

**CHAPTER 200.**

**DIAMOND INDUSTRY PROFIT TAX.**

**ARRANGEMENT OF SECTIONS.**

**SECTION.**

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**SCHEDULE.**

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**CHAPTER 200.**

**DIAMOND INDUSTRY PROFIT TAX.**

**An Ordinance to Provide for a Diamond Industry Profit Tax.**

23 of 1935.

[25TH NOVEMBER, 1935.]

1. This Ordinance may be cited as the Diamond Industry Profit Tax Ordinance, and shall apply to the Colony and Protectorate. Short title.

2. In this Ordinance, unless the context otherwise requires— Interpretation.  
 “ body of persons ” means any body politic, corporate, or collegiate and any company, fraternity, fellowship and society of persons whether corporate or not corporate;  
 “ profits ” means annual profits ascertained in accordance with the Schedule hereto.

3. As from the thirtieth day of June, 1933, a profit tax shall be payable in respect of the profits from any trade or business of prospecting for, mining, producing or selling diamonds carried Charge of profit tax.

on in whole or in part within Sierra Leone at the rate of  $27\frac{1}{2}$  per centum of the amount of such profits:

Provided that if a person resident in Sierra Leone is also carrying on such business wholly outside Sierra Leone he shall not be liable for payment of tax in respect of the profit on such business wholly outside Sierra Leone as aforesaid.

Returns to  
be made.

4. Every person carrying on such trade or business of prospecting for, mining, producing or selling diamonds shall before the first day of November in each year commencing with 1934 make a return to the Accountant General showing the trading profit of his business for the preceding tax year, and the profits for such year ascertained in accordance with the Schedule showing full particulars of all deductions claimed, and any person failing to make such return before the date aforesaid shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds.

Assessment.

5. (1) Within seven days of the receipt of a return made under section 4 the Accountant General shall prepare and deliver to the person making such return an assessment of his taxable profits and a demand for payment of the tax payable thereon:

Provided that if any person liable to do so fails to make a return in accordance with section 4 the Accountant General may on or after the 8th day of November next following such failure prepare and deliver an assessment and demand as aforesaid.

(2) For the purpose of making any assessment the Accountant General may require the Chief Inspector of Mines to furnish him with copies of or extracts from all returns lawfully required to be made to the Chief Inspector of Mines by the person of whose profits the assessment is being made.

Disputed  
assessments.

6. (1) Any person disputing the assessment of his profits may within ten days of the receipt of the assessment by notice in writing to the Accountant General demand that the assessment be referred to arbitration and the assessment shall thereupon be submitted to arbitration by a single arbitrator.

(2) In any such arbitration the onus of proving that the assessment complained of is excessive shall be on the complainant.

Payment of  
tax.

7. (1) Every person to whom has been delivered a demand for payment and who has not disputed his assessment shall pay

into the Treasury or to the Crown Agents to the credit of the general revenue of Sierra Leone the tax demanded before the thirtieth day of November next following.

(2) Every person who has disputed his assessment shall within one month of the final determination of his assessment pay the tax due upon the assessment so determined into the Treasury or to the Crown Agents to the credit of the general revenue of Sierra Leone.

8. In the event of any tax or any portion thereof not being paid in accordance with the provisions of section 7 the same shall be recoverable by distress and sale of the goods, chattels, and lands belonging to the person making default in payment.

Recovery of tax.

9. It shall be lawful for the Accountant General to issue warrants under his hand addressed to the Sheriff requiring him to enforce payment of the tax.

Warrants to enforce payment.

10. It shall be the duty of the Sheriff forthwith to execute all warrants addressed to him according to the tenor thereof and to levy upon the goods, chattels, and lands of the person liable to pay the tax in like manner as he levies on a writ of *feri facias*.

Duty of Sheriff.

11. (1) The secretary or other officer (by whatever name called) performing the duties of secretary, or duties analogous thereto, of any body of persons liable to pay tax, or, if such body be resident abroad, the attorney appointed in accordance with rule 47 of the General Minerals Rules, shall be answerable for doing all such acts as are required to be done under this Ordinance for the purpose of the assessment of the profits of such body and for payment of the tax, and shall be liable to any penalty herein provided for failure to do any such act.

Officers responsible in cases of bodies of persons.

(2) Every such officer as aforesaid may from time to time retain out of any money coming into his hands, on behalf of the body, so much thereof as is sufficient to pay the tax payable by the body, and shall be indemnified for all such payments made in pursuance of this Ordinance.

12. No person shall be liable for failing to do before the date of the enactment of this Ordinance any act required to be done under this Ordinance, but any act which should have been done and may be required, shall be done as soon as conveniently may be after the date of the enactment of this Ordinance and

Temporary provisions.

any return and payment which should have been made at any time before such date, shall be made within one month and two months respectively of such date and the provisions of this Ordinance shall take effect accordingly.

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SCHEDULE.

For the purposes of this Ordinance profits shall be ascertained by taking the profit resulting from the production and sale of Diamond and of other Minerals recovered in conjunction with the recovery of Diamond calculated in accordance with good accountancy practice (but reckoning the value of the stock of diamond and of such other minerals as aforesaid held at the beginning and close of each taxation year at the nominal value of £1) by deducting therefrom all operating and overhead expenses and depreciations, including any mineral rents paid, and all interest payable on capital sums borrowed except to the extent that such interest may be covered by interest receivable, and by deducting further from the sum thus ascertained an amount not exceeding 5 *per centum*, of such sum, and the amount of any losses brought forward from previous taxation years and not previously so deducted except to the extent that such loss may be reduced by transfers from General Reserve.

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