

NGO registration fees. **28.** Every Non-Governmental Organisation conducting operational activities in Sierra Leone shall pay a non-refundable annual registration fees as followings:-

NGO REGISTRATION FEES

<i>Category</i>	<i>Fee</i>
New Registration for International Organisation	\$ 1,500.00
Renewal for International Organisation	\$ 1,000.00
New Repristration for Local Organisation	Le1,500,000.00
Renewal Repristration for Local Organisation	Le1,000,000.00

Passed in Parliament this *17th day of December*, in the year of our Lord two thousand and fourteen.

IBRAHIM S. SESAY,
Clerk of Parliament.

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

IBRAHIM S. SESAY,
Clerk of Parliament.

ACT

Supplement to the Sierra Leone Gazette Extraordinary Vol. CXLV, No. 72
dated 30th December, 2014

SIGNED this *23rd day of December, 2014.*

DR. ERNEST BAI KOROMA,
President.



No. 15

2014

THE FINANCE ACT, 2015

Short title.

Being an Act to provide for the imposition and alteration of taxes for the year 2015 and for other related matters.

[] Date of commencement.

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

The Customs Tariff Act, 1978

Amendment of Schedule to Act No. 16 of 1978.

1. The Schedule to the Customs Tariff Act, 1978, being the External Tariff of the Republic of Sierra Leone, is amended as follows—

Heading	HS Code	Stats Unit	Goods	Tariff
02.09	0209:00:10	KG	pig feet, frozen, salted in brine or smoked	5%
15.15	1515:29:00	litre	cooking oil	30%
22.01	2201.10.20	litre	Mineral and aerated water	30%
25.01	2501.00.20	KG	table salt	20%
32.08	3208.20.20	KG	Paints including enamels	30%
34.01	3401.1110	KG	Medicated soap	30%
34.01	3401.11.20	KG	toilet soap	30%
34.01	3401.19.10	KG	laundry soap	30%
25.23	2523.29.00	KG	Portland cement	30%
70.10	7010.90.30	KG	Glass bottle of capacity exceeding 0.15litre but not exceeding 0.33 litre	5%
70.10	7010.90.40	KG	Glass bottle of capacity exceeding 0.33litre but not exceeding 1litre	5%

The Excise Act, 1982

Amendment of First Schedule to Act No 6 of 1982.

2. The First Schedule to the Excise Act, 1982 is amended by—

(a) repealing and replacing tariff item 22.02 (B) with the following—

22.02	B. soft drinks bottled or canned	0% on sales
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(b) repealing and replacing tariff item 24.02(B) with the following—

24.02	B. Cigarettes	0% on sales
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(c) inserting the following new tariff items immediately after tariff item 22.09-

22.10	Locally manufactured alcoholic drinks with less than 10% alcoholic content	20% on sales
22.11	Imported alcoholic drinks of less than 10% alcoholic content	30% CIF

(d) inserting the following new tariff item immediately after tariff item 39.07—

39.08	Imported rubber	10% CIF
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Income Tax Act, 2000

3. Section 61A of the Income Tax Act, 2000 is amended by - Amendment of section 61A of Act No. 8 of 2000.

(a) repealing and replacing paragraph (a) of subsection (1) with the following new paragraph—

“(a) a statement of the capital gain of a person that is within the minimum chargeable income of Le 3,600,000.00 per annum or per transaction.”

(b) inserting the following new paragraph in subsection (1) immediately after paragraph (f)-

“(g) capital gains resulting from a transfer of ownership of the asset by a person to a religious, charitable, educational organization which uses the asset for the benefit of the public or a section of the public and does not confer any personal or commercial benefit”.

4. Section 97 of the Income Tax Act, 2000 is amended- Amendment of section 97 of Act No. 8 of 2000.

(a) in subsection (3), by inserting the following new paragraph immediately after paragraph (c) –

“(d) in the case of a person who has opted to be taxed under the Small and Medium Taxpayer Regime, a simple return completed by an agent approved under a domestic preparer scheme for SMEs specified by the Commissioner-General.”

(b) by inserting the following new subsection immediately after subsection (6)–

“(7) A taxpayer may file his income tax and other returns under this Act and make payment through an automated system administered by the National Revenue Authority.”

Amendment of section 117 of Act No.8 of 2000. 5. Section 117 of the Income Tax Act, 2000 is amended in subsection (1) by inserting the following new paragraph immediately after paragraph (b)–

“(c) Notwithstanding any law to the contrary, the obligation to withhold tax from payment to a contractor shall not be absolved or extinguished, because the service was rendered or other taxable event occurred outside Sierra Leone.”

Amendment of section 120 of Act No. 8 of 2000. 6. Section 120 of the Income Tax Act, 2000 is amended in–

(a) subparagraph (i) of paragraph (a) of subsection (3) by repealing and replacing that subparagraph with the following new subparagraph –

“(i) non-taxable threshold of Le 3,600,000.00 in the aggregate;”

(b) paragraph (d) of subsection (3) by repealing and replacing that paragraph with the following new paragraph –

“(d) a landlord receiving rent above the non-taxable threshold shall submit a copy of the tenancy agreement to the National Revenue Authority not later than 90 days after concluding such agreement.”

(c) subsection (3) by inserting the following new paragraph (h), immediately after paragraph (g)–

“(h) The Commissioner-General may take or authorize an officer to take other enforcement measures, including sealing off the premises for which rental income tax remains unpaid beyond the grace period of 90 days.”

7. Section 147 of the Income Tax Act, 2000 is amended in– (a) subsection (1) by repealing and replacing that subsection with the following new subsection– Amendment of section 147 of Act No. 8 of 2000.

“(1) Subject to subsection (5), a person who fails to pay tax or a penalty after the first seven days on which such payment was due under this Act, shall be liable to pay interest at a rate equal to three percent higher than the specified rate on the amount due, calculated from the due date to the date the payment is actually made”

(b) subsection (5) by inserting the following new paragraphs immediately after paragraph (b)–

“(c) Where good cause is shown and accepted by the Commissioner-General”;

“(d) For the purposes of paragraph (c) of subsection (5) of section 147 and subsection (2) of section 152A ‘good cause’ refers to circumstances beyond the control of the taxpayer, which includes but is not limited to, death in the family, illness, imprisonment, and an act of God”.

8. The Income Tax Act, 2000 is amended by the insertion of the following new section immediately after section 152– Amendment of Act No. 8 of 2000.

152 A. (1) Subject to section 149, a person who fails to pay income tax seven days after payment is due under this Act is liable to a penalty–

(a) where the failure is for a period of not more than 30 days, to a sum equal to 10 % of the tax payable in addition to the unpaid tax;

(b) where the failure is for a period of more than 30 days and up to 90 days, to a sum equal to 15% of the tax payable;

- (c) where the failure is for a period of more than 90 days, to a sum equal to 25% of the tax payable.

(2) The Commissioner-General may waive the penalty due, where he has reasonable grounds to believe that a delay in the payment of income tax is due to circumstances beyond the taxpayer's control and good cause is shown by application in writing by the taxpayer to the satisfaction of the Commissioner-General."

Amendment of Part I of First Schedule to Act No.8 of 2000. **9.** Part I of the First Schedule to the Income Tax Act, 2000 is amended by repealing and replacing Part I by the following—

“Part I
(Section 4(1))

Rates of tax applicable to individuals resident in Sierra Leone for the year of assessment commencing 1st January, 2014 and each succeeding year of assessment.

Chargeable income	Taxable rate
Below Le3,600,001.00 per annum	Nil
Le3,600,001.00 to Le7,200,000 per annum	15%
Le7,200,001.00 to Le10,800,000 per annum	20%
Over 10,800,001.00	30%

Amendment of Ninth Schedule to Act No. 8 of 2000. **10.** The Ninth Schedule to the Income Tax Act, 2000 is amended by repealing and replacing paragraph 2 by the following—

- (a) paragraph 2 by repealing and replacing that paragraph with the following new paragraph—

“2. Maximum Redundancy or Termination Payment.

The maximum redundancy or termination payment which is to be excluded from employment income under paragraph (h) of subsection (3) of section 23, shall be Le 50,000,000.00 and any excess above this amount shall be taxed at 5%.”

- (b) paragraph 14 by repealing and replacing that paragraph with the following new paragraph—

“14. Tax Clearance Certificate Fee

The fee to be paid under section 174 shall be—

- (a) for a tax clearance certificate -

- (i) in the case of a student Le10,000.00;
- (ii) in the case of an unemployed person Le10,000.00;
- (iii) in the case of an employed Le20,000.00;
- (iv) in the case of an unincorporated business Le30,000.00;
- (v) in the case of a company Le 40,000.00;
- (vi) in any other case Le 20,000.00

- (b) for a written statement for the purposes of business registration—

- (i) in the case of a company Le 50,000.00;
- (ii) in any other case Le 40,000.00.”

The Goods and Services Tax Act, 2009

11. Section 31 of the Goods and Services Tax Act, 2009 is amended by repealing and replacing subsection (3) with the following new subsection— Amendment of section 31 Act No. 6 of 2009.

“(3) The GST invoice issued by a GST registered person shall be printed under the authority and direction of the Minister responsible for finance, whether printed by the National Revenue Authority or an authorized agent”

12. Section 37 of the Goods and Services Tax Act, 2009 is amended in subsection (3) by inserting immediately after subsection (3), the following new subsection— Amendment of section 37 Act No.6 of 2009.

“(4) Registered GST traders may file their GST returns and make payment of GST liabilities through an automated system administered by the National Revenue Authority.”

13. Section 41 of the Goods and Services Tax Act, 2009 is amended in subsection (1) by inserting the following new paragraph immediately after paragraph (b)- Amendment of section 41 Act No. 6 of 2009.

- “(c) notwithstanding subsection (1) of section 41, a GST refund or input GST credit shall be utilized to offset current and future GST claims within a three year period and unutilized GST credit shall be deemed ineligible and written off after the third year.”

Amendment of section 60 Act No. 6 of 2009. **14.** Section 60 of the Goods and Services Tax Act, 2009 is amended by repealing and replacing that section with the following new section—

Failure to display registration certificate. **60.** (1) A person who fails to display GST Registration Certificate or a certified copy thereof issued by the Commissioner-General, whichever is applicable, as required by subsection (9) of section 16 is liable to a penalty of Le5, 000, 000.00”.

(2) A person who fails to display GST Registration Certificate seven days after a written notice is issued to such person by the Commissioner General, shall be liable to pay an additional Le1, 000, 000. 00 for each day he fails to display the Certificate.

(3) Where such failure is continued seven days after a written notice is issued under subsection (2), the person shall be liable on conviction to a fine of not less than Le10,000,000.00 but not exceeding Le 20,000,000.00 or to imprisonment for a term of not less than six months but not exceeding 2 years or to both such fine and imprisonment.

Amendment of section 61 Act No. 6 of 2009. **15.** Section 61 of the Goods and Services Tax Act, 2009 is amended by repealing and replacing that section with the following new section—

“Failure to notify changes affecting Registration. **61.** (1) A person who fails to notify the Commissioner-General of a change of name under subsection (10) of section 16 or cancellation of registration under subsection (1) of section 17 commits an offence and is liable to a fine of Le5,000,000.00.

(2) Where such failure is connected with any tax evasion or fraud, that person shall on conviction be liable to a fine not exceeding Le 20,000,000.00 or 100% of the tax evaded, whichever is greater or to imprisonment for a term of not less than 1 year but not exceeding 2 years or both such fine and imprisonment.”

Amendment of section 62 Act No. 6 of 2009. **16.** Subsection (1) of section 62 of the Goods and Services Tax Act, 2009 is amended by repealing and replacing that subsection with the following new subsection—

“62 (1) A person who fails to pay the tax on or before the due date is liable to a penalty not exceeding Le 5,000,000.00 or an additional 15% of GST due, whichever is greater.

(2) Where the failure to pay tax under subsection (1), is connected with any tax evasion or fraud, including—

- (a) the issue of GST invoice, GST credit note, CST debit note or sales receipt that is false in a material particular; or
- (b) the submission of GST invoice, GST credit note, GST debit note under Part VIII or sales receipt under subsection (3) of section 31,

commits an offence and is liable on conviction to a fine of not less than Le25,000,000.00 but not exceeding Le50,000,000.00 or to imprisonment for a term of not less than 1 year but not exceeding 2 years or to both such fine and imprisonment.

17. The Third Schedule to the Goods and Services Tax Act, 2009 is amended by inserting the following new paragraph immediately after paragraph 4—

Amendment of Third Schedule of Act No. 6 of 2009.

“5. A charge of Le50,000.00 shall be imposed on each GST Relief Purchase Order (GRPO) booklet issued for the purpose of administering institutional reliefs.”

Mines and Minerals Act, 2009

18. Subsection (2) of section 148 of the Mines and Minerals Act, 2009 is amended by repealing and replacing that subsection with the following new subsection—

Amendment of section 148 (2) Act No. 12 of 2009.

“(2) Royalty payable under subsection (1) shall be the following percentages of market value as defined in subsection (3) below—

- (a) 6.5 % for precious stones obtained under a large scale mining licence and small scale mining licence;

- (b) 3% for precious stones obtained under an artisanal mining licence;
- (c) 5% for precious metals obtained under a large scale mining licence and small scale mining licence;
- (d) 3% for precious metals obtained under an artisanal mining licence; and
- (e) 3% for other minerals.”

Customs Act 2011

Amendment of section 26 of Act No. 9 of 2011. **19.** Section 26 of the Customs Act, 2011 is amended by inserting the following new subsection immediately after subsection (7) –

“(8) Importers of petroleum products shall pay a minimum of 50% duty and taxes assessed upon submission of goods declaration to the Customs Department at the point of entry prior for warehousing.”

Amendment of section 80 (1) (c) of Act No. 6 of 2011. **20.** Section 80 of the Customs Act, 2011 is amended in paragraph (c) of subsection (1) by repealing and replacing that paragraph with the following new paragraph–

“(c) anything is thrown overboard or any container is opened, and the matter is not explained to the satisfaction of the Commissioner-General, the master of the ship or pilot of the aircraft or the person in charge of the vehicle may be arrested and shall be liable on conviction to a fine not less than Le200,000,000.00 but not exceeding Le500,000,000.00 or to a term of imprisonment of not less than 1 year but not exceeding 3 years or to both such fine and imprisonment.”

Amendment of section 85 Act No.6 of 2011. **21.** Section 85 of the Customs Act, 2011 is amended by inserting the following new subsection immediately after sub section (4)–

“(5) Notwithstanding section 15 of the National Revenue Authority Act, 2002, the Authority shall not delegate the process of licensing a customs clearing agent as contain in subsection (2), to any person outside the office of the Commissioner-General.”

The National Mineral Agency Act, 2012

22. The National Mineral Agency Act, 2012 is amended by inserting the following schedule –

SCHEDULE

<i>Item</i>	<i>Fee Category</i>	<i>Licence Category</i>	<i>Amount</i>
1.	New application	Reconnaissance	\$500.00
2.	Renewal	Reconnaissance	\$500.00
3.	New application	Exploration	\$500.00
4.	Renewal	Exploration	\$500.00
5.	New application	Small Scale	\$ 1,000.00
6.	Renewal	Small Scale	\$ 1,000.00
7.	New application	Small Scale	\$800.00/ha
8.	Citizen Corporative Mines Manager Certificate	Small Scale	Le. 1,000,000 .00
9.	Non-Citizen Corporative Mines Managers Certificate	Small Scale	\$ 1,000.00
10.	Dredge Permit	Small Scale	USD 10,000.00
11.	Alluvial Diamond Exporter's Licence	Exporter, plus 7 Agents per (inclusive of two Free Agents(Full year)	\$35,000.00
12.	Alluvial Diamond Exporter's Licence	Exporter (Half year)	\$ 30,000.00
13.	Alluvial Diamond Exporter's Agent Certificate	Exporter Agent (Full year)	\$ 6,000.00
14.	Alluvial Diamond Exporter's Agent Certificate	Exporter Agent (Half year)	\$ 4,000.00
15.	Non-Citizen Alluvial Diamond Dealer's Licence		\$ 7,000.00
16.	Ecowas Citizen Diamond Dealers Licence		USD 3,000.00
17.	Citizen Diamond Dealers Licence		USD 2,500.00
18.	Ecowas Citizen Diamond Dealers Agents Certificate		USD 1,500.00
19.	Citizen Diamond Dealers Agents Certificate		USD 1,000.00
20.	Monitoring Fee	Diamond Dealers	\$500.00
21.	Rehabilitation fee	Diamond Dealers	\$400.00
22.	Alluvial Gold Exporter's Licence	Exporter (Full year)	USD 7,500.00

SCHEDULE

Item	Fee Category	Licence Category	Amount
23.	Alluvial Gold Exporter's Agents' Certificate		USD 3,000.00
24.	Non-Citizens Gold Dealer's Licence		USD 1,000.00
25.	Ecowas Citizens Gold Dealer's Licence		USD 750.00
26.	Citizens Gold Dealers Licence		Le750,000.00
27.	Ecowas Citizen Gold Dealer's Agents' Certificate		Le 500,000.00
28.	Citizen Gold Dealer's Agents Certificate		Le 300,000.00
29.	Monitoring Fee (Non-Citizen) Gold Dealers		\$400.00
30.	Rehabilitation Fee (Non-Citizen) Gold Dealers		\$400 .00
31.	Monitoring Fee (Citizen)		Le. 675,000.00
32.	Rehabilitation fee (Citizen)		Le. 675,000.00
33.	Industrial and Sand Based Exporter's Licence		USD 5,000.00
34.	Exporters Agents Certificate		USD 2,500.00
35.	Non-Citizen Dealer's Licence		USD 1,500.00
36.	Ecowas Citizen Dealer's Licence		USD 500.00
37.	Citizens Dealers Licence		Le750,000.00
38.	Ecowas Citizen Dealer Agent's Certificate		Le 500,000.00
39.	Citizen Dealer Agent's Certificate		Le 300,000.00
40.	Monitoring Fee (Non-Citizen)	Industrial sand based Dealers	USD 400.00
41.	Rehabilitation Fee (Non-Citizen)	Industrial sand based Dealers	USD 400.00
42.	Monitoring Fee (Citizen)	Industrial sand based Dealers	Le675,000.00
43.	Rehabilitation Fee (Citizen)	Industrial sand based Dealers	Le675,000.00
44.	Blasting Licence fee	Large Scale	\$ 20,000.00
45.	Blasting Licence fee	Small Scale	\$ 10,000.00
46.	Blaster's certificate (Non-Citizen)		\$ 5,000.00
47.	Blaster's certificate (Citizen)		Le 2,500,000.00
48.	Monitoring Fees to all Industrial licences (Large scale, Small Scale, Exploration and Reconnaissance)	10% of Annual Licence Fees	
49.	Demarcation fee	Artisanal	Le250,000.00

SCHEDULE

Item	Fee Category	Licence Category	Amount
50.	Artisanal Financial Supporter's Certificate	Artisanal	Le50,00.000/acre
51.	Artisanal Miner's sales card	Artisanal	Le20,000.00
52.	Artisanal & Co-operation Mines Manager Certificate	Artisanal	Le100,000.00/acre
53.	Small-Scale Monitoring	Small Scale	Le500,000.00/acre
54.	Citizen Corporative Mines Manager Certificate	Small Scale	Le500,000.00
55.	Non-Citizen Corporative Mines Managers Certificate	Small Scale	Le1,000,000.00
	<i>Type of information</i>		<i>Fee</i>
	Access to browse open-file reports (paper and/\$10 per half day or digital copies)		
	Inspection of the cadastral survey map of mineral rights and applications		Free
	Supply of GPS coordinates or copy of part of the cadastral map		\$10
	Access to inspect the register of mineral rights & Applications etc. (pursuant to Section 49 of Act)		\$25.00 per 30 minutes
	Photocopy of open-file report (A4 size)		Le 1,000.00 per page
	Photocopy of map or plan (A2 size)		\$5.00
	Digital copy of open-file report (as pdf file on CD or DVD)		\$50.00 per report
	Certificate D22 confirming information relating to a mineral right (Section 47 of Act)		\$50.00 per item
	Maps on A0 paper size per unit sheet		\$70.00
	Maps on A1 paper size per unit sheet		\$35.00
	Maps on A2 paper size per unit sheet		\$30.00
	Maps on A3 paper size per unit sheet		\$25.00
	Maps on A4 paper size per unit sheet		\$20.00
	Mapping of Client Coordinates (maximum of 10 points)		\$20.00
	Bulletins		\$120.00
	Short Papers		\$100.00
	Memoir		\$150.00

Type of information	Fee
Laboratory Service Charges (For each sealed package)	\$50.00
Offences Penalty	
Late or non-compliant technical report	\$2,000.00
Late or non-compliant audited financial report	\$2,000.00
Failure to keep complete technical records	\$2,000.00
Late or non-payment of annual charges 5% per month	
Failure to pay penalty on time 20% per month	
Failure to notify Minister of substantial changes in ownership	\$3,000.00
Failure to comply with official written instruction	\$3,000.00
Failure to commence work within time limit specified in Act	\$3,000.00
Failure to notify Minister when large-scale mine commences work for profit	\$3,000.00
Failure to notify Minister of termination, suspension or reduction of production under large-scale mining licence	\$5,000.00
Failure to submit audited statement of itemized expenditure directly incurred on exploration activities (78 (3) of MMA 09	\$40,000.00
Failure to meet minimum expenditure requirement (after first carry forward) MMA 09	\$40,000.00
Violation of any health and safety provision or failure to follow directives or maintain accident register	\$5,000.00
Violation of agreed environmental management programme or failure to carry out rehabilitation or reclamation	\$8,000.00
Failure to honour employment and training commitments or requirements of Act	\$5,000.00
Any Other breaches not specified above	\$2,000.00 to \$10,000.00

General

Promotion of youth employment and local content. .

23. Any small or medium size business employing any Sierra Leonean youth who is—

(a) between the age of 18 and 35 years, and

(b) previously unemployed or working part time,

between 1st December, 2014 and before 1st December, 2015 shall be eligible to a 6.5% tax credit on employee PAYE of that employee as an incentive.

24. Any business registered in Sierra Leone and having, at least, 20% Sierra Leonean ownership as of 1st January, 2015 and beyond shall be entitled to corporate tax exemption,

Investment and employment incentive.

- (a) for a period of five (5) years if its fulltime workforce is at least 100 employees and minimum investment is \$5,000,000.00;
- (b) for a period of ten (10) years if its workforce is at least 150 employees and minimum investment is \$7,500,000.00.

25. (1) For the purposes of income tax, any investor who makes a donation into the Skills Development Fund, shall be eligible for 100% deduction of the donation from profits for the same year that the donation is made, but any unclaimed amount shall not be available for future deductions.

Donation into skills Development fund.

(2) For the purposes of subsection (1), Skills Development Fund means the Skills Development Fund established by the Minister responsible for finance at the Bank of Sierra Leone for the purpose of supporting the critical needs of youth and women throughout Sierra Leone.

26. Fish farms comprising, at least ten fish ponds and measuring at least 200 square metres shall, of the 1st January, 2015, be exempted from income tax on –

Fish farming development incentives.

- (a) income derived from any fish farming activity; and
- (b) 50% of any dividend paid as a result of these activities, for a period of five years.

27. Paragraph (a) of subsection (1) of section 6 of the Finance Act, 2011 is amended in line 1 by the substitution of the phrase “at least 48 hours before” for the phrase “within 24 hours after”.

Failure to submit electronic manifest.