upon the first-mentioned instrument by endorsement under the hand of the revenue authority or in such other manner, if any, as the Minister may by rule prescribe.

#### **19. Provisions as to duplicates and counterparts**

The duplicate or counterpart of an instrument chargeable with duty, except the counterpart of an instrument chargeable as a lease such counterpart not being executed by or on behalf of any lessor or grantor, is not to be deemed to be duly stamped unless it is stamped as an original instrument or unless it appears by some stamp impressed on it that the full and proper duty has been paid upon the original instrument of which it is the duplicate or counterpart

#### ***Time of stamping instruments***

#### **20. Instruments executed in Uganda**

Every instrument chargeable with duty which is executed by any person in Uganda shall be stamped within thirty days of execution; except that any instrument chargeable with duty of ten or twenty cents and any promissory note and bill of exchange shall be stamped at or before the time of execution or the date of the instrument, whichever is the earlier.

#### **21. Instruments executed out of Uganda**

Every instrument chargeable with duty which is wholly executed out of Uganda shall be stamped within thirty days of being received in Uganda; except that a promissory note or bill of exchange payable on demand or at not more than thirty days from sight or date shall be stamped within seven days of being received in Uganda.

## 22. Bills, cheques and notes drawn out of Uganda

- (1) The first holder in Uganda of any bill of exchange, cheque or promissory note drawn or made out of Uganda shall, before he or she presents it for acceptance or payment, or endorses, transfers or otherwise negotiates it in Uganda, affix to it the proper stamp and cancel the stamp.
- (2) Notwithstanding subsection (1), if, at the time any such bill of exchange, cheque or note comes into the hands of any holder in Uganda, the proper adhesive stamp is affixed to it and cancelled in the manner prescribed by [section 14](#) and the holder has no reason to believe that the stamp was affixed or cancelled otherwise than by the person and at the time required by this Act, the stamp shall, so far as relates to that holder, be deemed to have been duly affixed and cancelled; but nothing in this subsection shall relieve any person from any penalty incurred by him or her for omitting to affix or cancel a stamp.

### *Valuations for duty*

## 23. Conversion of amount expressed in foreign currencies

Where an instrument is chargeable with ad valorem duty in respect of any money expressed in any currency other than that of Uganda, the duty shall be calculated on the value of the money in the currency of Uganda according to the current rate of exchange on the day of the date of the instrument.

## 24. Stock and marketable securities, how to be valued

- (1) Where an instrument is chargeable with ad valorem duty in respect of any stock or of any marketable or other security, the duty shall be calculated on the value of the stock or security according to the average price or the value of the stock or security on the day of the date of the instrument.
- (2) Notwithstanding subsection (1), where the consideration for any conveyance or transfer of property is stock or any marketable or other security and in the opinion of the revenue authority the consideration is inadequate, having regard to the value of the stock or security calculated as provided in subsection (1), ad valorem duty shall be charged on the value of the property to be conveyed or transferred.

## 25. Effect of statement of rate of exchange or average price

Where an instrument contains a statement of the current rate of exchange, or average price, as the case may require, and is stamped in accordance with the statement, it shall, so far as regards the subject matter of the statement, be presumed, until the contrary is proved, to be duly stamped.

## 26. Instruments reserving interest

Where an interest is expressly made payable by the terms of an instrument, the instrument shall not be chargeable with duty higher than that with which it would have been chargeable had no mention of interest been made in the instrument.

## 27. Certain instruments connected with mortgages of marketable securities to be chargeable as agreements

- (1) Where an instrument, not being a promissory note or bill of exchange—
  - (a) is given upon the occasion of the deposit of any marketable security by way of security for money advanced or to be advanced by way of loan, or for an existing or future debt; or
  - (b) makes redeemable or qualifies a duly stamped transfer intended as a security, of any marketable security, it shall be chargeable with duty as if it were an agreement or

memorandum of an agreement chargeable with duty under article 5 of the Schedule to this Act.

- (2) A release or discharge of any such instrument shall be chargeable only with the like duty.

## **28. How transfer in consideration of debt or subject to future payment, etc. to be charged**

- (1) Where any property is transferred to any person in consideration, wholly or in part, of any debt due to the person, or subject either certainly or contingently to the payment or transfer of any money or stock, whether being or constituting a charge or incumbrance upon the property or not, the debt, money or stock is to be deemed the whole or part, as the case may be, of the consideration in respect of which the transfer is chargeable with ad valorem duty; except that nothing in this subsection shall apply to any such certificate of sale as is mentioned in article 20 of the Schedule to this Act.
- (2) In the case of a sale of property subject to a mortgage or other incumbrance, any unpaid mortgage money or money charged, together with the interest, if any, due on the incumbrance, shall be deemed to be part of the consideration for the sale.
- (3) Where property subject to a mortgage is transferred to the mortgagee, the mortgagee shall be entitled to deduct from the duty payable on the transfer the amount of any duty already paid in respect of the mortgage.

## **29. Valuation in case of annuity, etc.**

Where an instrument is executed to secure the payment of an annuity or other sum payable periodically, or where the consideration for a conveyance is an annuity or other sum payable periodically, the amount secured by the instrument or the consideration for the conveyance, as the case may be, shall, for the purposes of this Act, be deemed to be—

- (a) where the sum is payable for a definite period so that the total amount to be paid can be previously ascertained, such total amount;
- (b) where the sum is payable in perpetuity or for an indefinite time not terminable with any life in being at the date of the instrument or conveyance, the total amount which, according to the terms of the instrument or conveyance, will or may be payable during the period of twenty years calculated from the date on which the first payment becomes due; and
- (c) where the sum is payable for an indefinite time terminable with any life in being at the date of the instrument or conveyance, the maximum amount which will or may be payable as aforesaid during the period of twelve years calculated from the date on which the first payment becomes due.

## **30. Stamp where value of subject matter is indeterminate**

- (1) Where the amount or value of the subject matter of any instrument chargeable with ad valorem duty cannot be, or, in the case of an instrument executed before the commencement of this Act, could not have been, ascertained at the date of its execution, or first execution, nothing shall be claimable under the instrument more than the highest amount or value for which, if stated in an instrument of the same description, the stamp actually used would, at the date of the execution, have been sufficient.
- (2) Notwithstanding subsection (1)—
- (a) in the case of the lease of a mine in which royalty or a share of the produce is received as the rent or part of the rent, it shall be sufficient to have estimated the royalty or the value of the share, for the purpose of stamp duty—
- (i) when the lease has been granted by or on behalf of the Government, at such amount or value as the revenue authority may, having regard to all the circumstances of

the case, have estimated as likely to be payable by way of royalty or share to the Government under the lease; or

- (ii) when the lease has been granted by any other person, at forty thousand shillings a year; and the whole amount of the royalty or share, whatever it may be, shall be claimable under such lease; and
- (b) where proceedings have been taken in respect of an instrument under section 38 or 48, the amount certified by the revenue authority shall be deemed to be the stamp actually used at the date of execution.

### **31. Facts affecting duty to be set forth in instrument**

- (1) The consideration, if any, and all other facts and circumstances affecting the chargeability of any instrument with duty, or the amount of the duty with which it is chargeable, shall be fully and truly set forth in the instrument.
- (2) The revenue authority may require any person executing or any person employed or concerned in the preparation of any such instrument to give evidence on oath or by affidavit that the facts and circumstances in the instrument are fully and truthfully set forth, and for that purpose the revenue authority may administer an oath.

### **32. Direction as to duty in case of certain conveyances**

- (1) Where any property has been contracted to be sold for one consideration for the whole, and is conveyed to the purchaser in separate parts by different instruments, the consideration shall be apportioned in such manner as the parties think fit; provided that a distinct consideration for each separate part is set forth in the conveyance relating to each part, and each conveyance shall be chargeable with ad valorem duty in respect of the distinct consideration.
- (2) Where property contracted to be purchased for one consideration for the whole by two or more persons jointly, or by any person for himself or herself and others, or wholly for others, is conveyed in parts by separate instruments to the persons by or for whom the property was purchased, for distinct parts of the consideration, the conveyance of each separate part shall be chargeable with ad valorem duty in respect of the distinct part of the consideration specified in the instrument.
- (3) Where a person, having contracted for the purchase of any property but not having obtained a conveyance of the property, contracts to sell it to any other person and the property is in consequence conveyed immediately to the subpurchaser, the conveyance shall be chargeable with ad valorem duty in respect of the consideration for the sale by the original purchaser to the subpurchaser.
- (4) Where a person, having contracted for the purchase of any property but not having obtained a conveyance of the property, contracts to sell the whole, or any part of it, to any other person or persons and the property is in consequence conveyed by the original seller to different persons in parts, the conveyance of each part sold to a subpurchaser shall be chargeable with ad valorem duty in respect only of the consideration paid by that subpurchaser, without regard to the amount or value of the original consideration; and the conveyance of the residue, if any, of the property to the original purchaser shall be chargeable with ad valorem duty in respect only of the excess of the original consideration over the aggregate of the considerations paid by the subpurchasers; but that the duty on the last-mentioned conveyance shall in no case be less than two shillings.
- (5) Where a subpurchaser takes an actual conveyance of the interest of the person immediately selling to him or her, which is chargeable with ad valorem duty in respect of the consideration paid by him or her and is duly stamped accordingly, any conveyance to be afterwards made to him or her of the same property by the original seller shall be chargeable with a duty equal to that which would be chargeable on a conveyance for the consideration obtained by the original seller, or, where that duty would exceed ten shillings with a duty of ten shillings.

### 33. Reconstruction or amalgamation of companies

- (1) If in connection with a scheme for the reconstruction of any company or the amalgamation of any companies it is shown to the satisfaction of the revenue authority that there exist the conditions mentioned in subsection (2) then, subject to this section—
- (a) the nominal share capital of the transferee company, or the amount by which the capital of the transferee company has been increased, as the case may be, shall, for the purpose of computing the stamp duty chargeable in respect of that capital, be treated as being reduced by either—
    - (i) an amount equal to the amount of the share capital of the existing company, or, in the case of the acquisition of a part of an undertaking, equal to that proportion of the share capital as the value of that part of the undertaking bears to the whole value of the undertaking; or
    - (ii) the amount to be credited as paid up on the shares to be issued as such consideration as aforesaid and on the shares, if any, to be issued to creditors of the existing company in consideration of the release of debts (whether secured or unsecured) due or accruing due to them from the existing company or of the assignment of the debts to the transferee company, whichever amount is the less; and
  - (b) stamp duty under the headings of “Conveyance” and “Transfer” in the Schedule to this Act shall not be chargeable on any instrument made for the purposes of or in connection with the transfer of the undertaking or shares, or on any instrument made for the purpose of or in connection with the assignment to the transferee company of any debts, secured or unsecured, of the existing company, nor shall any such duty be chargeable on any instrument vesting, or relating to the vesting of, the undertaking or shares in the transferee company; but—
    - (i) no such instrument shall be deemed to be duly stamped unless either it is stamped with the duty to which it would but for this section be liable, or it has, in accordance with [section 38](#), been submitted to the revenue authority for adjudication and the revenue authority has certified on it by endorsement pursuant to [section 39](#) that the document is not chargeable with any duty or that the full duty with which it is chargeable has been paid; and
    - (ii) in the case of an instrument made for the purposes of or in connection with a transfer to a company within the meaning of the Companies Act, paragraph (b) of this subsection shall not apply unless the instrument is either—
      - (A) executed within a period of twelve months from the date of the registration of the transferee company or the date of the resolution for the increase of the nominal share capital of the transferee company, as the case may be; or
      - (B) made for the purpose of effecting a conveyance or transfer in pursuance of an agreement which has been filed, or particulars of which have been filed, with the registrar of companies within the period of twelve months specified in subparagraph (ii)(A) of this paragraph; and (iii) the foregoing provision with respect to the release and assignment of debts of the existing company shall not, except in the case of debts due to banks or to trade creditors, apply to debts which were incurred less than two years before the proper time for making a claim for exemption under this section.
- (2) The conditions referred to in subsection (1) are—
- (a) that a company with a limited liability is to be registered, or that since the 30th August, 1956, a company has been incorporated by Letters Patent, or Act of Parliament of the United Kingdom or Uganda, or the nominal share capital of a company has been increased;



- (b) that the company (in this section referred to as “the transferee company”) is to be registered or has been incorporated or has increased its capital with a view to the acquisition either of the undertaking of, or of not less than 90 percent of the issued share capital of, any particular existing company;
  - (c) that the consideration for the acquisition (except such part of it as consists in the transfer to or discharge by the transferee company of liabilities of the existing company) consists of not less than 90 percent—
    - (i) where an undertaking is to be acquired, in the issue of shares in the transferee company to the existing company or to holders of shares in the existing company; or
    - (ii) where shares are to be acquired, in the issue of shares in the transferee company to the holders of shares in the existing company in exchange for the shares held by them in the existing company.
- (3) For the purposes of a claim for exemption under subsection (1)(b), a company which has, in connection with a scheme of reconstruction or amalgamation, issued any unissued share capital shall be treated as if it had increased its nominal share capital.
- (4) A company shall not be deemed to be a particular existing company within the meaning of this section unless it is provided by the memorandum of association of, or the Letters Patent or the Act of Parliament of the United Kingdom or Uganda incorporating the transferee company that one of the objects for which the company is established is the acquisition of the undertaking of, or shares in, the existing company, or unless it appears from the resolution, Act of Parliament or other authority for the increase of the capital of the transferee company that the increase is authorised for the purpose of acquiring the undertaking of, or shares in, the existing company.
- (5) In a case where the undertakings of or shares in two or more companies are to be acquired, the amount of the reduction to be allowed under this section in respect of the stamp duty chargeable in respect of the nominal share capital or the increase of the capital of a company shall be computed separately in relation to each of those companies.
- (6) Where a claim is made for exemption under this section, the revenue authority may require the delivery to him or her of a statutory declaration in such form as he or she may direct, made by an advocate, and of such further evidence, if any, as the revenue authority may reasonably require.
- (7) If—
- (a) where any claim for exemption from duty under this section has been allowed, it is subsequently found that any declaration or other evidence furnished in support of the claim was untrue in any material particular, or that the conditions specified in subsection (2) are not fulfilled in the reconstruction or amalgamation as actually carried out;
  - (b) where shares in the transferee company have been issued to the existing company in consideration of the acquisition, the existing company within a period of two years from the date, as the case may be, of the registration or incorporation, or of the authority for the increase of the capital, of the transferee company, ceases, otherwise than in consequence of reconstruction, amalgamation or liquidation, to be the beneficial owner of the shares so issued to it; or
  - (c) where any such exemption has been allowed in connection with the acquisition by the transferee company of shares in another company, the transferee company within a period of two years from the date of its registration or incorporation or of the authority for the increase of its capital, as the case may be, ceases, otherwise than in consequence of reconstruction, amalgamation or liquidation, to be the beneficial owner of the shares so acquired, the exemption shall be deemed not to have been allowed, and an amount equal to the duty remitted shall become payable forthwith, and shall be recoverable from the transferee company as a debt due to the Government, together with interest on the debt at the rate of 5 percent per year in the case of duty remitted under subsection (1)(a) from the date of the registration or incorporation of the transferee company or the increase of its

capital, as the case may be, and in the case of duty remitted under subsection (1)(b) from the date on which it would have become chargeable but for the provisions of this section.

- (8) If in the case of any scheme of reconstruction or amalgamation the revenue authority is satisfied that at the proper time for making a claim for exemption from duty under subsection (1) there were in existence all the necessary conditions for an exemption other than the condition that not less than 90 percent of the issued share capital of the existing company would be acquired by the transferee company, the revenue authority may, if it is proved to his or her satisfaction that not less than 90 percent of the issued capital of the existing company has under the scheme been acquired within a period of six months from the earlier of the two following dates—
- (a) the last day of the period of thirty days after the first allotment of shares made for the purposes of the acquisition; or
  - (b) the date on which an invitation was issued to the shareholders of the existing company to accept shares in the transferee company, and on production of the instruments on which duty paid has been impressed, direct repayment to be made of such an amount of duty as would have been remitted if the condition had been originally fulfilled.
- (9) In this section, unless the context otherwise requires—
- (a) references to the undertaking of an existing company include references to a part of the undertaking of an existing company;
  - (b) “shares” includes stock.

#### **34. Transfers between associated companies**

- (1) Stamp duty under the headings “Conveyance” and “Transfer” in the Schedule to this Act shall not be chargeable on an instrument to which this section applies; but no such instrument shall be deemed to be duly stamped unless either it is stamped with the duty to which it would, but for this section, be liable, or it has, in accordance with [section 38](#), been submitted to the revenue authority for adjudication and the revenue authority has certified on it by endorsement pursuant to [section 39](#), that the document is not chargeable with any duty or that the full duty with which it is chargeable has been paid.
- (2) This section applies to any instrument in respect of which it is shown to the satisfaction of the revenue authority—
- (a) that the effect of the instrument is to convey or transfer a beneficial interest in property from one company with limited liability (hereafter called “the transferor”) to another such company (hereafter called “the transferee”);
  - (b) that either—
    - (i) one of the companies is beneficial owner of not less than 90 percent of the issued share capital of the other company; or
    - (ii) not less than 90 percent of the issued share capital of each of the companies is in the beneficial ownership of a third company with limited liability; and
  - (c) that the instrument was not executed in pursuance of or in connection with an arrangement under which—
    - (i) the consideration for the conveyance or transfer was to be provided directly or indirectly by a person other than a company which at the time of the execution of the instrument was associated with either the transferor or the transferee; or
    - (ii) the beneficial interest in the property was previously conveyed or transferred directly or indirectly by such a person as aforesaid.

**35. Transfers inter vivos**

- (1) Any conveyance or transfer operating as a voluntary disposition inter vivos shall be chargeable with the like stamp duty as if it were a conveyance or transfer on sale with the substitution in each case of the value of the property conveyed or transferred for the amount or value of the consideration for the sale.
- (2) Notwithstanding anything in [section 38](#), the opinion of the revenue authority shall be required under that section on any conveyance or transfer operating as a voluntary disposition inter vivos, and no such conveyance or transfer shall be deemed to be duly stamped unless the revenue authority has expressed his or her opinion on it in accordance with this section.
- (3) Where any instrument is chargeable with duty both as a conveyance or transfer under this section and as a settlement under the heading "Settlement" in the Schedule to this Act, the instrument shall be charged with duty as a conveyance or transfer under this section but not as a settlement.
- (4) Any conveyance or transfer, not being a disposition made in favour of a purchaser or incumbrancer or other person in good faith and for valuable consideration, shall for the purpose of this section be deemed to be a conveyance or transfer operating as a voluntary disposition inter vivos, and, except where marriage is the consideration, the consideration for any conveyance or transfer shall not for this purpose be deemed to be valuable consideration where the revenue authority is of the opinion that by reason of the inadequacy of the sum paid as consideration or other circumstances the conveyance or transfer confers a substantial benefit on the person to whom the property is conveyed or transferred.
- (5) Subsections (1) to (4) shall not apply to a conveyance or transfer made for nominal consideration for the purpose of securing the repayment of an advance or loan or made for effecting the appointment of a new trustee or the retirement of a trustee, whether the trust is expressed or implied, or under which no beneficial interest passes in the property conveyed or transferred, or made to a beneficiary by a trustee or other person in a fiduciary capacity under any trust, whether expressed or implied; and this subsection shall have effect notwithstanding that the circumstances exempting the conveyance or transfer from charge under this section are not set forth in the conveyance or transfer.

***Duty by whom payable*****36. Duties by whom payable**

In the absence of an agreement to the contrary, the expense of providing the proper stamp shall be borne —

- (a) in the case of any instrument described in any of the following articles of the Schedule to this Act—
  - (i) No. 2 (Administration bond),
  - (ii) No. 6 (Agreement relating to deposit of title deeds, pawn or pledge),
  - (iii) No. 13 (Bill of exchange),
  - (iv) No. 16 (Bond),
  - (v) No. 27 (Debenture),
  - (vi) No. 34 (Further charge),
  - (vii) No. 37 (Indemnity bond),
  - (viii) No. 42 (Mortgage deed),
  - (ix) No. 51 (Promissory note),
  - (x) No. 55 (Release),

- (xi) No. 56 (Respondentia bond),
  - (xii) No. 57 (Security bond or mortgage deed),
  - (xiii) No. 58 (Settlement),
- by the person drawing, making or executing the instrument;
- (b) in the case of a policy of fire insurance, by the person effecting the insurance;
  - (c) in the case of a conveyance, including a reconveyance of mortgaged property, by the grantee;
  - (d) in the case of a conveyance, including a reconveyance of mortgaged property, by the grantee;
  - (e) in the case of a lease or agreement to lease, by the lessee or intended lessee;
  - (f) in the case of a counterpart of a lease, by the lessor;
  - (g) in the case of an instrument of exchange, by the parties in equal shares;
  - (h) in the case of a certificate of sale, by the purchaser of the property to which the certificate relates;
  - (i) in the case of an instrument of partition, by the parties to it in proportion to their respective shares in the whole property partitioned, or, when the partition is made in execution of an order passed by a civil court or arbitrator, in such proportion as the court or arbitrator directs;
  - (j) in the case of a transfer of shares in an incorporated company or other body corporate, by the purchaser or transferee;
  - (k) in the case of a transfer of debentures, being marketable securities, whether the debenture is liable to duty or not, by the purchaser or transfer e; and
  - (l) in the case of a transfer of any interest secured by bond, mortgage, deed or policy of insurance, by the purchaser or transferee.

### **37. Obligation to give receipt in certain cases**

- (1) Any person receiving any money exceeding forty shillings in amount, or any bill of exchange, cheque or promissory note for an amount exceeding forty shillings, or receiving in satisfaction or part satisfaction of a debt any movable property exceeding forty shillings in value, shall, on demand by the person paying or delivering the money, bill, cheque, note or property give a duly stamped receipt for it.
- (2) Any person receiving or taking credit for any premium or consideration for any renewal of any contract of fire insurance shall, within one month after receiving or taking credit for the premium or consideration, give a duly stamped receipt for it.

## **Part III – Adjudicating as to stamps**

### **38. Adjudication as to proper stamp**

- (1) When any instrument, whether executed or not and whether previously stamped or not, is brought to the revenue authority, and the person bringing it applies to have the opinion of that officer as to the duty, if any, with which it is chargeable, and pays a fee of such amount, not exceeding one hundred shillings and not less than one shilling as that officer may in each case direct, that officer shall determine the duty, if any, with which, in his or her judgment, the instrument is chargeable.
- (2) For this purpose the revenue authority may require to be furnished with an abstract of the instrument, and also with such affidavit or other evidence as he or she may deem necessary to prove that all the facts and circumstances affecting the chargeability of the instrument with duty, or the amount of the duty with which it is chargeable, are fully and truly set forth in it, and may refuse to

proceed upon any application until the abstract and evidence have been furnished accordingly; but

- (a) no evidence furnished in pursuance of this section shall be used against any person in any civil proceeding, except in an inquiry as to the duty with which the instrument to which it relates is chargeable; and
- (b) every person by whom any such evidence is furnished shall, on payment of the full duty with which the instrument to which it relates is chargeable, be relieved from any penalty which he or she may have incurred under this Act by reason of the omission to state truly in the instrument any of the facts or circumstances aforesaid.

### **39. Certificate by revenue authority**

- (1) When an instrument brought to the revenue authority under [section 38](#) is, in his or her opinion, one of a description chargeable with duty, and—
  - (a) that officer determines that it is already fully stamped; or
  - (b) the duty determined by that officer under [section 38](#) or such sum as, with the duty already paid in respect of the instrument, is equal to the duty so determined, has been paid, that officer shall certify by endorsement on the instrument that the full duty, stating the amount, with which it is chargeable has been paid.
- (2) When that instrument is, in his or her opinion, not chargeable with duty, the revenue authority shall certify in the manner aforesaid that the instrument is not so chargeable.
- (3) Any instrument upon which an endorsement has been made under this section shall be deemed to be duly stamped or not chargeable with duty, as the case may be; and, if chargeable with duty, shall be receivable in evidence or otherwise, and may be acted upon and registered as if it had been originally duly stamped.
- (4) Nothing in this section shall authorise the revenue authority to endorse—
  - (a) any instrument executed or first executed in Uganda and brought to him or her after the expiration of one month from the date of its execution or first execution, as the case may be;
  - (b) any instrument executed or first executed out of Uganda and brought to him or her after the expiration of three months after it has been first received in Uganda; or
  - (c) any instrument chargeable with the duty of twenty cents or under or any bill of exchange or promissory note, when brought to him or her, after the drawing or execution thereof, not duly stamped.

## **Part IV – Instruments not duly stamped**

### **40. Examination and impounding of instruments**

- (1) Every person having by law or consent of the parties authority to receive evidence, and every person in charge of a public office, except an officer of police, before whom any instrument chargeable, in his or her opinion, with duty, is produced or comes in the performance of his or her functions, shall, if it appears to that person that the instrument is not duly stamped, impound it.
- (2) For that purpose every such person shall examine every instrument so chargeable and so produced or coming before him or her, in order to ascertain whether it is stamped with a stamp of the value and description required by the law in force in Uganda when the instrument was executed or first executed; but—
  - (a) nothing in this section shall be deemed to require any judge or magistrate of a criminal court to examine or impound, if he or she does not think fit so to do, any instrument coming before him or her in the course of any proceeding;

- (b) nothing in this section shall be deemed to require any magistrate or justice of the peace to examine or impound any document coming before him or her in the course of taking an affidavit or exercising or performing any of the other powers or duties of a notary public or commissioner for oaths;
  - (c) in the case of a judge of the High Court, the duty of examining and impounding any instrument under this section may be delegated to such officer as the court appoints in this behalf.
- (3) For the purposes of this section, in case of doubt, the Minister may determine what offices shall be deemed to be public offices, and who shall be deemed to be persons in charge of public offices.

#### **41. Special provision as to unstamped receipts**

Where any receipt chargeable with a duty of ten cents is tendered to or produced before any officer unstamped in the course of the audit of any public account, the officer may in his or her discretion, instead of impounding the instrument, require a duly stamped receipt to be substituted for it.

#### **42. Instruments not duly stamped inadmissible in evidence, etc.**

No instrument chargeable with duty shall be admitted in evidence for any purpose by any person having by law or consent of the parties authority to receive evidence, or shall be acted upon, registered or authenticated by any such person, or by any public officer, unless the instrument is duly stamped; but—

- (a) any such instrument, not being an instrument chargeable with duty of ten or twenty cents only, other than a cheque, or a bill of exchange, other than a bill of exchange presented for acceptance, accepted or payable elsewhere than in Uganda, or a promissory note, shall subject to all just exceptions be admitted in evidence on payment of the duty with which the instrument is chargeable, or, in the case of an instrument insufficiently stamped, of the amount required to make up such duty, together with a penalty of ten shillings, or, when ten times the amount of the proper duty or deficient portion of the duty exceeds ten shillings, of a sum equal to ten times that duty or portion;
- (b) where any person from whom a stamped receipt could have been demanded has given an unstamped receipt, and that receipt, if stamped, would be admissible in evidence against him or her, then the receipt shall be admitted in evidence against him or her on payment of a penalty of two shillings by the person tendering it;
- (c) where a contract or agreement of any kind is effected by correspondence consisting of two or more letters and any one of the letters bears the proper stamp, the contract or agreement shall be deemed to be duly stamped;
- (d) nothing in this section shall prevent the admission of any instrument in evidence in any proceeding in a criminal court;
- (e) nothing in this section shall prevent the admission of any instrument in any court when the instrument has been executed by or on behalf of the Government, or where it bears the certificate of the revenue authority as provided by [section 39](#) or any other provision of this Act.

#### **43. Where admission of instrument not to be questioned**

Where an instrument has been admitted in evidence, the admission shall not, except as provided in [section 68](#), be called in question at any stage of the same suit or proceeding on the ground that the instrument has not been duly stamped.

#### **44. Admission of improperly stamped instruments**

The Minister may make rules providing that where an instrument bears a stamp of sufficient amount but of improper description, it may, on payment of the duty with which it is chargeable, be certified to be duly

stamped, and any instrument so certified shall then be deemed to have been duly stamped as from the date of its execution.

#### **45. Instruments impounded, how dealt with**

- (1) When the person impounding an instrument under [section 40](#) has by law or consent of the parties authority to receive evidence and admits the instrument in evidence upon payment of the duty with which the instrument is chargeable, or in the case of an instrument insufficiently stamped of the amount required to make up such duty together with a penalty as provided by [section 42](#), or of duty as provided by [section 44](#), he or she shall send to the revenue authority an authenticated copy of the instrument, together with a certificate in writing, stating the amount of duty and penalty levied in respect of the instrument, and shall send such amount to the revenue authority, or to such person as he or she may appoint in this behalf.
- (2) In every other case, the person so impounding an instrument shall send it in original to the revenue authority.

#### **46. Revenue authority's power to refund penalty paid under [section 45\(1\)](#)**

- (1) When a copy of an instrument is sent to the revenue authority under [section 45\(1\)](#), he or she may, if he or she thinks fit, refund any portion of the penalty in excess of ten shillings which has been paid in respect of the instrument.
- (2) When such instrument has been impounded only because it has been written in contravention of [section 15](#) or [16](#), the revenue authority may refund the whole penalty so paid.

#### **47. Revenue authority's power to stamp instruments impounded**

- (1) When the revenue authority impounds any instrument under [section 40](#) or receives any instrument sent to him or her under [section 45\(2\)](#), not being an instrument chargeable with a duty of twenty cents or under only, or a bill of exchange or promissory note, he or she shall adopt the following procedure—
  - (a) if the revenue authority is of opinion that the instrument is duly stamped, or is not chargeable with duty, he or she shall certify by endorsement on it that it is duly stamped, or that it is not so chargeable, as the case may be;
  - (b) if the revenue authority is of opinion that the instrument is chargeable with duty and is not duly stamped, he or she shall require the payment of the proper duty or the amount required to make up that duty, together with a penalty of ten shillings, or if he or she thinks fit, an amount not exceeding ten times the amount of the proper duty or of the deficient portion of that duty, whether the amount exceeds or falls short of ten shillings, but when the instrument has been impounded only because it has been written in contravention of [section 15](#) or [16](#), the revenue authority may, if he or she thinks fit, remit the whole penalty prescribed by this section.
- (2) Every certificate under subsection (1)(a) shall, for the purposes of this Act, be conclusive evidence of the matters stated in the certificate.
- (3) Where an instrument has been sent to the revenue authority under [section 45\(2\)](#), the revenue authority shall, when he or she has dealt with it as provided by this section, return it to the impounding officer.

#### **48. Instruments unduly stamped by accident**

If any instrument chargeable with duty and not duly stamped, not being an instrument chargeable with a duty of twenty cents or under only, or a bill of exchange or promissory note, is produced by any person of his or her own motion before the revenue authority within one year from the date of its execution or first execution, and that person brings to the notice of the revenue authority the fact that the instrument is

not duly stamped and offers to pay to the revenue authority the amount of the proper duty, or the amount required to make up that duty, and the revenue authority is satisfied that the omission duly to stamp the instrument has been occasioned by accident, mistake or urgent necessity, he or she may instead of proceeding under sections [40](#) and [47](#), receive the amount and proceed as prescribed in [section 49](#).

#### **49. Endorsement of instruments on which duty has been paid under section [42](#), [47](#) or [48](#)**

- (1) When the duty and penalty, if any, leviable in respect of any instrument have been paid under section [42](#), [47](#) or [48](#), the person admitting the instrument in evidence or the revenue authority, as the case may be, shall certify by endorsement on the instrument that the proper duty or, as the case may be, the proper duty and penalty (stating the amount of each) has or have been levied in respect of the instrument, and the name and residence of the person paying it or them.
- (2) Every instrument so endorsed shall thereupon be admissible in evidence, and may be registered and acted upon and authenticated as if it had been duly stamped, and shall be delivered on his or her application in this behalf to the person from whose possession it came into the hands of the officer impounding it, or as that person may direct; but—
  - (a) no instrument which has been admitted in evidence upon payment of duty and a penalty under [section 42](#) shall be so delivered before the expiration of one month from the date of its impounding, or if the revenue authority has certified that its further detention is necessary and has not cancelled the certificate;
  - (b) nothing in this section shall affect Order 12, Rule 5, of the Civil Procedure Rules.

#### **50. Prosecution for offence against stamp law**

The taking of proceedings or the payment of a penalty under this Part of this Act in respect of any instrument shall not bar the prosecution of any person who appears to have committed an offence against the stamp law in respect of the instrument; but no such prosecution shall be instituted in the case of any instrument in respect of which such a penalty has been paid, unless it appears to the revenue authority that the offence was committed with an intention of evading payment of the proper duty.

#### **51. Persons paying duty or penalty may recover it in certain cases**

- (1) When any duty or penalty has been paid under section [42](#), [44](#), [47](#) or [48](#) by any person in respect of an instrument, and, by agreement or under the provisions of [section 36](#) or any other enactment in force at the time the instrument was executed, some other person was bound to bear the expense of providing the proper stamp for the instrument, the first-mentioned person shall be entitled to recover from that other person the amount of the duty or penalty so paid.
- (2) For the purpose of that recovery, any certificate granted in respect of the instrument under this Act shall be conclusive evidence of the matters certified in it.
- (3) Such amount may, if the court thinks fit, be included in any order as to costs in any suit or proceeding to which such persons are parties and in which the instrument has been tendered in evidence; but if the court does not include the amount in such order, no further proceedings for the recovery of the amount shall be maintainable.

#### **52. Power of revenue authority to refund penalty or excess duty in certain cases**

- (1) Where any penalty is paid under section [42](#) or [47](#), the revenue authority may, upon application in writing made within one year from the date of the payment, refund the penalty wholly or in part.
- (2) Where, in the opinion of the revenue authority, stamp duty in excess of that which is legally chargeable has been charged and paid under [section 42](#), the revenue authority may, upon application in writing made within three months of the order charging the stamp duty, refund the excess.



**53. Nonliability for loss of instruments sent under section 45**

- (1) If any instrument sent to the revenue authority under section 45(2) is lost, destroyed or damaged during transmission, the person sending it shall not be liable for the loss, destruction or damage.
- (2) When any instrument is about to be so sent, the person from whose possession it came into the hands of the person impounding it, may require a copy of the instrument to be made at the expense of the first-mentioned person and authenticated by the person impounding the instrument.

**54. Power to stamp bills, promissory notes and cheques received unstamped**

When any bill of exchange, promissory note or cheque chargeable with the duty of twenty cents is presented for payment unstamped, the person to whom it is so presented may affix to it the necessary adhesive stamp, and, upon cancelling the stamp in the manner hereinbefore provided, may pay the sum payable upon the bill, note or cheque, and may charge the duty against the person who ought to have paid it, or deduct it from the sum payable as aforesaid, and the bill, note or cheque shall, so far as respects the duty, be deemed good and valid; but nothing in this section shall relieve any person from any penalty or proceeding to which he or she may be liable in relation to such bill, note or cheque.

**55. Recovery of duties and penalties**

All duties, penalties and other sums required to be paid under this Part of this Act may be recovered by the revenue authority by distress and sale of the movable property of the person from whom the same are due.

**Part V – Allowances for stamps in certain cases****56. Allowance for spoiled stamps**

- (1) Subject to such rules as may be made by the Minister as to the evidence to be required, or the inquiry to be made, the revenue authority may, on application made within the period prescribed in section 57, and if he or she is satisfied as to the facts, make allowance for stamps spoiled in the following cases—
  - (a) the stamp on any paper inadvertently and undesignedly spoiled, obliterated or by error in writing or any other means rendered unfit for the purpose intended before any instrument written on the paper is executed by any person;
  - (b) the stamp on any document which is written out wholly or in part, but which is not signed or executed by any party to the document;
  - (c) in the case of bills of exchange, cheques or promissory notes—
    - (i) the stamp on any bill of exchange or cheque signed by or on behalf of the drawer which has not been accepted or made use of in any manner or delivered out of the drawer's hands for any purpose other than by way of tender for acceptance, if the paper on which that stamp is impressed does not bear any signature intended as or for the acceptance of any bill of exchange or cheque to be afterwards written on it;
    - (ii) the stamp on any promissory note signed by or on behalf of the maker which has not been made use of in any manner or delivered out of the maker's hands;
    - (iii) the stamp used or intended to be used for any bill of exchange, cheque or promissory note signed by, or on behalf of, its drawer, but which from any omission or error has been spoiled or rendered useless, although the same, being a bill of exchange or cheque, may have been presented for acceptance or accepted or endorsed, or, being a promissory note, may have been delivered to the payee, if another completed and duly stamped bill of exchange, cheque or promissory note is produced identical in

every particular, except in the correction of the omission or error, with the spoiled bill, cheque or note;

- (d) the stamp used for an instrument, executed by any party to it, which—
- (i) has been afterwards found to be absolutely void in law from the beginning;
  - (ii) has been afterwards found unfit by reason of any error or mistake in it, for the purpose originally intended;
  - (iii) by reason of the death of any person by whom it is necessary that it should be executed without having executed it, or of the refusal of any such person to execute it, cannot be completed so as to effect the intended transaction in the form proposed;
  - (iv) for want of its execution by some material party, and his or her inability or refusal to sign it, is in fact incomplete and insufficient for the purpose for which it was intended;
  - (v) by reason of the refusal of any person to act under the instrument, or to advance any money intended to be secured by it, or by the refusal or nonacceptance of any office granted by it, totally fails of the intended purpose;
  - (vi) becomes useless in consequence of the transaction intended to be effected by it being effected by some other instrument between the same parties and bearing a stamp of not less value;
  - (vii) is deficient in value and the transaction intended to be effected by the instrument has been effected by some other instrument between the same parties and bearing a stamp of not less value;
  - (viii) is inadvertently and undesignedly spoiled, and in lieu of which another instrument made between the same parties and for the same purpose is executed and duly stamped, if in the case of an executed instrument, no legal proceeding has been commenced in which the instrument could or would have been given or offered in evidence, and if the instrument is given up to be cancelled.
- (2) The certificate of the revenue authority under [section 39](#) that the full duty with which an instrument is chargeable has been paid is a stamp within the meaning of this section.

### **57. Application for relief under [section 56](#), when to be made**

- (1) The application for relief under [section 56](#) shall be made within the following periods—
- (a) in the cases mentioned in [section 56\(1\)\(d\)\(v\)](#), within two months of the date of the instrument;
  - (b) in the case of a stamped paper on which no instrument has been executed by any of the parties to it, within six months after the stamp has been spoiled;
  - (c) in the case of a stamped paper on which an instrument has been executed by any of the parties to it, within six months after the date of the instrument, or, if it is not dated, within six months after the execution of the instrument by the person by whom it was first or alone executed.
- (2) Notwithstanding subsection (1)—
- (a) when the spoiled instrument has been for sufficient reasons sent out of Uganda, the application may be made within six months after it has been received back in Uganda;
  - (b) when, from unavoidable circumstances, any instrument for which another instrument has been substituted, cannot be given up to be cancelled within the aforesaid period, the application may be made within six months after the date of execution of the substituted instrument.

**58. Allowance in case of printed forms no longer required by corporations**

The revenue authority may, without limit of time, make allowance for stamped papers used for printed forms of instruments by any banker or by any incorporated company or other body corporate, if for any sufficient reason the forms have ceased to be required by the banker, company or body corporate, if the authority is satisfied that the duty in respect of the stamped papers has been duly paid.

**59. Allowance for misused stamps**

When—

- (a) any person has inadvertently used for an instrument chargeable with duty a stamp of a description other than that prescribed for the instrument by the rules made under this Act, or a stamp of greater value than was necessary, or has inadvertently used any stamp for an instrument not chargeable with any duty; or
- (b) any stamp used for an instrument has been inadvertently rendered useless under [section 17](#) owing to the instrument having been written in contravention of the provisions of [section 15](#), the revenue authority may, on application made within six months after the date of the instrument, or, if it is not dated, within six months after its execution by the person by whom it was first or alone executed, and upon the instrument, if chargeable with duty, being restamped with the proper duty, cancel and allow as spoiled the stamp so misused or rendered useless.

**60. Allowance for spoiled or misused stamps, how to be made**

In any case in which allowance is made for spoiled or misused stamps, the revenue authority may give in lieu thereof—

- (a) other stamps of the same description and value;
- (b) if required and he or she thinks fit, stamps of any other description to the same amount in value; or
- (c) at his or her discretion, the same value in money, deducting six cents for each shilling or fraction of a shilling.

**61. Allowance for stamps not required for use**

When any person is possessed of stamps which have not been spoiled or rendered unfit or useless for the purpose intended, but for which he or she has no immediate use, the revenue authority shall repay to that person the value of such stamps in money, deducting six cents for each shilling or portion of a shilling, upon the person delivering up the stamps to be cancelled, and proving to the revenue authority's satisfaction—

- (a) that the stamps were purchased by that person with a bona fide intention to use them;
- (b) that he or she has paid the full price of the stamps; and
- (c) that they were so purchased within six months before the date on which they were so delivered,

but, where the person is a licensed vendor of stamps the revenue authority may, if he or she thinks fit, repay the sum actually paid by the vendor without the deduction.

**62. Allowance on renewal of certain debentures**

- (1) When any duly stamped debenture is renewed by the issue of a new debenture in the same terms, the revenue authority shall, upon application made within one month, repay to the person issuing the debenture the value of the stamp on the original or on the new debenture, whichever shall be less if the original debenture is produced before the revenue authority and cancelled by him or her in such manner as the Minister may direct.

- (2) A debenture shall be deemed to be renewed in the same terms within the meaning of this section notwithstanding the following changes—
- (a) the issue of two or more debentures in place of one original debenture, the total amount secured being the same;
  - (b) the issue of one debenture in place of two or more original debentures, the total amount secured being the same;
  - (c) the substitution of the name of the holder at the time of renewal for the name of the original holder; and
  - (d) the alteration of the rate of interest or the dates of payment of the debenture.

## Part VI – Reference and revision

### 63. Statement of case by revenue authority to High Court

The revenue authority may state any case coming to his or her notice, and refer the case, with his or her own opinion on it, to the High Court.

### 64. Appeal from revenue authority to High Court

Any person considering himself or herself aggrieved by any decision of the revenue authority may appeal from it to the High Court and may require the revenue authority to draw up a statement of the case, with his or her own opinion on it, for reference to the High Court.

### 65. Power of High Court to call for further particulars as to case stated

If the High Court is not satisfied that the statements contained in any case referred to it under section 63 or 64 are sufficient to enable it to determine the questions raised by the case, the court may refer the case back to the revenue authority, to make such additions to it or alterations in it as the court may direct in that behalf.

### 66. Procedure in disposing of case stated

- (1) The High Court, upon the hearing of any such case, shall decide the questions raised by it, and shall deliver its judgment on it containing the grounds on which its decision is founded.
- (2) The court shall send to the revenue authority a copy of its judgment under the seal of the court; and the revenue authority shall, on receiving the copy, dispose of the case conformably to the judgment.

### 67. Statement of case by other courts to High Court

- (1) If any court, other than the High Court, feels doubt as to the amount of duty to be paid in respect of any instrument under section 42(a), the magistrate may draw up a statement of the case and refer it, with his or her own opinion on it, for the decision of the High Court.
- (2) The High Court shall deal with the case as if it had been referred under section 63, and send a copy of its judgment under the seal of the court to the revenue authority and another like copy to the magistrate making the reference, who shall, on receiving the copy, dispose of the case conformably to the judgment.

### 68. Revision of certain decisions of courts regarding the sufficiency of stamps

- (1) When any court in the exercise of its civil jurisdiction makes any order admitting any instrument in evidence as duly stamped or as not requiring a stamp, or upon payment of duty and a penalty under section 42, the court to which appeals lie from, or references are made by, the first-mentioned

court may, of its own motion or on the application of the revenue authority, take that order into consideration.

- (2) If the court, after such consideration, is of opinion that the instrument should not have been admitted in evidence without the payment of duty and penalty under [section 42](#), or without the payment of a higher duty and penalty than those paid, it may record a declaration to that effect, and determine the amount of duty with which the instrument is chargeable, and may require any person in whose possession or power the instrument then is to produce it, and may impound it when produced.
- (3) When any declaration has been recorded under subsection (2), the court recording it shall send a copy of the declaration to the revenue authority, and, where the instrument to which it relates has been impounded or is otherwise in the possession of the court, shall also send the revenue authority the instrument.
- (4) The revenue authority may thereupon, notwithstanding anything in the order admitting the instrument in evidence, or in any certificate granted under [section 49](#) or [50](#), prosecute any person for any offence against the stamp law which the revenue authority considers that person to have committed in respect of the instrument; except that—
  - (a) no such prosecution shall be instituted where the amount (including duty and penalty) which, according to the determination of the court, was payable in respect of the instrument under [section 42](#), is paid to the revenue authority, unless he or she thinks that the offence was committed with an intention of evading payment of the proper duty;
  - (b) except for the purposes of such prosecution, no declaration made under this section shall affect the validity of any order admitting any instrument in evidence, or of any certificate granted under [section 49](#).

## Part VII – Criminal offences and procedure

### 69. Penalty for executing, etc. instrument not duly stamped

- (1) Any person—
  - (a) drawing, making, issuing, endorsing or transferring or signing, otherwise than as a witness, or presenting for acceptance or payment, or accepting, paying or receiving payment of, or in any manner negotiating any bill of exchange, cheque or promissory note without it being duly stamped;
  - (b) executing or signing, otherwise than as a witness, any other instrument chargeable with duty without it being duly stamped; or
  - (c) voting or attempting to vote under any proxy not duly stamped, shall for every such offence be punishable with a fine not exceeding one thousand shillings; but when any penalty has been paid in respect of any instrument under [section 42](#), [47](#) or [68](#), the amount of that penalty shall be allowed in reduction of the fine, if any, subsequently imposed under this section in respect of the same instrument upon the person who paid that penalty.
- (2) If a share-warrant is issued without being duly stamped, the company issuing it, and also every person who, at the time when it is issued, is the managing director or secretary or other principal officer of the company, shall be punishable with a fine not exceeding one thousand shillings.

### 70. Penalty for failure to cancel adhesive stamp

Any person required by [section 14](#) to cancel an adhesive stamp and failing to cancel the stamp in the manner prescribed by that section shall be punishable with a fine not exceeding two hundred shillings.

**71. Penalty for failure to comply with [section 31](#), etc.**

Any person who, with intent to defraud the Government—

- (a) executes any instrument in which all the facts and circumstances required by [section 31](#) to be set forth in the instrument are not fully and truly set forth;
- (b) being employed or concerned in or about the preparation of any instrument, neglects or omits fully and truly to set forth in it all such facts and circumstances; or
- (c) does any other act calculated to deprive the Government of any duty or penalty under this Act, shall be punishable with a fine not exceeding ten thousand shillings.

**72. Penalty for refusal to give receipt, and for devices to evade duty on receipts**

Any person who—

- (a) being required under [section 37](#) to give a receipt, refuses or neglects to give a receipt; or
- (b) with intent to defraud the Government of any duty, upon a payment of money or delivery of property exceeding forty shillings in amount or value, gives a receipt for an amount or value not exceeding forty shillings, or separates or divides the money or property paid or delivered, shall be punishable with a fine not exceeding two hundred shillings.

**73. Penalty for not making out policy, or making one not duly stamped**

(1) Any person who—

- (a) receives, or takes credit for, any premium or consideration for any contract of insurance and does not, within one month after receiving, or taking credit for, the premium or consideration, make out and execute a duly stamped policy of such insurance; or
- (b) makes, executes or delivers out any policy which is not duly stamped, or pays or allows in account, or agrees to pay or allow in account, any money upon, or in respect of, any such policy, shall be punishable with a fine not exceeding four hundred shillings.

(2) Subsection (1) shall not apply to policies of insurance against accident in respect of which an agreement for the composition of stamp duty has been entered into under [section 7](#).

**74. Penalty for not drawing full number of bills or marine policies purporting to be in sets**

Any person drawing or executing a policy of marine insurance purporting to be drawn or executed in a set of two or more, and not at the same time drawing or executing on paper duly stamped the whole number of policies of which such policy purports the set to consist, shall be punishable with a fine not exceeding two thousand shillings.

**75. Penalty for postdating bills, and for other devices to defraud the revenue**

Any person who—

- (a) with intent to defraud the Government of duty, draws, makes or issues any bill of exchange or promissory note, bearing a date subsequent to that on which the bill or note is actually drawn or made;
- (b) knowing that such bill or note has been so postdated, endorses, transfers, presents for acceptance or payment, or accepts, pays or receives payment of, the bill or note, or in any manner negotiates it; or

- (c) with the like intent, practises or is concerned in any act, contrivance or device not specially provided for by this Act or any other law for the time being in force, shall be punishable with a fine not exceeding two thousand shillings.

#### **76. Penalty for breach of rule relating to sale of stamps and for unauthorised sale**

Any person—

- (a) appointed to sell stamps who disobeys any rule made under [section 81](#); and
- (b) not so appointed, who sells or offers for sale any stamp (other than adhesive stamps of the value of twenty cents or under), shall be punishable with imprisonment for a period not exceeding six months, or with a fine not exceeding one thousand shillings or with both.

#### **77. Institution and conduct of prosecutions**

- (1) Subject to article 120 of the Constitution, no prosecution in respect of any offence punishable under this Act shall be instituted without the sanction of the revenue authority or such other officer as the revenue authority specially authorises in that behalf.
- (2) The revenue authority, or any officer specially authorised by him or her in this behalf, may, with the consent of the Director of Public Prosecutions, stay any such prosecution or compound any such offence.
- (3) The amount of any such composition shall be recoverable in the manner provided by [section 55](#).

#### **78. Jurisdiction of magistrates**

No magistrate grade III shall try any offence under this Act.

#### **79. Place of trial**

Every offence committed in respect of any instrument may be tried in any district or area in which the instrument is found as well as in any district or area in which the offence might be tried under the Criminal Procedure Code Act.

### **Part VIII – Supplemental provisions**

#### **80. Books, etc. to be open to inspection**

Every public officer having in his or her custody any registers, books, records, papers, documents or proceedings, the inspection of which may tend to secure any duty or to prove or lead to the discovery of any fraud or omission in relation to any duty, shall at all reasonable times permit any person authorised in writing by the revenue authority to inspect for such purpose the registers, books, papers, documents and proceedings, and to take such notes and extracts as he or she may deem necessary, without fee or charge.

#### **81. Power to make rules relating to sale of stamps**

The Minister may make rules for regulating—

- (a) the supply and sale of stamps and stamped papers;
- (b) the persons by whom alone such sale is to be conducted; and
- (c) the duties and remuneration of such persons, but the rules shall not restrict the sale of adhesive stamps of the value of twenty cents or under.

**82. Power to make rules generally to carry out Act**

The Minister may make rules to carry out generally the purposes of this Act, and may by the rules prescribe the fines, which shall in no case exceed one thousand shillings, to be incurred on breach of a rule.

**83. Saving as to court fees**

Nothing in this Act shall be deemed to affect the duties chargeable under any enactment for the time being in force relating to court fees.

**Schedule*****First Part (s. 2)******Stamp duty on instruments***

| <b>Instrument</b>   | <b>Proper stamp duty (in shillings)</b> |
|---|---|
| 1. Acknowledgement of a debt exceeding shs. 100,000   | 1,000                                   |
| 2. Administration bond where the amount does exceed shs. 100,000                            | 1,000                                   |
| 3. Adoption deed  | 1,000                                   |
| 4. Affidavit including an affirmation or declaration  | 1,000                                   |
| 5. Agreement or memorandum of an agent  | 1,000                                   |
| 6. Agreement relating to to deposit of title deeds, pawn or pledge-of the total value       | 1%                                      |
| 7.Appointment in execution of a power, whether of trustees or of property                   | 1,000                                   |
| 8. Appraisement or valuation made otherwise than under an order of court-of the total value | 1%                                      |
| 9. Apprenticeship deed  | 1,000                                   |
| 10. Articles of a company   | 10,000                                  |
| 11. Assent to bequest whether under hand or seal  | 1,000                                   |



**Repealed**

| <b>Instrument</b>   | <b>Proper stamp duty (in shillings)</b> |
|---|---|
| 12. Award by arbitrator or umpire   | 1,000                                   |
| 13. Bill of exchange  | 1,000                                   |
| 14. Bill of lading  | 1,000                                   |
| 15. Bill of sale  | 1,000                                   |
| 16. Bond (not being a debenture)  | 1,000                                   |
| 17. Cancellation-instrument of  | 1,000                                   |
| 18. Capital duty -<br>(a) on nominal share capital or any increase thereof of any company incorporated in Uganda with limited liability - of the total value<br>(b) on increase of share capital of any company when the increase is a condition precedent for disbursement of loan funds for development project<br>(c) on becoming public through the operation of the stock exchange | 0,5%<br>Nil<br>Nil                      |
| 19. Caveat (under the Registration of Titles Act or any other law relating to the registration of title to land)  | 1,000                                   |
| 20. Certificate of sale (in respect of each property put up as separate lot and sold)   | 1,000                                   |
| 21. Charter party (instrument for charter hire or vessel or part thereof)   | 1,000                                   |
| 22. Cheque  | Nil                                     |
| 23. Composition deed (instrument of conveyance of property by a debtor for the benefit of his or her creditors) - of the total value  | 1%                                      |
| 24. Conveyance (not being transfer) - of the total value  | 1%                                      |
| 25. Copy of extract   | 1,000                                   |
| 26. Counter or duplicate of an instrument chargeable with duty and in respect of which the proper duty has been paid  | 1,000                                   |

**Repealed**

| <b>Instrument</b>   | <b>Proper stamp duty (in shillings)</b> |
|---|---|
| 27. Debenture - whether a mortgage debenture or not, being of a marketable security - of the total value  | 0.5%                                    |
| 28. Deed  | 1,000                                   |
| 29. Delivery  | 1,000                                   |
| 30. Divorce - (any instrument by which any person effects the dissolution of his or her marriage)   | 1,000                                   |
| 31. Equitable mortgage - of the total value   | 0,5%                                    |
| 32. Exchange of property - of the total value   | 1%                                      |
| 33. Extract   | 1,000                                   |
| 34. Further charges - any instrument imposing a further charge on mortgaged property- of the total value  | 0,5%                                    |
| 35. Gift - instrument not being a settlement or will or transfer- of the total value  | 1%                                      |
| 36. Hire purchase agreement - of the total value  | 1%                                      |
| 37. Indemnity bond  | 1,000                                   |
| 38. Lease- of the total value   | 1%                                      |
| 39. Letter of credit - any instrument by which one person authorises another to give credit to the person in whose favour it is drawn   | 1,000                                   |
| 40. Letter of licence - any agreement between a debtor and his or her creditors that the latter shall for a specified time, suspend their claims and allow the debtor to carry on business at his or her own discretion | 1,000                                   |
| 41. Memorandum of association of a company  | 10,000                                  |

**Repealed**

| <b>Instrument</b>   | <b>Proper stamp duty (in shillings)</b> |
|---|---|
| 42. (1) Mortgage deed of the total value<br>(2) Where a mortgage deed is executed as security for acquisition of loan funds for development projects. A mortgagor who gives a power of attorney to collect rent of a lease on the property mortgaged is deemed to give possession within the meaning of this item.<br>(3) Where the collateral or auxiliary or additional or substituted security is given by way of further assurance where the principal or primary security is duly stamped. | 0,5%<br>0,5%<br>1,000                   |
| 43. Mortgage of a crop - including any instrument, endorsement, note attestation, certificate or entry not being protest of a bill or note, made or signed by a notary public in the execution of the duties of his or her office or by any other person lawfully acting as a notary public   | 1,000                                   |
| 44. Notarial act- made or signed by a notary public in the execution of the duties of his or her office or by any other person lawfully acting as a notary public   | 1,000                                   |
| 45. Note or memorandum- sent by broker or agent to his or her principal intimating the purchase or sale on account of that principal of any goods, stock or marketable security   | 1,000                                   |
| 46. Note of protest by the master of ship   | 1,000                                   |
| 47. Partition   | 1,000                                   |
| 48 (1) Partnership<br>(2) Dissolution   | 1,000<br>1,000                          |
| 49. (1) Policy of insurance<br>(2) Life insurance   | 1,000<br>Nil                            |
| 50. Power of attorney   | 1,000                                   |
| 51. Promissory note   | 1,000                                   |
| 52. Protest of bill or note - any declaration in writing made by a notary public, attesting the dishonour of a bill of exchange or promissory note  | 1,000                                   |
| 53. Receipt - as defined by section 1 for any money or other property the amount of value of which exceeds shs. 50,000  | 1,000                                   |
| 54. Reconveyance of mortgaged property - of the total value   | 1%                                      |

**Repealed**

| <b>Instrument</b>   | <b>Proper stamp duty (in shillings)</b> |
|---|---|
| 55. Release - any instrument not being such a release as is provided for by section 27(2) by which a person renounces a claim upon another person or against any specified property   | 1,000                                   |
| 56. Respondetia bond - any instrument securing a loan on the cargo laden on the board a ship and making repayment contingent on the arrival of the cargo at the port of destination   | 1,000                                   |
| 57. Security bond or mortgage deed - executed by way of security for the due execution of an office, or to account for money or other property received by virtue thereof or executed by a surety to secure the due performance of a contract- of total value | 1%                                      |
| 58. Settlement - (a) Instrument of -(including a deed of dower)   | 1,000                                   |
| (b) Revocation of   | 1,000                                   |
| 59. Share warrants - to bearer issued under the Companies Act - of the total value  | 1%                                      |
| 60. Shipping order - for or relating to the conveyance of goods on board any vessel   | 1,000                                   |
| 61. Solemn or statutory declaration   | 1,000                                   |
| 62. Surrender of lease  | 1,000                                   |
| 63. (1) Transfer - of the total value   | 1%                                      |
| (2) The transfer of shares in an incorporated company listed on the stock exchange, arising from the trading of those shares on the stock exchange  | Nil                                     |
| 64. Trust - concerning any property made by any writing not being well  | 1,000                                   |
| 65. Any instrument if attested not otherwise provided for   | 1,000                                   |
|   |   |

**Second Part (s. 7)****Rules as to composition for stamp duties**

- (1) Every account shall be made in such form and shall contain all such particulars as the revenue authority shall require.
- (2) Every account shall be a full and true account of all unstamped aviation personal accident policies of insurance issued during the quarter of a year ending on the quarterly day next preceding the delivery of the account, and of all sums of money received for or in respect of those policies so issued during

***Repealed***

that quarter, and of all sums of money received and not already accounted for in respect of any other unstamped aviation personal accident policies of insurance issued at any time before the commencement of that quarter.

- (3) Accounts shall be delivered to the revenue authority within twenty days after the 1st January, the 1st April, the 1st July and the 1st October in each year.
- (4) The duty shall be paid upon the delivery of the account.