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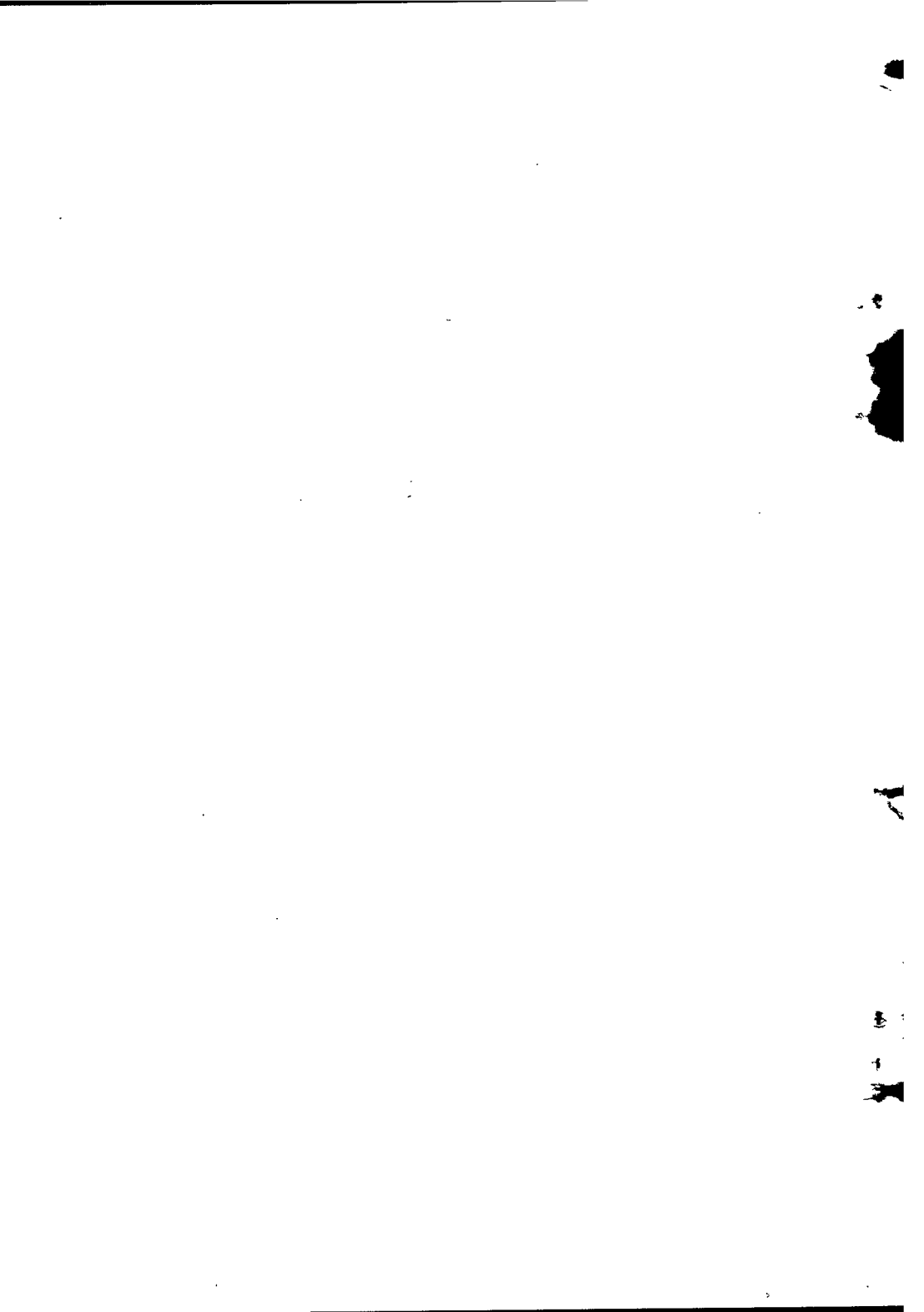
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Errata corrige all'art. 1 della Legge 21 Dicembre 1965, n. 24, pubblicata sul Bollettino Ufficiale Suppl. n. 7 al n. 12 del 27 Dicembre 1965.



## PARTE PRIMA

### LEGGI E DECRETI

**LAW No. 23 of 21 December 1965.**  
**Entertainment tax.**

THE PRESIDENT OF THE REPUBLIC

TAKING NOTE of the approval of the National Assembly;

HEREBY PROMULGATES

the following law:

#### PART I

#### GENERAL PROVISIONS

##### Article 1

##### *Territorial Applicability of the Tax*

An entertainment tax is hereby established which shall be levied on public entertainments given in any manner within the territory of the Republic.

##### Article 2

##### *Subjects of the Tax*

The subjects of the entertainment tax shall be the physical or juridical persons to whom a price of other consideration is paid for an entertainment, in accordance with Article 4.

##### Article 3

##### *Object of the Tax*

The entertainment tax shall be levied in respect of:

- a) cinema shows and variety shows which include at least one movie;

- b) art, scientific, commercial, agricultural or industrial exhibitions, sample fairs, and similar events of any kind;
- c) theatrical and musical entertainments, sport competitions, merriment parks, and any other kind of entertainment not included in the preceding sub-paragraphs a) and b).

#### Article 4

##### *Determination of the Taxable Amount*

1. The tax shall be levied on the income derived from the payment of a price or other consideration collected by the person subject to the tax through the sale of tickets, subscriptions, cards and invitations, and from the increases in the price of refreshments or from any other source, subject to the provisions of the following paragraphs.

2. The tax shall be levied on the total gross income collected as above.

3. The amount corresponding to the number of free tickets issued by the person subject to the tax shall be included in the total gross income.

#### Article 5

##### *Exemptions*

1. Free personal admittance cards, the total number of which shall not exceed 5% of all the available seats, shall be exempt from the tax. The above percentage shall not include the admittance cards issued to members of the press and duty cards issued, in accordance with Article 13, paragraph 2, of this law, to the officials responsible for collecting the tax.

2. The Minister of Finance may grant partial or total exemption from the tax in respect of entertainments organized for charitable or welfare purposes, provided that each exemption is granted in writing prior to the entertainment.

#### Article 6

##### *Rate of Tax*

The rates of the tax shall be as follows:

- a) entertainments referred to in Article 3 (a): 30%;
- b) entertainments referred to in Article 3 (b): 5%;
- c) entertainments referred to in Article 3 (c): 15%.

## PART II

### ASSESSMENT OF THE TAX

#### Article 7

##### *Tickets*

1. For purposes of assessment, the person subject to the tax shall issue tickets having a stub and two detachable sections. Consecutive numbers shall be printed on the stub and on the two detachable sections. Tickets of different colours shall be used for the various categories of seats.

2. The person subject to the tax shall also obtain two sets of tickets to be alternatively used when the admittance price for a subsequent performance is changed.

3. Tickets sold at reduced prices shall indicate the nature of the reduction and the reason therefor.

4. Free tickets shall be subject to the provisions of Article 9 below

5. All tickets shall be punched by the tax collecting office before they are used.

#### Article 8

##### *Publicity of Prices of Tickets*

The prices of tickets shall be shown in notices, posters and boards affixed at the entrance.

#### Article 9

##### *Admittance Cards and Free Tickets*

1. Permanent personal cards for free admission which are exempt from the tax under Article 5, paragraph 1, above shall be previously stamped by the competent tax office.

2. Free tickets or invitations shall not exceed 5% of the total number of seats of each category. Such tickets shall differ from the ordinary ones in colour and shall bear a stamp showing that they are free tickets.

3. Free tickets, like the ordinary ones, shall be detachable from a counterfoil book and shall have two sections. The stubs as well as the two sections of the tickets shall be consecutively numbered.

4. The tax applicable to free tickets, in accordance with Article 4, paragraph 3, shall be the same which is levied on ordinary tickets giving access to the same category of seats.

5. The sale of free tickets or invitation tickets is prohibited.

## Article 10

### *Registers for the Receipt and Sale of Tickets*

1. The person subject to the tax shall keep one register in which shall be entered regularly the tickets received and the tickets sold. The register shall be consecutively numbered and shall bear the seal of the tax collecting office.

2. The register shall be produced at the request of the officials responsible for supervision and verification in order to ensure the proper application of the tax.

## Article 11

### *Control on Sale of Tickets*

1. Each spectator shall, before entering, produce the two sections of the ticket. The person in charge of controlling tickets shall detach the two sections, one of which shall be handed to the spectator, while the other shall be put in a locked box. The key of the box shall be kept by the person subject to the tax or by an employee or person delegated by him.

2. The tax collecting office may, where it is deemed necessary, fix a padlock to the box, in order to ensure that the box can be opened only in the presence of its officials.

## Article 12

### *Obligations of the Spectator*

1. Each spectator shall keep the section of the ticket handed to him as long as he remains in the place where the entertainment is given.

2. If, on inspection by the competent organs, a spectator is found not in possession of a ticket, he shall pay again the price of the ticket.

3. The obligations referred to in the previous paragraphs shall be made known to the public by affixing at the entrance a notice written in clear and visible manner.

## Article 13

### *Organs of Supervision and Verification*

1. The following shall be responsible for the supervision and verification of the application of the tax:

- a) the officials of the tax collecting office who shall be provided with identification cards;
- b) the Fiscal Police;
- c) the Police in the places where the offices or organs referred to in subparagraphs (a) and (b) above are not located.

2. The person subject to the tax shall provide the tax-collecting office with two duty cards giving free access to all categories of seats.

3. The non-commissioned officers and guards of the Fiscal Police shall have free access to a place of entertainment only if in possession of a written order, issued each time by the competent commanding officers.

## PART III

### **COLLECTION AND CALCULATION OF THE TAX**

## Article 14

### *Collection of the Tax*

1. The tax shall be due at the end of each day on which the entertainment was given; it shall be paid, not later than five days after that date, to the tax collecting office.

2. In case of delayed payment, a surtax equal to 10% of the tax shall be levied.

3. The official responsible for collecting the tax may, for sufficient reason, waive, in full or in part, the surtax for delayed payment.

4. Where the tax is not paid within ten days from the date on which the tax was due, the competent office shall take the necessary measures for the recovery of the tax, in accordance with the provisions relating to execution proceedings.

## Article 15

### *Calculation of the Tax*

1. For the purposes of tax collection, the taxpayer shall, at the end of each day of performance or after the closing of the premises, calculate the amount of the tax due.

2. This calculation shall be made by determining the number of tickets sold and by drawing up daily statements showing the total gross income, according to the procedure laid down in the following articles.

## Article 16

### *Register of Daily Statements*

1. The taxpayer shall keep a register for the daily statements consisting of a counterfoil book, with consecutively numbered pages previously stamped by the tax collecting office.

2. The books shall be kept for a period of one year; the competent tax officers shall have access to such books at any time for purposes of inspection and verification.

## Article 17

### *Drawing up of Daily Statements*

1. The daily statements referred to in Article 15 shall show separately the different prices for the various categories of tickets, the number of tickets sold from each category, and the serial number of the first and last ticket sold from each category.



2. The statement, which is prepared in the same manner on the two parts of the counterfoil sheet, shall be signed by the taxpayer and by the official responsible for collecting the tax.

3. The counterfoil part of the sheet shall be detached only by the above mentioned tax official upon collection of the tax.

## Article 18

### *Exception to the General Provisions*

In exceptional cases, where the drawing up of the daily statements is not possible or difficult due to the nature of the entertainment, or the type or location of the premises where the entertainment is held, or the small amount involved, the tax collecting office may, at the request of the party concerned, determine the estimated total gross income for the entertainment and settle finally the tax due thereon.

## Article 19

### *Powers of the Organs of Inspection and Verification*

The organs of inspection and verification referred to in Article 13 may be present while the daily statements are drawn up and may verify the number of tickets sold on the basis of the stubs and the sections of the tickets contained in the locked box referred to in Article 11 above.

## PART IV

### **PENALTIES**

## Article 20

### *Penal Punishments*

Whoever, for the purpose of evading or helping others evade the entertainment tax, makes alterations in the daily statements or commits fraudulent acts to the same end, or fails to pay the tax, shall, where the act does not constitute a more serious offence, be punished with a fine for a contravention from Sh. So. 200 to 2,000 and the payment of a surtax equal to the amount of the tax or up to thrice that amount; furthermore, the premises wherein the entertainment is held shall be closed.

Article 21

*Administrative Penalties*

Administrative penalties, as specified below, shall be applied in respect of the following acts:

- a) failure to maintain the register of tickets received and sold referred to in Article 10: Sh. So. 300 to 1,200;
- b) use of tickets different from the those prescribed in Article 7: Sh. So. 300 to 1,200;
- c) failure to issue the duty cards referred to in Article 13: Sh. So. 60 to 240;
- d) failure to prepare daily statements in accordance with Article 17: Sh. So. 30 to 120;
- e) irregularities in keeping the register of daily statements and the registers of tickets received and sold: Sh. So. 30 to 120.

Article 22

*Organs Competent to Ascertain Violations*

The following shall be competent to ascertain violation of the provisions contained in this law:

- a) the officials of the tax collecting offices who shall be provided with identification cards;
- b) the organs of the Fiscal Police;
- c) the Police in the places where the offices and organs referred to in subparagraphs (a) and (b) above are not located.

PART V

**FINAL PROVISIONS**

Article 23

*Abrogation*

All provisions concerning entertainment taxes and any other provision contrary to or inconsistent with this law are hereby abrogated.

Article 24

*Entry into Force*

This law shall enter into force on the day following the date of its publication in the Official Bulletin.

This law shall be included in the Official Compilation of Laws and Decrees of the Somali Republic.

All persons shall be required to observe it and cause others to observe it as a law of the Republic.

Mogadishu, 21 December 1965.

**ADEN ABDULLA OSMAN**

*The Prime Minister*

ABDIRIZAK HAGI HUSSEN

*The Minister of Finance*

AWIL HAGI ABDULLAHI

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**LAW No. 24 of 21 December 1965.**

**Delegation to the Government for the enactment of fiscal provisions for the covering of the estimated Budget of the State.**

THE PRESIDENT OF THE REPUBLIC

TAKING NOTE of the approval of the National Assembly;

HEREBY PROMULGATES

the following Law:

Single Article

The Government is hereby delegated to make, within 31 December 1966, fiscal provisions having the force of law, for the purpose of covering the estimated Budget of the State.

This Law shall be included in the Official Compilation of Laws and Decrees of the Republic and published in the Official Bulletin.

All persons shall be required to observe it and to cause others to observe it as a Law of the Republic.

Mogadishu, 21 Decembre 1965.

**ADEN ABDULLA OSMAN**

*The Prime Minister*

ABDIRIZAK HAGI HUSSEN

*The Minister of Finance*

AWIL HAGI ABDULLAHI

THE PRESIDENT OF THE REPUBLIC  
TAKING NOTE of the approval of the National Assembly;

HEREBY PROMULGATES

the following Law:

Article 1

*Subject of the tax*

1. A tax on the capital of juridical persons, including those exempted from income tax, is hereby established.
2. Foreign companies, corporations, public bodies and associations operating within the territory of the Republic on a permanent basis shall also be subject to this tax.

Article 2

*Object of the Tax*

The tax shall be levied on the taxable capital owned by the taxpayer.

Article 3

*Determination of the Taxable Amount*

1. The capital on which the tax is to be levied, which is the object of the tax, shall consist of the sum total of the following:
  - a) subscribed and paid-up capital of companies and corporations or the net assets of the other organizations mentioned above, as shown in their annual financial statements;
  - b) ordinary and extraordinary reserves of any kind, as shown in the annual financial statements, excepting the reserves set aside in order to meet specific commitments and liabilities or on behalf of third parties;
  - c) profits carried forward from the previous financial year.
2. Financial losses carried forward from the previous financial year shall be deducted from the total taxable capital referred to in the preceding paragraph.

3. In respect of foreign companies, corporations, public bodies or associations referred to in Article 1, paragraph 2, the taxable capital shall include all the capital to be employed for their operation within the territory of the Republic or all of the capital actually used for this purpose, where the latter exceeds the amount originally intended to be so employed. In this case, the taxable capital shall never be less than the taxable income capitalized at 100 by 10:

#### Article 4

##### *Rate of the Tax*

The rate of the tax shall be 0.5% of the taxable capital as determined in accordance with Article 3 above.

#### Article 5

##### *Tax Year*

1. For the purpose of this law, the tax year shall begin on 1 January and end on 31 December each year.
2. The tax due in each tax year shall be levied:
  - a) on the taxable capital shown in the financial statement closed on 31 December in the year preceding the tax year; or
  - b) on the taxable capital shown in the financial statement closed within 30 December in the tax year.

#### Article 6

##### *Exemption*

1. The following shall be exempt from the tax:
  - a) cooperative societies for production, consumption or services, if organized on cooperative principles;
  - b) Local Administrations, Chambers of Commerce and State or Municipal enterprises providing *de facto*, on a monopoly basis, services necessary in the public interest;
  - c) bodies engaged in reclamation work, land improvement, irrigation and hydraulic works;

- d) charitable and religious institutions, and public bodies providing social insurance and welfare services, as well as any other organizations established for charitable or educational purposes;
  - c) Mutual aid organizations;
  - f) Non-profit making educational institutions;
  - g) Academies, foundations, and religious, historical, literary, artistic, scientific, cultural, sport or recreational associations which are non-profit making and do not engage in profit-making activities;
  - h) Bodies, companies, corporations and institutions which are, by law or under international agreements, exempted from the payment of taxes.
2. No exemption shall be granted in respect of the activities carried on by the aforesaid institutes for profit purposes.

## Article 7

### *Declaration - Assessment - Disputes - Collection - Penalties*

Declaration of taxable capital, assessment, disputes, collection of the tax, and penal punishments and administrative penalties shall be governed by the provisions of the Income Tax Law, in so far as applicable.

## Article 8

### *Coming Into Effect of the Tax*

1. For the purpose of this law, the first tax year shall be the calender year 1966.

2. In the above mentioned year, the tax shall be levied on the taxable capital shown in the financial statement which, at the time of entry into force of this law, is due to be closed either on 31 December 1965 or at a later date up to 30 December 1966, in conformity with the statutes or legal provisions governing the subjects of the tax.

Article 9

*Abrogation of the «imposta di negoziazione» and of the Tax on the Capital of Foreign Companies and Corporations*

The «imposta di negoziazione» and the tax on the capital of foreign companies and corporations, provided for in part I and II of Royal Decree No. 1635 of 28 April 1939, as well as any other provision contrary to or inconsistent with this law are hereby abrogated.

Article 10

*Entry into Force*

This law shall come into force on the day following the date of its publication in the Official Bulletin.

This law shall be included in the Official Compilation of Laws and Decrees of the Somali Republic.

All persons shall be required to observe it and cause others to observe it as a law of the Republic.

Mogadishu, 22 December 1965.

**ADEN ABDULLA OSMAN**

*The Prime Minister*

ABDIRIZAK HAGI HUSSEN

*The Minister of Finance*

AWIL HAGI ABDULLAHI

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**PARTE SECONDA**

**DISPOSIZIONI, COMUNICATI, AVVISI, VARIE**

**ERRATA CORRIGE**

All'articolo unico della legge 21 Dicembre 1965 No. 24 pubblicata nel Bollettino Ufficiale Suppl. No. 7 al No. 12 del 27 Dicembre 1965 al posto di «entro il 31 Dicembre 1965» leggasi:

**«Entro il 31 Dicembre 1966»**