

## **Oromia regional state chat product**

### **Tax proclamation no 32/2000**

A proclamation to determine tax chat products and thereby to administer it with a view to enable the government to generate more revenue;

Now, therefore, in accordance with article 49 (3) (a) of the constitution of the Oromia regional state, it is hereby proclaimed as follows:

#### **1. Short Title**

This proclamation may be cited as the

“Oromia regional state chat product tax proclamation No. 32/2000”

#### **2. Definitions**

Unless the context requires otherwise, in this proclamation:

1. “Executive Committee” means the Oromia Regional State Executive committee.
2. “Bureau” means the Oromia Regional State Finance Bureau. ,
3. “Tax” means a revenue to be paid to the Oromia Regional State in accordance with this proclamation.
4. “ person” means any natural person or entity irrespective of having juridical personality ,
5. “Controlling police” means a police or militia assigned in accordance with this proclamation.

#### **3. Levy and payment of**

##### **tax**

- 1) Any person possessing or transporting chat products for sale shall pay the tax determined in accordance with this proclamation.
- 2) The tax shall be assessed and paid as follows:
  - a) On chat products to be utilized or transported for domestic consumption at the rate of birr 3 (three) per kilogram,
  - b) On chat products to be exported, in addition to the amount of tax to be paid pursuant to sub-article (2) (a), at the rate of birr 3 (three) per kilogram.

3. Chat products on which tax is assessed and paid pursuant to sub article (2) (a) or (2) (b) of this article shall be exempted. From payment of profit and sales tax.
4. The tax shall be paid at stations and in a manner prescribed by the executive committee.

#### 4. Receipt

All concerned employees shall sign on the three copies of the receipt prepared for this purpose by the bureau before the detachment of the copies and the original copy shall be given to the taxpayer immediately.

5 Powers and duties of the bureau the bureau shall have a power.

- 1) To establish a structure to inspect and weigh the product as well as assess and collect the TAC. And make the necessary control at the station and in a manner prescribed to collect the tax:
- 2) to confiscate a "chat" product that passed the station without paying the tax, or found being transported illegally and sell immediately the product before it perishes; where it is not sold, to burn or dispose it off in manner it thinks fit.

To send inspectors to the stations to check whether the collection of the tax on chat products is in accordance with the law and systems, and report their findings to the concerned body;

4. To adopt the necessary systems for the effective implementation for the collection of tax on "chat" products.

#### 6. Control

- 1) To strengthen the collection of the tax, the government shall assign controlling police,
2. The controlling police shall:
  - a) Have the power to stop or search or hold under custody using reasonable force when Person, or vehicle, or draft animal illegally passes the station without paying the tax, or by hiding, or in any other situation, or loads, or causes to be load, or cooperates to do so or who

obstructs the search by force or assists others to do so or who cooperates for the commission of such acts;

- b) Bring the person or vehicle held under custody, in accordance with sub-article (a) of this article, to the nearest police station within 24 hours;
- c) Immediately handover to the bureau when it seizes the “chat” product on which tax is not paid.

## 7 Allowances and commission

1. The bureau shall, in accordance with the directives issued by the public servants administration bureau of the region, pay allowances for an overtime work done by its employees and the controlling police.
2. The bureau shall, in accordance with the decision of the executive committee, pay commission for any person who reports, or who seizes and brings the “chat” products on which tax is not paid. The commission shall be paid from the proceeds of the sales of the chat product.

## **8. Duty to cooperate**

1. Any person or government organ or kebele administration shall have the duty to cooperate for the effective implementation of this proclamation.
2. Any person who has information about the existence of chat products on which tax is not paid or not fully paid shall immediately report to the controlling police or to any other condemned person.
3. The identity of the informant shall not be disclosed.

## **9 Penalties**

1. any person who possesses or owns chat product, and passes or attempts to pass the station without paying the tax, or who puts such products in the body of the vehicle for the purpose of hiding shall be punishable with fine not less than the amount of tax payable on the “chat” and with imprisonment from one unto three years.

2. when the offence stated under sub-article(1) of this article is accompanied with violence, or in cooperation with other persons, the penalty shall be with fine not less than the amount of tax payable on the “chat” product and imprisonment from three upto five years.
3. Any person who obstructs shall be punishable with imprisonment from one up to six months or fine from three, hundred upto one thousand birr or with both.
4. any person who forges, or unlawfully distributes, or uses, or possesses instruments which the bureau uses to collect tax on chat products, such as a form, seal, receipt, identity card, mark or uniform is punishable with a fine from ten upto twenty thousand birr or with an imprisonment from ten upto fifteen years or with both.
5. Where the employee who is signed to collect the tax or control the tax collection or do any other work has committed an offence, he shall be punishable in accordance with article 62 of the oromia regional state financial administration proclamation No. 17/1997.
6. Any controlling police who takes bribe, or by nepotism or by other Relationship, fails to search chat products on which tax is not paid or allows to pass a vehicle or draft animal carrying such chat products or who cooperates for such purpose or commits any other illegal act related to the collection of the tax shall be punishable with imprisonment from five up to seven years or a fine from ten thousand upto fifteen thousand birr or with both.
7. Any vehicle which passes or attempts to pass the station carrying or hiding in its body chat products on which tax is not paid shall be kept under custody by the decision of kebele social court for not less than five and not exceeding ten days.
8. Irrespective of the penalty provisions of this Proclamation, the provisions of the penal code or other laws shall be applicable to these offences when they impose severe penalty.

#### 10. Power to issue directives

The bureau shall have a power to issue directives for the effective implementation of this proclamation.

#### 11. Inapplicable laws

Any law, regulations, directive, or decision inconsistent with this proclamation shall not be applicable with respect to matters provided for in this provided for in this proclamation.

12. Effective Date

This proclamation shall come into force as of the 13<sup>th</sup> day of March, 2000.

Done at Jimma, this 13<sup>th</sup> day of

March, 2000

Kuma Demeksa

President of the Oromia

Regional State