

MAKERERE UNIVERISTY

MAKERERE UNIVERSITY BUSINESS SCHOOL

STAMP DUTY ADMINISTRATION AND REVENUE PERFORMANCE IN UGANDA.

BY

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2000/HD10/1114U

**A DISSERTATION SUBMITTED TO THE SCHOOL OF GRADUATE STUDIES IN
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DECLARATION

I, Okodi Harold Wilson, do hereby declare that this is my own original work and that it has not been submitted in the whole or part for a degree award in any University in the world.

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APPROVAL

This is to certify that this dissertation has been submitted in partial fulfilment of the requirements for the award of Masters of Business Administration with our approval as University Supervisors.

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DEDICATION

I dedicate this piece of work to my uncle Albino Okello, dear wife Hellen Okodi and my children Gerald Harold Odongo, Lowel Ephraim Okello and James Conrad Okodi.

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ABSTRACT

The study on Stamp duty administration and Revenue performance revealed that the Stamp duty administrative methods in URA are inadequate and the revenue performance on most of the instruments is extremely poor. 7 top instruments generated more than 97% of the revenue between July 2007 and June 2008 while the remaining 56 instruments generated less than 3%. The study further showed that the components of Stamp duty administration are significantly and positively related to the stamp duty revenue performance with a potential of explaining 41.8% of the variance in the Stamp duty Revenue Performance as observed from the Prediction model.

The study was motivated by observations that some instruments executed / received in the Banks were always brought for stamping while others were not. The aim of this study was to examine the relationship between stamp duty administration and the revenue performance in Uganda. The study was carried out among the tax administrators in Uganda Revenue Authority and the Credit officers in the Banks who execute or receive instruments chargeable to stamp duty in course of their operations.

As a result of the findings, key recommendations ranging from ensuring that there are stamp duty offices in the various areas of the country; public campaigns to enlighten the stakeholders on Stamp duty administration; to the need for reviewing the lists of instruments in the schedule to Stamps Act and adopting modern methods of assessing and stamping instruments through internet like electronic stamping, were forwarded.

LIST OF ACCRONYMS

BPAFs	Bank Payment Advice Forms
DTD	Domestic Tax Department
MDAs	Ministries Departments and Government Agencies
NTR	Non Tax Revenue
URA	Uganda Revenue Authority

CHAPTER ONE

INTRODUCTION

1.1 Background to the Study

Methods of tax administration are important factor in realisation of the actual tax collected. The methods used in administration of stamp duty in Uganda Revenue Authority (URA) hinder revenue collection because of over centralisation. This puts a number of clients at a risk of holding instruments that are not duly stamped.

Several activities are involved in tax administration, such as: taxpayer identification, assessment, collection and taxpayer services. These activities determine the revenue performance of an authority (Surrey, 1974; Bird, 1992; Henrik 1996; Vehorn and Etisham, 1997). The Administration of Stamp duty involves identification of clients who have executed / recieved the instruments in Uganda; assessment of the proper duty; payment / collection of the duty; stamping of the instruments with the proper value of the duty paid and provision of adequate taxpayer services.

Uganda Revenue Authority (URA) is mandated to administer the collection of stamp duty on all the instruments in the schedule to the Stamps Act. There are 64 instruments in the schedule to the Stamps Ammendment Act 2002 which are liable to Stamp duty. URA faces a lot of challenges on Administration of Stamp duty ranging from identification of stamp duty taxpayers, over centralised system of assessments and collection methods and inadequate taxpayer services. These factors seem to account for low Stamp duty revenue performance level. URA has only one stamp duty office located in Kampala where the administration of stamp duty on all the instruments executed or received in Uganda is done. Taxpayers who have executed or received

instruments chargeable with stamp duty from other parts of Uganda appears not to be paying the stamp duty because the cost of paying stamp duty is far higher than the duty payable itself. Stamp duty appears to be paid on the instruments mainly registered by the Ministries, Departments and Government Agencies (MDAs) since they do have Public Officers who enforce payment of stamp duty before registering the documents.

Over centralisation of Stamp duty administration in Kampala and lack of awareness by the stakeholders seems to account for poor revenue performance of Stamp duty Uganda.

The untapped revenue from stamp duty could be realised by URA through decentralisation and modernisation of its assessment, collection and stamping operations.

1.2 Statement of the Problem:

Although Uganda Revenue Authority has undergone very good tax administration reforms the administration of Stamp duty remains a problem area. This is done in one central office located in Diamond Trust Building for all the instruments executed / received in Uganda. URA appears not to be collecting stamp duty on a number of instruments that are executed / received all over the country because of failure enforce collection of this tax. If stamp duty is not being paid; there is loss of Government Revenue and the clients are being put at risk of holding instruments that are not duly stamped and cannot be accepted as evidence in the Commercial Courts. Therefore, URA need to identify better administrative procedures for stamp duty administration which would generate more revenue for Government and increase the number of duly stamped instruments which are admissible as evidence and enforceable in commercial courts of law in Uganda.

1.3 Purpose of the Study

The purpose of the study is to explain the relationship between stamp duty administration and its revenue performance in Uganda.

1.4 Objectives of the Study

- i) To examine the methods of administering Stamp duty in Uganda.
- ii) To establish the revenue performance on Stamp duty instruments in Uganda.
- iii) To explain the relationship between Stamp duty administration and its revenue performance in Uganda.

1.5 Research Questions

In order to realise the stated objectives, the researcher was guided by the following research questions:

- i) What methods are used in administration Stamp duty in Uganda?
- ii) What is the revenue performance on Stamp duty instruments in Uganda?
- iii) What is the relationship between Stamp duty administration and its revenue performance in Uganda?

1.6 Scope of the Study

The study focussed on methods of stamp duty administration and its revenue performance in Uganda. It was conducted among Tax administrators in Domestic Taxes Department mainly in the Non Tax Revenue (NTR) of URA who administer the collection of stamp duty; and the Banking officers in the Credit departments who regularly interface with clients executing or receiving stamp duty instruments arising from lending transactions. The study was done in Kampala where most of the Banks are located and because of its proximity to the researcher.

1.7 Significance of the Study

There has hardly been any credible study carried out on Stamp duty administration and its revenue performance in Uganda. This study is important because it would generate information on Stamp duty administrative effectiveness as applied by URA and highlight those administrative measures that affect Stamp duty collection performance. This information will be of use to URA to improve on stamp duty administration and its revenue performance in Uganda.

The study is important because it will enable Policy makers to rethink on the administrative methods to employ for the administration of Stamp duty.

The study aims to expand the tax base and reduce the number of unduly stamped instruments held by clients that are not enforceable in Commercial Courts and that can not be tendered as evidence.

Finally, the findings contribute to the existing knowledge of tax administration in Uganda and may invoke more research in the areas of stamp duty administration and revenue performance.

1.8 Conceptual / Framework

The model used in this study was drawn mainly from three basic task of tax administration suggested by Bird (1992): namely taxpayer identification, assessment and collection. Thirsk (1991) added taxpayer sensitization as another aspect of tax administration. In Uganda, the model drawn from the works of Abigaba (1998), Iga (1999) and Kajumbula (2003) however agree with the indicators of tax administration and emphasised that effective tax administration leads to improved revenue collection performance.

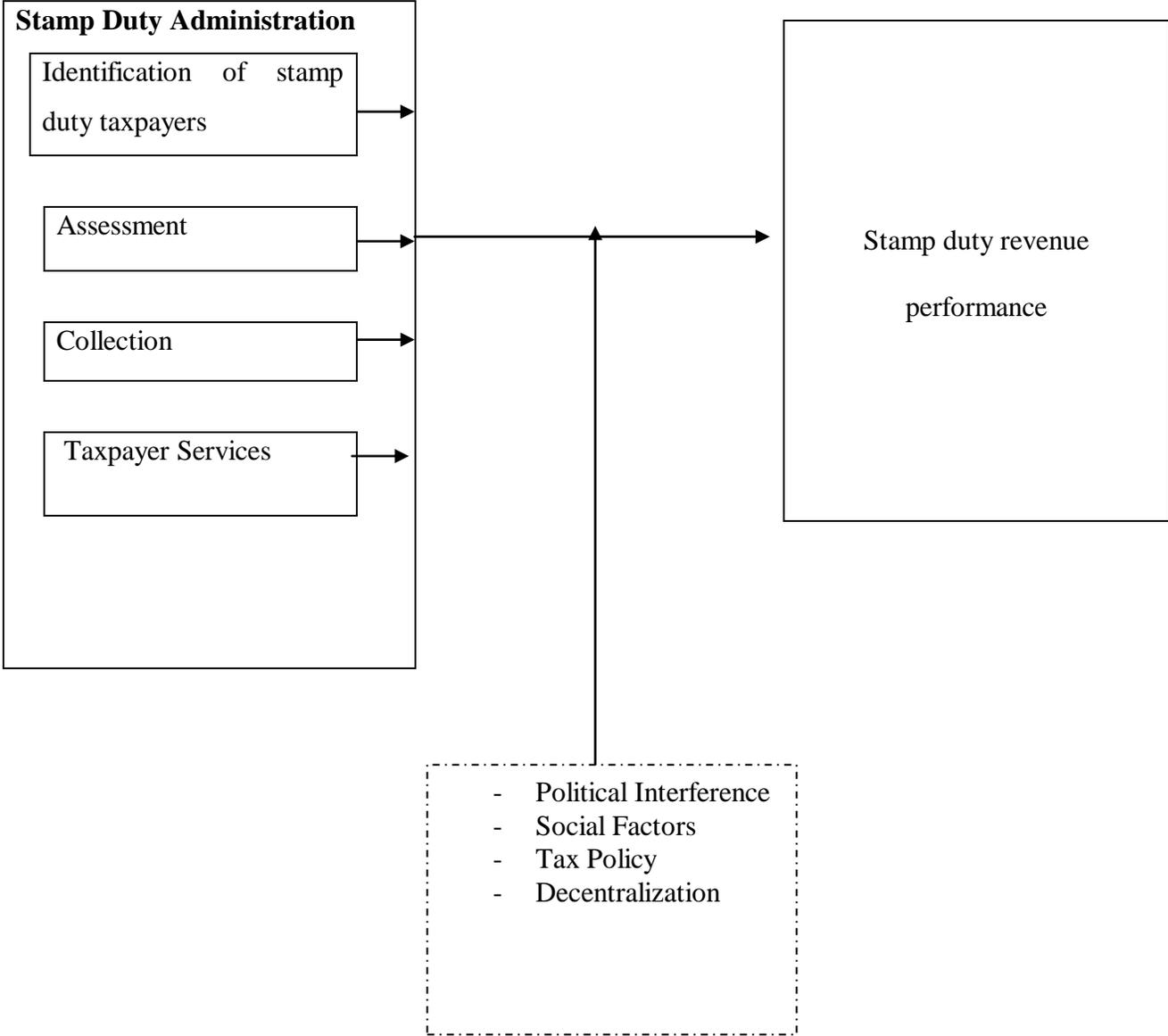
Tax Collections from taxpayers were shown as one measure of revenue collection performance; Shalinzi (1991). Nsamba (2000) defines revenue collection performance as actual tax paid by the taxpayers and collected by the tax authority.

Stamp duty administration which involves Taxpayer identification, Assessment and Collection methods and Taxpayer services is the independent variable that affects Revenue collection performance. If activities of stamp duty administration are performed effectively, the revenue collection performance is likely to improve.

Although researchers have shown that there is a significant relationship between tax administration and revenue collection performance; Shalinzi (1991), Iga (1999) and Kajumbula (2003), there are other variables that may subsequently affect the revenue collection performance. These are: political inference, social factors, tax policy and decentralisation. The conceptual framework used in guiding the study is shown on Figure 1.

Conceptual Framework of Stamp Duty Administration and Stamp duty Revenue Performance in Uganda

FIGURE 1. Conceptual Model



Source: Adapted from Bird (1992)

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

Many studies have been carried out in the field of tax administration by prominent scholars like (Surrey, 1974; Thirsk, 1991; Bird, 1992, Silvani & Alberto, 1992; Casanegra & Bird, 1992 and Gill, 2003). However, most of the work has not specifically focused on stamp duty administration and its revenue performance.

2.2 Tax Administration

Tax administration has not been specifically defined in the existing literature. However, its components (registration / identification, assessment, collection and taxpayer sensitization) have been highlighted by (Surrey1974; Thirsk, 1991; Bird, 1992, Silvani & Alberto, 1992; Casanegra & Bird, 1992 and Gill, 2003). In Uganda, (Iga, 1998; Mulindwa, 2000 and Kajumbula, 2003) have pointed out the aspects of tax administration they consider relevant.

Silvano & Alberto, (1992) asserted that taxpayer registration; training, data processing, taxpayer relations and simplification of forms are vital for tax administration. Surrey (1974), points that the basic administrative procedures include locating the taxpayer, checking on taxpayer compliance and collection of taxes. The aspect of locating all taxpayers who have executed / received instruments chargeable to stamp duty is lacking in Uganda Revenue Authority which in turns affects the revenue collected. Identification of taxpayers who have executed or received instruments chargeable to stamp duty is the first and very important step in the collection of Stamp duty. The Stamps Act requires every person who have executed / received an instrument in Uganda to pay the proper duty within 30 days of execution or receipt.

Bird (1992) summarizes the three basic activities of tax administration as identification of potential taxpayers, assessment of the appropriate tax and collection of the tax assessed. The inability to identify all the Stamp duty taxpayers who have executed / received instruments limits its collection and leaves a number of clients with instruments that are not duly stamped contrary to the provisions of the Stamps Act. The compliance levels is further hindered by over centralization of stamp duty office in Kampala; which discourages clients who would be willing to pay stamp duty and have their instruments duly stamped because the cost of paying is higher than the stamp duty itself.

Easson (1993) said effective tax administration in developing countries is highly dependent on tax law. In Uganda studies conducted have expanded on other aspects of tax administration. Iga, (1999), said codification and drafting of the law, administrative procedures, capable officials and management are vital for tax administration. Iga's view is shared by Siaw (1995) who proposed that, the tax law however good, is only successful when applied by a good administration. According to Siaw, a competent administration can be built to effect any tax law.

Mulindwa (2000) cautions readers not to confuse tax policy, tax management and tax administration. He noted that tax administration is a component of the tax system that ensures tax laws are effectively enforced. Mulindwa noted that the main focus of taxation policy in Uganda is revenue collection.

2.3 Stamp Duty:

The Oxford Dictionary of Law defines stamp duty as a tax payable on certain legal documents specified by statute. In Uganda, stamp duty is chargeable on the instruments in the schedule to the Stamps Act. There are 64 instruments in the schedule to the Stamps Amendment Act 2002. The instruments chargeable to stamp duty are required to be duly stamped within 30 days of execution or receipt in Uganda as provided for under sections 20 and 21 of the Stamps Act Cap 342. A duly stamped instrument according to the Stamps Act is one, which bears an adhesive or impressed stamp with not less than the proper amount, which has been affixed or used in accordance with the Laws of Uganda. The payment of proper Stamp duty on instruments bestows legality on them. Such instruments get evidentiary value and are admitted as evidence in Commercial Courts. Contrary to the provisions of the Stamps Act, a number of instruments are currently being executed or received in Uganda without payment of proper duty putting the owners at legal risk.

The history of Stamp duty in Uganda dates back to 1915 during the colonial administration when the Stamps Act was first passed in Uganda. Keay (2003) noted that the Stamps Act has been amended several times, but the form and content of the Stamps Act Cap 342 of the Laws of Uganda 2000 remains broadly the same as the that of the 1915 Stamps Act. Keay asserts that amendment of the existing Stamps Act Cap.342 is not feasible and the law requires to be re-written because of the problems resulting from its age in terms of language, structure, application and procedure. This is partly the reason why revenue collection performance of Stamp duty in Uganda is Low. Majority of the taxpayers are ignorant about Stamp duty yet it is one of the oldest taxes in Uganda.

The procedures of assessment, collection and stamping of the instruments are not conducive because of over centralization. Consequently majority of the clients who have executed or received the fixed value instruments rarely pay the Stamp duty unless the instruments are required for registration with Government Ministries Departments and Agencies (MDAs) or where they are to be tendered in Commercial Courts in Uganda as evidence.

2.4 Administration of Stamp Duty in Uganda Revenue Authority

In 1991 the government set up the Uganda Revenue Authority (URA), a semi-autonomous body responsible for carrying out tax policy implementation. It was charged with the task to administer and collect tax revenue for the central government. Stamp duty is one of the central government taxes administered by Uganda Revenue Authority under the Stamps Act Cap 342 of the Laws of Uganda 2000. The administration of stamp duty (identification, assessment, collection methods and stamping of instruments) is done centrally in Kampala at the single office in Diamond Trust.

Lledo *et al.*, (2004) asserts that efficiency of the tax administration refers to administrative costs in collecting different types of taxes, enforcing tax laws, and the costs of tax payers in complying with those laws. The costs of paying stamp duty for upcountry taxpayers are far higher than the duty chargeable. Uganda Revenue Authority is not collecting stamp duty on a number of instruments executed or received in Uganda because of the way stamp duty is administered. Gill (2003) also pointed out that the actual amount of taxes flowing to Government Treasury, to a large extent, depends on the efficiency and effectiveness of Revenue Administration.

According to Gill; effectiveness refers to the extent to which taxes are predictable, transparent, and enforced by a fair judicial system. Weaknesses in Revenue Administration normally lead to inadequate tax collections.

2.5 Revenue Performance

Revenue collection performance is the percentage of budgeted collections that is actually collected as suggested by Nsamba (2000). The actual tax paid by taxpayers honouring their obligations also shows the performance as was suggested by Nsamba (2000) and used by Kajumbula (2003) when looking at personal graduated tax. In the study, stamp duty revenue performance was looked at in terms of the actual stamp duty revenue collected / paid on the instruments in the schedule to the Stamps Act by taxpayers honouring their tax obligations. Collection performance as suggested by Shalinzi & Squire, 1989 shows the effectiveness of the administrative procedures.

2.6 Elements of Stamp duty Administration and Revenue Performance

2.6.1 Taxpayer Identification and Revenue Performance

Taxpayer identification is the very first process and a vital component in the administration of stamp duty. Surrey (1974) pointed that the beginning of income tax administration starts with preparing the lists or registers and ensuring that the tax payers are on the rolls. Kajumbula (2003) observed that identifying and registering more taxpayers decreases the number of taxpayers who would otherwise evade. Taxpayers who have executed or received instruments chargeable to duty are required to have them duly stamped as provided under Section 3 of the Stamps Act Cap 342 of the Laws of Uganda 2000. The Stamps Act requires every person who

executes or receives an instrument in the schedule to the Stamps Act to pay the proper duty within 30 days of execution or receipt in Uganda.

Knowledge of the instruments and the clients drawing, executing or receiving them is vital in the identification of potential stamp duty taxpayers. Stamp duty taxpayers in Uganda are identified mainly through voluntary compliance and checks on the big clients like banks, hire purchase firms and Insurance companies. Taxpayers who want to register their instruments and acquire title to them do voluntarily submit them in Stamp duty office. The stamp duty examiners also do visit some of the financial institutions and ascertain the instruments they have executed / received. The challenge in URA is limited knowledge about stamp duty instruments among the tax administrators and the banking officers which would ordinarily hinder the identification of the instruments executed / received by the potential stamp duty taxpayers.

Identification and registration of taxpayers reduces the number of those who would evade payment of taxes. Bird (1991) asserted that if taxpayers are identified and registered, compliance and revenue performance would increase. A number of the clients who have executed / received stamp duty instruments are not paying the proper duty due to failure of the Stamp duty officers to identify them.

2.6.2 Assessment and Revenue Performance

Assessment is an important aspect of tax administration that involves the determination of tax liability. Bird (1992) defines assessment as the process of ascertaining or estimating a person's tax liability. Assessment of stamp duty involves the determination of the proper duty on the instrument executed or received by the clients. The Stamps Act and its amendments contain the list of instruments chargeable to stamp duty and their proper duty rates. Accessibility of the Stamps Act improves on the accuracy of the duty assessed on the instruments executed or received in Uganda. In Uganda, the ascertainment of stamp duty payable on executed instruments in Uganda is determined officially by URA or voluntarily by the taxpayer. Taxpayers with copies of the Stamps Act and its amendments can determine the duty they are supposed to pay. Tax Administrators in Uganda Revenue Authority, Stamp duty office uses the Stamps Act and amendments to the Stamps Act, to assess the stamp duty payable on the instruments brought for assessments. The limited accessibility of the Stamps Act and its amendments by majority of the taxpayers in Uganda creates a big burden on the individual assessment of the proper duty by stamp duty taxpayers in Uganda.

2.6.3 Collection Procedures and Revenue Performance

Collection procedures involve collecting money from the taxpayer and are the final stage and goal of the tax procedure (Iga, 1999). The collection procedures have an effect on the number of taxpayers who do pay. The effectiveness of the revenue collection procedures can be gauged from the number of compliant taxpayers (Okello & Nsamba 1995).

The centralised method of stamp duty collection in Uganda greatly affects the revenue collection performance. Uganda Revenue Authority currently has only one stamp duty office in Uganda currently located on ground floor of Diamond Trust Building in Kampala. Every taxpayer who

have executed or received instruments chargeable to stamp duty is required to bring to Kampala for assessment, payment and stamping. Uganda Revenue Authority has only one Embossing Machine fixed at the Ministry of Finance Building which imprints the stamps on the instruments after the proper duty is received.

Shalinzi & Shaz (1991) noted that tax structures in Developing countries raise little revenue and the reason seems to be poor administration. Thirsk (1991) further said, because of the weak administration, tax evasion and avoidance have become prevalent among developing countries especially among the relatively rich members of society. The scholar suggested that strengthening the tax administration activities including collection would encourage compliance and improve the revenue collection performance.

The over centralisation of the collection of stamp duty and embossing / stamping process limits the number of instruments executed / received in Uganda that are duly stamped as required by the Stamps Act as amended.

Several writers have come up to suggest what really affects taxpayer compliance.

Chen and Reinikka (1999) argue that people engage in tax evasion when the expected benefits (low taxes) are equal to the expected costs (punishment). This view is shared by Alingham and Sandmo (1972) who also suggest that a rational individual's choice to evade will be based on the expected gains associated with the decision.

The low collections of stamp duty in Uganda Revenue Authority could partially be attributed to the over centralised collection method in Kampala which increases on the compliance costs of taxpayers willing to pay stamp duty and have the instruments duly stamped. A client who has

executed / received a fixed value instrument whose proper duty is shillings 5000= would ordinarily not comply if expected gains of having the instrument duly stamped is less than compliance costs.

Bird (1989) asserts that tax evaders in most developing countries can realistically assign an expected value of zero to the likelihood of being detected and penalised, that the more severe the penalty, the less likely it is to be applied which is a showed weakness in administration. However, he noted that penalising non-compliers appeared to have had a healthy effect on stimulating compliance.

The penalties under the Stamps Act are generally not known by majority of the clients in Uganda which is a big blow to the Stamp duty revenue performance.

2.6.4 Taxpayer Services and Revenue Performance

Taxpayer services are also a vital component of the tax administration since they do affect the revenue collection performance. Taxpayer Services involves providing the relevant information to taxpayers clearly stating the procedures, the benefits of paying and the consequences of non-payment. If taxpayers perceive that non-compliance will lead to penalties they are likely to be more complaint (Thirsk, 1991). Sensitization of taxpayers is one of the key activities of taxpayer services. Smith (1776) notes that a good tax should be certain and clear to the taxpayer. Tax education helps to enlighten taxpayers about the tax laws, their rights and tax obligations hence making them certain and clear. Tax payer services involving Stamp duty in Uganda is inadequate and a big challenge as majority of the clients are ignorant about stamp duty administration, the

instruments chargeable and their proper duty, the penalties and the importance of having the instruments duly stamped.

2.7 Stamp Duty Administration and its Revenue performance: Conclusion

Although several writers have talked about tax administration and revenue performance, none have tried to look at the Stamp duty administration and its revenue performance.

Casanegra and Bird (1992) noted that improvement in tax administration is very crucial in raising revenue; the rules must be simple and the taxpayers should be identified and sensitized (Aaron and Slemrod, 1999). Stamp duty revenue performance is an outcome of how the stamp duty administration methods are handled. If Stamp duty administration is effectively administered revenue collection is likely to improve. In Uganda a number of instruments in the schedule to the Stamps Act are being executed or received without payment of proper duty in Uganda contrary to the provision of the Stamps Act which exhibits weakness in the administration. Identification of the elements under Stamp Duty Administration that affect its Revenue Performance is therefore vital and is an integral objective of this study.

CHAPTER THREE

METHODOLOGY

3.1 Introduction

This chapter discusses the research methods and the instruments used by the researcher to carry out the research. It specifies the research design employed, survey population, area of study, sample size and characteristics, tools and techniques used in data collection, how research variables are measured, and procedure of the study, data processing and analysis.

3.2 Research Design

The study used a descriptive research design combined with a cross-sectional survey employing both qualitative and quantitative methods of data collection. Analysis of the stamp duty administration variables (taxpayer identification, assessment, collection and taxpayer services) and revenue collection performance were done. Secondary data on stamp duty collections were obtained from the Research and Planning unit of URA.

3.3 Target Population

The target population of comprised of 250 Banking Officers in the Credit Departments of the 18 Commercial Banks in Uganda based in Kampala and 200 Tax Administrators from the Domestic Taxes Department of Uganda Revenue Authority based in Kampala. The Banking officers in the Credit Departments were selected because they do interface with the clients in course of drawing, executing and receiving instruments chargeable to stamp duty arising from lending transactions. The Tax Administrators in Domestic Taxes Department of Uganda Revenue Authority were selected since they administer the collection of stamp duty.

3.4 Sample Size and Sampling Technique

The researcher adopted purposive sampling taking into consideration the unit of analysis which comprised of the Credit Officers in the Banks and the URA officers in Domestic Taxes department narrowed to the NTR section who directly administers the collection of stamp duty. Five officers in the credit departments from every bank were purposively selected to participate in the study. There were 18 commercial banks according to the list of Commercial Banks obtained from Uganda Bankers Association. A sample of 60 Tax Administrators in Domestic Taxes Department mainly the NTR section where Stamp duty is administered were purposively selected and included in the study.

Sampling Frame

	Population (N)	Sample Size (n)
Credit Officers in Banks	250	90
Tax Administrators	200	60
Total	450	150

Source: Commercial Banks & URA

44 Banking officers in the Credit sections of the different banks that participated in study completed and returned the questionnaires. Among the Tax Administrators, 34 respondents who participated in the study completed and returned the questionnaires. The sample size of the respondents used was determined, based on the argument that sample sizes between 30 to 500 elements are appropriate for most research (Sekaran, 2000).

3.5. Data Sources

- **Primary Data**

The primary data was collected from the Banking officers in the Credit Departments and Tax Administrators in the Domestic Taxes Department mainly the NTR section.

- **Secondary Data**

The secondary data on stamp duty collections was obtained from the research and planning unit of Uganda Revenue Authority.

3.6 Data Collection

Data was collected using questionnaires and interviews. Separate questionnaires were distributed to the Credit Officers and Tax Administrators on Stamp duty Administration and Revenue Performance. Closed ended questionnaire with five point Likert scales was used in data collection. An open ended question was included on ways of improving stamp duty administration to ensure response clarity. To improve on the reliability of the questionnaire, pre-testing was done on a sample of five respondents and comments were sought from the methodologist before the questionnaires were administered. The errors sighted and the suggestions received were noted before developing the final questionnaire used in the study. An introduction letter was obtained from Makerere University Business School (MUBS), which the researcher presented to the Banks. The researcher introduced himself and assured the Bank officers that the information obtain from the research was confidential and would only be used for the purpose of the study.

3.7 Research Variables and Measurement

The variables in the study were Stamp duty administration and Stamp duty revenue performance. Stamp duty administration has four components namely identification of taxpayers, assessment, collection methods and taxpayer services. Stamp duty Revenue performance is an outcome of the Stamp Duty Administration methods. The questionnaire on Stamp Duty Administration and Revenue Collection Performance administered to the Tax Administrators and Credit Officers in the Bank were on the five point likert scale with responses ranging from strongly agree, agree, not sure, disagree and strongly disagree.

To examine the methods of administering stamp duty in Uganda; factor analysis were conducted to identify the salient issues under the components of stamp duty administration.

Pearson (r) correlations were used to test the relationship between stamp duty administration and stamp duty revenue performance.

Regression analysis were conducted to examine the extent the components of stamp duty administration can explain the dependent variable; Stamp duty Revenue Performance.

3.8 Data Processing and Analysis

Statistical tools such as cross tabulations, descriptive analysis and correlations were performed to summarise the data. Frequencies, percentages were computed for the categorical variables and mean, standard deviation and range for continuous variables like age.

Factor analysis was used to assess the important factors associated with the Administration of Stamp Duty. Items with Factor loadings of ≥ 0.5 were considered important in explaining a domain of the factor. Pearson (r) correlations were used to test the relationship between stamp

duty administration and stamp duty revenue performance and the regression module to explain the extent the components of stamp duty administration explain the dependent variable; Stamp duty Revenue Performance.

3.9 Limitations of the Study

- Some banking officers feared to provide the information for reasons that additional assessments for unpaid duty would be issued.
- Limited time and fund affected the research work.

Despite the above challenges, information was gathered after convincing the respondents that it would be purely used for academic research for the Masters of Business Administration.

CHAPTER FOUR

RESULTS & FINDINGS OF THE SURVEY

4.1 Introduction

This particular chapter presents the results and the interpretation of the survey respondents. The presentation is guided by the research objectives and the statistical results were obtained so as to generate responses for the research questions. In the beginning of the chapter are the sample characteristics of the respondents such as their gender, age and marital status of the respondents. Statistical tools such as Cross tabulations, descriptives and correlations were used to generate the results for this chapter. The presentation was guided by the following research objectives; To examine the methods of administering Stamp duty in Uganda, To establish the stamp duty revenue collection performance and to explain the relationship between Stamp duty administration and revenue collection performance.

4.2 Sample Characteristics

4.2.1 Gender by Respondents category

The results in the table 1 below present the distribution of the gender across the respondent categories.

Table 1: Gender by category of the respondents

			Respondent Category		Total
			Tax Administrators	Bank Officers	
Sex	Male	Count	17	28	45
		Row %	37.8	62.2	100.0
		Column %	50.0	63.6	57.7
	Female	Count	17	16	33
		Row %	51.5	48.5	100.0
		Column %	50.0	36.4	42.3
Total		Count	34	44	78
		Row %	43.6	56.4	100.0
		Column %	100.0	100.0	100.0

Source: Primary data

The results in the table 1 above showed the distribution of the respondents by gender. The results revealed that overall, the tax administrators comprised 43.6% of the sample and the Bank Officers comprised the greater 56.4% of the sample. The results further revealed that the Males (57.7%) comprised the greater proportion and the Females (42.3%). Among the tax administrators, there were an equal proportion of both males and females while among the Bank officers, the males (63.6%) dominated the lesser proportion which was the females (36.4%).

Distribution of the Age Group across the Respondent Categories

The results in the table below show the Distribution of the Age Group across the Respondent Categories.

Table 2: Distribution of the Age Group across the Respondent Categories

			Respondent Category		Total
			Tax Administrators	Banking Officers	
Age Group	18 to 30 years	Count	5	19	24
		Row %	20.8	79.2	100.0
		Column %	14.7	43.2	30.8
	31 to 50 years	Count	27	25	52
		Row %	51.9	48.1	100.0
		Column %	79.4	56.8	66.7
	51 to 55 years	Count	2		2
		Row %	100.0		100.0
		Column %	5.9		2.6
Total	Count	34	44	78	
	Row %	43.6	56.4	100.0	
	Column %	100.0	100.0	100.0	

Source: Primary data

The results in the table 2 above showed that the Tax Administrators were mainly falling in the 31-50 year age group (79.4%). Only 14.7% of them were in the 18-30 year age group and the least proportion of them were falling in the 51-55 year age group. On the other hand, it was noted that among the Banking Officers, there were none that were in the 51-55 year age group but the majority 56.8% of these were in the 31-50 year age group and 43.2% of them were in the 18-30 year age group category.

4.2.3 Level of Education across the Respondent Categories

The results in the table 3 below generally revealed the level of education across the categories of the respondents.

Table 3: Level of Education across the Respondent Categories

			Respondent Category		Total
			Tax Administrators	Banking Officers	
Level of Education	Certificate	Count		5	5
		Row %		100.0	100.0
		Column %		11.4	6.4
	Diploma	Count	2	5	7
		Row %	28.6	71.4	100.0
		Column %	5.9	11.4	9.0
	Bachelor Degree	Count	14	22	36
		Row %	38.9	61.1	100.0
		Column %	41.2	50.0	46.2
	Post Graduate	Count	18	12	30
		Row %	60.0	40.0	100.0
		Column %	52.9	27.3	38.5
Total	Count	34	44	78	
	Row %	43.6	56.4	100.0	
	Column %	100.0	100.0	100.0	

Source: Primary data

The table 3 above showed that overall, the sample was mainly composed of the holders of the Bachelor Degrees (46.2%) and the minorities were the Certificate holders comprised 6.4% of the sample. Among the Tax Administrators, the majorities were the holders of Post Graduate qualifications (52.9%) and only 5.9% of them were the holders of the Diplomas. On the other hand, the bachelors Degree holders (50.0%) dominated the category of the Banking officers while the Post Graduate qualification holders comprised 27.3% of this category.

4.2.4 Handling of Instrument liable to payment of stamp duty

The results in the table below were generated so as to examine the distribution of the Handling of Instruments liable to payment of stamp duty among the Respondent Categories.

Table 4: Execution or receipt of an instrument liable to payment of stamp duty

			Respondent Category		Total
			Tax Administrators	Banking Officers	
Execution or receipt of an instrument liable to payment of stamp duty	Yes	Count	23	39	62
		Row %	37.1	62.9	100.0
		Column %	67.6	88.6	79.5
	No	Count	10	5	15
		Row %	66.7	33.3	100.0
		Column %	29.4	11.4	19.2
	Not sure	Count	1		1
		Row %	100.0		100.0
		Column %	2.9		1.3
Total		Count	34	44	78
		Row %	43.6	56.4	100.0
		Column %	100.0	100.0	100.0

Source: Primary data

The results in Table 4 revealed that among the Tax Administrators, the majority (67.6%) acknowledged having executed or received an instrument liable to payment of stamp duty while on the other hand, only 29.4% of them denied ever executing or receiving an instrument liable to stamp duty. In addition, the majority of the banking officers (88.6%) revealed that they had either executed or received an instrument liable to payment of stamp duty and only 11.4% of them had not done so. The above responses imply that 29.4% of the tax administrators and 11.4% of banking officers have ever unknowingly executed or received instruments liable to stamp duty.

4.2 To examine methods of administering Stamp duty in Uganda

Table 5: To examine methods of administering Stamp duty in Uganda.	Identificati on	Assessment	Collection	Taxpayer Services
Stamp duty office is always open during working hours.	.882			
Stamp duty officers rarely visit the banks to examine the instruments executed / received by banks.	.865			
URA does not have the mechanisms of identifying all the potential clients who does not voluntarily submit their instruments.	.759			
There is no clear mechanism between URA and the banks of identifying all the instruments executed / received from the clients.	.593			
The instruments liable to stamp duty that are not voluntarily submitted by the banks or other taxpayers are rarely identified by URA.	.644			
I rarely determine the proper duty payable on the instruments executed / received between the bank and its clients.		.577		
I am not aware of the proper duty chargeable on all instruments in the schedule to the Stamps Amendment Act 2002 that are executed / received by the bank.		.871		
I am not knowledgeable about the proper duty payable where several instruments are employed in completing a single transaction of a mortgage or settlement.		.881		
I am not aware that stamp duty is payable on all the instruments executed / received in Uganda within 30 days.		.531		
Stamp duty is always paid on all the instruments that are registered in Government Ministries, Departments or Agencies.			.932	
Over centralization of stamp duty office in Kampala accounts for nonpayment of duty on some of instruments executed / received by the bank and the upcountry taxpayers.			.744	
I am not knowledgeable about the penalties for non-payment of stamp duty and the importance of paying it.				.805
I rarely educate our clients about the proper stamp duty payable on instruments they execute / receive.				.876
I am not satisfied with the current system of stamp duty administration between the URA, the Bank and its clients.				.700
Eigen Values	5.345	2.975	1.754	1.325
Variance %	34.483	19.189	16.973	8.190
Cumulative %	34.483	53.672	70.645	78.835

Source: Primary data

Factor analysis was used to assess the important factors associated with the Administration of Stamp Duty in Uganda. The factor analysis results in the table 5 showed that Identification, Assessment, Collection and Taxpayer Services comprised 34.483%, 19.189%, 16.973% and 8.190% respectively. On the element of Identification, the results showed that the most important elements or issues were; the fact that the Stamp duty office is always opens during working hours (.882). Other reasons involved; the fact that stamp duty officers rarely visit the banks to examine the instruments executed / received by banks (.865). In addition, the results further revealed that the fact that URA does not have the mechanisms of identifying all the potential clients who do not voluntarily submit their instruments (.759).

It was further observed that the fact that there is no clear mechanism between URA and the banks of identifying all the instruments executed / received from the clients (.593) and the involuntary submission of the instruments liable to stamp duty by the banks or other taxpayers which are rarely identified by URA (.644), are also salient issues as far as the Identification is concerned.

With assessment, the results revealed that that some of the salient issues have to do with the fact that individuals are not aware of the proper duty chargeable on all instruments in the schedule to the Stamps Amendment Act 2002 that are executed / received by the bank (.871) and the lack of knowledge about the proper duty payable where several instruments are employed in completing a single transaction of a mortgage or settlement (.881). Another major issue had to do with the fact that some of the tax administrators and the Credit officers are not aware that stamp duty is payable on all the instruments executed / received in Uganda within 30 days (.531) and their rare determination of the proper duty payable on the instruments executed / received between the bank and its clients (.577).

4.4 To establish the revenue performance on Stamp duty instruments in Uganda

The results in the tables below were generated to explore the nature of collection of Stamp duty in Uganda and the results were generated using the items which were measured on a 5 point anchor such that 1 represents Strongly Disagree, 2 – Disagree, 3- Not Sure, 4 – Agree and 5 – Strongly Agree.

Submission of the Instruments

The researcher sought in this case to assess the submission of the relevant instruments to the URA and asked the tax administrators to indicate the extent to which they believe that the banks and their clients (taxpayers) always submit to URA the instruments listed below for assessment of stamp duty whenever they are executed or received from its clients.

Table 6: Submission of the Instruments.

	Min	Max	Mean	Std. Deviation
Mortgage	2	4	3.56	.561
Debenture	3	4	3.50	.508
Loan Agreement	2	4	3.35	.691
Valuation Reports	2	4	3.00	.651
Receipt above shs 50000	2	4	2.76	.606
Letter of licence	2	4	2.82	.576

Source: Primary data

Though the results showed that the banks and their clients often submit the Mortgages (Mean =3.56), Debentures (Mean = 3.50) and Loan Agreement (Mean = 3.35); it was also observed that the instruments like Valuation Reports (Mean= 3.00), Receipt above shs 50000 (Mean =2.76) and the Letters of license (Mean =2.82), are rarely submitted by the banks and their clients to URA. A further weakness noticed from the interview with the Stamp duty Officers

was that Stamp Duty was collected on the loan agreements but the agreements were not being stamped with value of the duty paid contrary to the provisions of the Stamps Act.

The above findings is supported by the information obtained from the URA Research & Planning Unit in which mortgages and debentures were among the top stamp duty generating instruments as shown below.

Table: 7 Top Stamp Duty Generating Instruments in URA between July 2007– June 2008

Instrument	Stamp Duty (Shillings)
Transfer of Land	6,174,756,163
Security Bond	3,646,220,837
Mortgage Deed	3,530,261,270
Debenture	1,316,928,060
Lease	999,687,914
Agreement	437,626,937
Further Charge	351,470,409
Policy of Insurance	161,282,937
Other 56 Instruments	390,738,733
Total	17,008,973,260

Source: URA Research & Planning Unit

The information on stamp duty collected by URA in Table 7 above demonstrates that Transfer of Immovable property (Land) generated highest revenue of about shillings 6.2 billion in 2007/2008 followed by the mortgage deeds and debentures respectively. This implies that stamp duty revenue collection performance on mortgages and debentures were good, while the revenue collection performance on letter of license and receipt above shillings 50,000 were very poor with no duty collected on them between 1st July 2007 and 30th June 08.

STAMP DUTY COLLECTIONS PER INSTRUMENT IN 2007/8

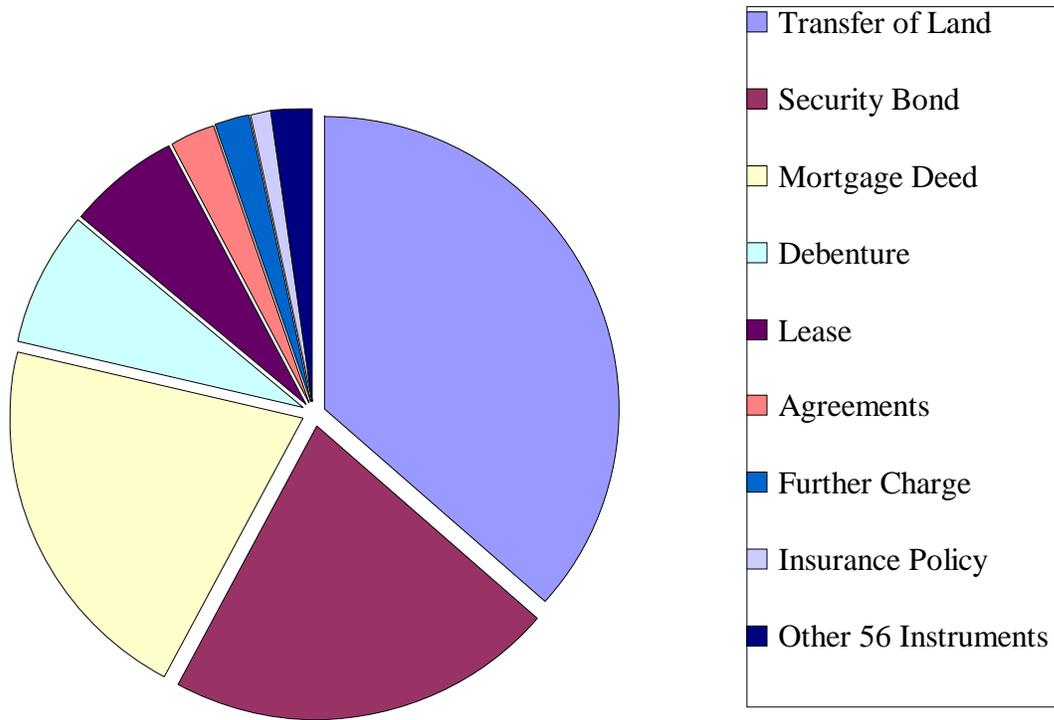


Table 8: Further findings regarding the collection of stamp duty

	Min	Max	Mean	Std. Deviation
Stamp duty is always paid on all the instruments that are registered in Government Ministries, Departments or Agencies.	2	4	3.09	.753
The bank pays stamp duty to URA on all the instruments executed / received within 30 days as required by the Stamps Act.	2	4	3.09	.668
Over centralization of stamp duty office in Kampala accounts for nonpayment of duty on some of instruments executed / received by the bank and the upcountry taxpayers.	2	4	3.38	.779
The method of stamp duty collection on all the instruments executed / received by the banks and URA is not very effective.	2	4	3.21	.845

Source: Primary data

The results in the table 8 above further revealed that the Stamp duty is always paid on all the instruments that are registered in Government Ministries, Departments or Agencies (Mean = 3.09), and the bank pays stamp duty to URA on all the instruments executed / received within 30 days as required by the Stamps Act (Mean =3.09). A weakness in the system was observed from the fact that the Over centralization of stamp duty office in Kampala does really account for nonpayment of duty on some of the instruments executed / received by the bank and the upcountry taxpayers (Mean = 3.38) and the method of stamp duty collection on all the instruments executed / received by the banks and URA is not very effective (Mean = 3.21).

4.5 The Relationship between Stamp duty administration Elements and Stamp Duty Revenue Performance.

Pearson (r) Correlations were used to test the relationship between Stamp duty administration and stamp duty revenue performance.

Table 9: Relationships between the Variables

	1	2	3	4	5
Identification (1)	1.000				
Assessment (2)	.507**	1.000			
Collection (3)	.374*	.412*	1.000		
Tax Payer Services (4)	.470**	.351*	.345*	1.000	
Stamp Duty Revenue Performance (5)	.274	.645**	.463**	.142	1.000
** Correlation is significant at the 0.01 level (2-tailed).					
* Correlation is significant at the 0.05 level (2-tailed).					

Source: Primary data

The results in table 9 showed that all the elements of Stamp duty administration are positively related to each other while on the other hand, it was only the Assessment ($r = .645^{**}$, $p < .01$) and the collection ($r = .463^{**}$, $p < .01$) which were observed to be positively related to the Stamp Duty Revenue Performance.

4.6 Regression Model

The prediction or regression model was used to show the effect of Stamp duty administration variables on stamp duty revenue performance. The regression model below was generated in order to examine the extent to which the predictors i.e. Identification, Assessment, Collection and Tax Payer Services can explain the dependent variable; Stamp Duty Revenue Performance.

Table 10: Regression Model

Model	Unstandardized Coefficients		Standardized Coefficients	t	Sig.	Dependent Variable: Stamp Duty Revenue Performance	
	B	Std. Error	Beta			R Square	Adjusted R Square
(Constant)	3.382	1.277		2.648	.013		.489
Identification	.100	.203	.083	.495	.624		.418
Assessment	.647	.169	.616	3.825	.001		
Collection	.420	.222	.287	1.895	.068		
Tax Payer Services	.183	.211	.134	.868	.392		
						Sig. Change	.000

Source: Primary data

The results in the table 10 above showed that the predictors can explain up to 41.8% of the variance in Stamp Duty Revenue Performance (Adjusted R Square = .418). In addition, Assessment (Beta = .616) emerged as the most predictor of the Stamp Duty Revenue Collection Performance variable. The regression model was also significant (sig. = .000).

CHAPTER FIVE

DISCUSSION, CONCLUSION AND RECOMMENDATIONS

5.1 Introduction

This chapter presents the discussion of the findings from the preceding chapter. This chapter is divided into three main sections. The first section focuses on the discussion and the resulting conclusions. The second part deals with the recommendations while the third and final part presents the areas for further research. The research discussions are presented relative to the objectives of the research.

5.2 The Methods of Administering Stamp Duty in Uganda

The results in the previous chapter revealed that the identification and the Assessment are some of the very salient features that are characteristics of the stamp duty administration in Uganda. The results further reveal among the features of the stamp duty administration in Uganda, URA should address issues such accessibility of stamp duty office by taxpayers during working hours, ensuring that the Stamp duty officers visit the banks and similar financial institutions to ascertain that the stamp duty instruments executed or received are submitted to URA in an acceptable manner and duly stamped.

Bird (1991) asserted that if taxpayers are identified and registered, compliance and revenue collection performance would increase.

Assessment is a vital aspect of tax administration which involves the determination of the tax liability. In assessing proper stamp duty one needs to have a copy of the Stamps Act and its amendments which contains the list of all the instruments and their proper duty. Half of the tax administrators and more 80% of the banking officers who participated in the study had no

copies of the Stamps Act and its amendments and were not aware of the proper duty chargeable.

5.3 The Revenue Performance of Stamp Duty Instruments

Regarding the stamp duty revenue collection performance, the results in the previous chapter revealed that though the banks and their clients often submit the Mortgages and the Debentures, instruments like the Loan Agreements and the Valuation Reports, Receipt above shs 50000 and the Letters of licenses are rarely submitted by the banks and their clients to URA. Stamp duty is payable on instruments that are registered in Government Ministries, Departments or Agencies like mortgages and debentures but the result shows that there was uncertainty as to whether stamp duty was always paid on all the instruments registered.

Over centralization of stamp duty office in Kampala also featured prominently as a deterrent to stamp duty collection.

The Study findings reveal that the top 7 stamp duty generating instruments from the 1st July 2007 to 30th June 2008 were Transfer of Immovable property, Mortgages; Security Bonds; Leases; Agreements; further Charge and Policy of Insurance. The remaining 56 instruments generated shs 390,738,733 of the Shs17,008,973,260 which is less than 3%.

5.4 The Relationship between Stamp Duty Administration and Stamp Duty Revenue Performance

The results in the previous chapter further showed that Stamp duty administration and stamp duty revenue performance are positively related variables. These results show that the greater the stamp duty administration is managed, the better the revenue performance that will be

realised. Under Stamp duty administration; assessment came out as the powerful predictor of stamp duty revenue performance.

5.5 Conclusions

The issues to do with having Stamp duty offices is a very salient issue that greatly influences the stamp duty administration in Uganda. This is because once there are offices opened up in various strategic locations, it can allow for the easy administration of the stamp duty within those areas.

Even among the Credit Officers and the Tax Administrators themselves, it was revealed that some of them are not actually aware of the proper duty which is chargeable on the instruments in the schedule to the Stamps Act that are executed / received by the bank.

The results have also shown that the instruments arising from various transactions which are liable to stamp duty payments that are never submitted by the banks or other taxpayers are also rarely identified and enforced by the Uganda Revenue Authority. The study findings show that seemingly, the URA has not programmed its operations seriously to generate revenue from the stamp duty segment. Consequently Stamp duty is not being collected on a number of instruments executed / received in Uganda contrary to the provisions of the Stamps Act mainly because of the way this tax is administered.

5.6 Recommendations

- i.) There is a need for the Uganda Revenue Authority to ensure Stamp duty offices are in various areas of the country since accessibility of Stamp duty office emerged as an important element under identification of stamp duty taxpayers.
- ii.) There is a need to make some public campaigns so as to enlighten the bank and tax officials and the general public, about the implications of the stamp duty administration in the country and how it impacts on their business transactions. This will make the public less resistant to the tax when it actually translates into costs on the side of the business persons and the corporate world players. On the side of the employees in the tax body and the banks, this will make it easier for them to assess the stamp duty.
- iii.) There is also a need to ensure that the Officers in Domestic Tax Department of URA and the Credit Officers in the Banks are actually trained in the proper administration and management of the stamp duty. The findings showed that a number of Credit Officers in the Banks and URA officers in Domestic Taxes Departments were ignorant and could not educate their clients about stamp duty. Lessons could be learnt from Countries like Malaysia; India and Britain who similarity administers the collection of stamp duties.
- iv.) There is a need to harmonise the contemporary technologies such as the internet, with the administration of stamp duty. Technologies like electronic stamping could be initiated. This could help the URA to administer the duty even in remote areas as long

as there is internet connectivity. It would also reduce on the costs associated with the administration of Stamp duty.

- v.) There is need to review the list of the instruments in Schedule to the Stamps Act since a Stamp duty were not being collected on a number of instruments. 7 top instruments generated more than 97% of the revenue between July 2007 and June 2008. URA needs to review the lists of instruments in the schedule to Stamps Act taking into consideration the intention of law and their applicability to current situation and make recommendations to Ministry of Finance for proposed amendments.

Finally a better method of assessing and collection including stamping of instruments is to be adopted since assessment emerged as the most predictor of stamp duty revenue performance.

5.7 Areas for future research

This research covered and focused mainly upon the stamp duty administration and its revenue performance in the Uganda Revenue Authority. However, future researchers are hereby called upon to explore the following areas which will further help developments in the area.

- i.) A study to assess the attitudes towards the stamp duty administration by the customers of the Uganda Revenue Authority. This is because these attitudes have both a thought and behavioral component so if they are negative or positive, it will have an impact on the response that these persons respond towards the stamp duty collections.

- ii.) There should also be a study to assess the best and most cost effective method of the collection of the stamp duty for the Tax body. The research should make it easier to address at what point and using which method the stamp duty should be collected.

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Appendix I; Tax Administrators Questionnaire

MAKERERE UNIVERSITY BUSINESS SCHOOL

(To be filled by Tax Administrators)

Dear Sir / Madam,

This questionnaire is designed to collect information on the subject: **Stamp duty administration in Uganda and Revenue Collection Performance.**

It is an academic research for the degree of Masters of Business Administration (MBA). The findings from this study could influence government tax policy and Stamp duty administration to the benefit of both government and the taxpayers.

This however could only happen if enough replies are received to carry weight. You have been selected as part of the representative sample and every reply received will improve on the reliability of the results.

Most replies can be answered by ticking and some may need brief explanations and or additions. The information you give is exclusively for academic purpose and will be treated with utmost confidentiality.

Thank you in advance for your Cooperation.

Okodi Harold Wilson.

MBA Student

QUESTIONNAIRE: (Please tick the appropriate box)

General information

1. Age

Below 18 years	18 to 30 years	31 to 50 years	51 to 55 years	Above 55 years

2. Sex

Male	Female

3. Highest level of education attained

Certificate	Diploma	Bachelor Degree	Post Graduate

4. Profession

5. Rank of respondent

Officer	Supervisor	Manager	Assistant Commissioner	Commissioner

6. Number of years worked in URA.

Less than 1 year	1 to 2 years	3 to 5 years	Over 5 years

7. Have you ever executed / received an instrument liable to payment of stamp duty

Yes	No	Not sure

For each of the following, please tick where applicable the extent to which you agree with the statements using the following likert scale.

Strongly Agree	Agree	Not sure	Disagree	Strongly Disagree
5	4	3	2	1

	5	4	3	2	1
8. Stamp duty office is always open during working hours.					
9. I have ever paid stamp duty in URA personally.					
10. The officers in Stamp duty are effective in identifying and assessing proper duty on all the instruments submitted by taxpayers.					
11. The officers at the stamp duty counters are always available during working hours.					
12. The single URA stamp duty office at Diamond Trust is always crowded with taxpayers.					
13. Stamp duty officers rarely visit the banks to examine the instruments					

executed / received by banks.					
14. URA does not have the mechanisms of identifying all the potential clients who does not voluntarily submit their instruments.					
15. There is no clear mechanism between URA and the banks of identifying all the instruments executed / received from the clients.					
16. The banks normally submit all the instruments they have executed / received voluntarily, not on the pressure from URA.					
17. The instruments liable to stamp duty that are not voluntarily submitted by the banks or other taxpayers are rarely identified by URA.					
18. Over centralization of stamp duty office in Kampala makes it difficult for all the instruments executed / received in Uganda to be identified.					

19. The instruments listed below are normally executed (signed) / received by the banks or its clients (taxpayers) in course of the day to day operations.

	5	4	3	2	1
Loan agreement					
Mortgage deed					
Debenture					
Appraisal / Valuation report					
Receipt above shillings 50,000/=					
Letter of license (agreement for re-scheduling loan repayment)					

	5	4	3	2	1
20. I rarely determine the proper duty payable on the instruments executed / received between the bank and its clients.					
21. I do not have a copy of the Stamps Act and the Stamps Amendment Act 2002.					
22. I am not aware of the proper duty chargeable on all instruments in the schedule to the Stamps Amendment Act 2002 that are executed / received by the bank.					
23. I am not knowledgeable about the proper duty payable where several instruments are employed in completing a single transaction of a mortgage or settlement.					
24. I am not aware that stamp duty is payable on all the instruments executed / received in Uganda within 30 days.					
25. Stamp duty assessments in URA are based on the proper duty in the schedule to the Stamps Amendment Act 2002.					
26. The stamp duty office is not conveniently located where all the instruments executed / received in all branches of the Banks can be submitted for assessment with ease.					
27. The system of stamp duty assessment in URA is not efficient enough to avoid delays when instruments are submitted.					
28. Stamp duty assessment process in URA is slow and it takes more than 30 minutes.					
29. The stamp duty officers in URA are knowledgeable about the proper					

stamp duty payable on instruments executed / received by clients submitted for assessment.					
--	--	--	--	--	--

30. The banks and its clients (taxpayers) always submit to URA the instruments listed below for assessment of stamp duty whenever they are executed or received from its clients.

Mortgage					
Debenture					
Loan Agreement					
Valuation Reports					
Receipt above shillings 50,000/=					
Letter of license (agreement for re-scheduling loan repayment)					

31. Stamp duty is paid by our clients whenever the instruments listed below are executed / received in course of their operations.

	5	4	3	2	1
Loan agreement					
Mortgage deed					
Debenture					
Appraisement / Valuation report					
Receipt above shillings 50,000/=					
Appraisement / Valuation report					

For each of the following, please tick the extent you agree with the statements using the following likert scale.

Strongly Agree	Agree	Not sure	Disagree	Strongly Disagree
5	4	3	2	1

32. Stamp duty is always paid on all the instruments that are registered in Government Ministries, Departments or Agencies.					
33. The bank pays stamp duty to URA on all the instruments executed / received within 30 days as required by the Stamps Act.					
34. Over centralization of stamp duty office in Kampala accounts for non payment of duty on some of instruments executed / received by the bank and the upcountry taxpayers.					
35. The method of stamp duty collection on all the instruments executed / received by the banks and URA is not very effective.					

For each of the following, please tick the appropriate box.

36. URA conducts Stamp Duty Education to its clients using	1. Radio	2. TV	3. Seminar	4. I do not know	5. Not done
37. How frequently is stamp duty education done	1. Once a year	2. Every month	3. Rarely done	4. I do not know	5. Not done

For each of the following, please tick the extent you agree with the statements using the following likert scale.

Strongly Agree	Agree	Not sure	Disagree	Strongly Disagree
5	4	3	2	1

38. I am aware of the proper stamp duty payable whenever the instruments listed below are executed / received in Uganda:

	5	4	3	2	1
Loan agreement					
Mortgage deed					
Debenture					
Appraisalment / Valuation report					
Receipt above shillings 50,000/=					
Letter of license (agreement for re-scheduling loan repayment)					

39. Majority of the bank clients are **not** aware of the proper stamp duty payable on the instruments listed below whenever they are executed / received in Uganda:

	5	4	3	2	1
Loan agreement					
Mortgage deed					
Debenture					
Appraisalment / Valuation report					
Receipt above shillings 50,000/=					
Letter of license (agreement for re-scheduling loan repayment)					

For each of the following, please tick the extent you agree with the statements using the following likert scale.

Strongly Agree	Agree	Not sure	Disagree	Strongly Disagree
5	4	3	2	1

	5	4	3	2	1
40. I am not knowledgeable about the penalties for non-payment of stamp duty and the importance of paying it.					
41. I rarely educate our clients about the proper stamp duty payable on instruments they execute / receive.					
42. In my opinion, the media coverage used to educate taxpayers about stamp duty is insufficient.					
43. Taxpayers' services and information programs provided on stamp duty by URA is inadequate.					
44. Lack of awareness on stamp duty accounts for the non payment of duty on some of the instruments executed / received by the bank and its clients.					
45. I am not satisfied with the current system of stamp duty administration between the URA, the Bank and its clients.					

46. Explain the ways of improving stamp duty administration between URA and Banks in particular and Uganda in general.

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THANK YOU FOR YOUR TIME AND COOPERATION.

Appendix II; Banking Officer Questionnaire

MAKERERE UNIVERSITY BUSINESS SCHOOL

QUESTIONNAIRE GUIDE

Dear Sir / Madam,

This questionnaire is designed to collect information on the subject: **Stamp duty administration in Uganda and Revenue Collection Performance.**

It is an academic research for the degree of Masters of Business Administration (MBA). The findings from this study could influence government tax policy and Stamp duty administration to the benefit of both government and the taxpayers.

This however could only happen if enough replies are received to carry weight. You have been selected as part of the representative sample and every reply received will improve on the reliability of the results.

Most replies can be answered by circling or ticking and some may need brief explanations and or additions. The information you give is exclusively for academic purpose and will be treated with utmost confidentiality.

Thank you in advance for your Cooperation.

Okodi Harold Wilson.

MBA Student

QUESTIONNAIRE: (Please tick the appropriate box)

General information

1. Age

Below 18 years	18 to 30 years	31 to 50 years	51 to 55 years	Above 55 years

2. Sex

Male	Female

3. Highest level of education attained

Certificate	Diploma	Bachelor Degree	Post Graduate

4. Profession.....

5. Rank of respondent.....

6. Number of years worked in Bank

Less than 1 year	1 to 2 years	3 to 5 years	Over 5 years

7. Have you ever executed / received an instrument liable to payment of stamp duty

Yes	No	Not sure

For each of the following, please tick where applicable the extent to which you agree with the statements using the following likert scale.

Strongly Agree	Agree	Not sure	Disagree	Strongly Disagree
5	4	3	2	1

	5	4	3	2	1
8. Stamp duty office is always open during working hours.					
9. I have ever paid stamp duty in URA personally.					
10. The officers in Stamp duty are effective in identifying and assessing proper duty on all the instruments submitted by taxpayers.					
11. The officers at the stamp duty counters are always available during working hours.					
12. The single URA stamp duty office at Diamond Trust is always crowded with taxpayers.					
13. Stamp duty officers rarely visit the banks to examine the instruments executed / received by banks.					
14. URA does not have the mechanisms of identifying all the potential clients who does not voluntarily submit their instruments.					

15. There is no clear mechanism between URA and the banks of identifying all the instruments executed / received from the clients.					
16. Our bank normally submits all the instruments they have executed / received voluntarily, not on the pressure from URA.					
17. The instruments liable to stamp duty that are not voluntarily submitted by the banks or other taxpayers are rarely identified by URA.					
18. Over centralization of stamp duty office in Kampala makes it difficult for all the instruments executed / received in Uganda to be identified.					

19. The instruments listed below are normally executed (signed) / received by the banks or its clients in course of the day to day operations.

	5	4	3	2	1
Loan agreement					
Mortgage deed					
Debenture					
Appraisal / Valuation report					
Receipt above shillings 50,000/=					
Letter of license (agreement for re-scheduling loan repayment)					

	5	4	3	2	1
20. I rarely determine the proper duty payable on the instruments executed / received between our bank and its clients.					
21. I do not have a copy of the Stamps Act and the Stamps Amendment Act 2002.					
22. I am not aware of the proper duty chargeable on all instruments in the schedule to the Stamps Amendment Act 2002 that are executed / received by the bank.					
23. I am not knowledgeable about the proper duty payable where several instruments are employed in completing a single transaction of a mortgage or settlement.					
24. I am not aware that stamp duty is payable on all the instruments executed / received in Uganda within 30 days.					
25. Stamp duty assessments in URA are based on the proper duty in the schedule to the Stamps Amendment Act 2002.					
26. The stamp duty office is not conveniently located where all the instruments executed / received in all branches of the Banks can be submitted for assessment with ease.					
27. The system of stamp duty assessment in URA is not efficient enough to avoid delays when instruments are submitted.					
28. Stamp duty assessment process in URA is slow and it takes more than 30 minutes.					
29. The stamp duty officers in URA are knowledgeable about the proper stamp duty payable on instruments executed / received by clients submitted for assessment.					

30. Our bank always submit to URA the instruments listed below for assessment whenever they are executed or received from its clients.

Mortgage					
Debenture					
Loan Agreement					
Valuation Reports					
Receipt above shillings 50,000/=					
Letter of license (agreement for re-scheduling loan repayment)					

31. Stamp duty is paid by our clients whenever the instruments listed below are executed / received in course of their operations.

	5	4	3	2	1
Loan agreement					
Mortgage deed					
Debenture					
	5	4	3	2	1
Appraisalment / Valuation report					
Receipt above shillings 50,000/=					
Appraisalment / Valuation report					

For each of the following, please tick the extent you agree with the statements using the following likert scale.

Strongly Agree	Agree	Not sure	Disagree	Strongly Disagree
5	4	3	2	1

32. Stamp duty is always paid on all the instruments that are registered in Government Ministries, Departments or Agencies.					
33. Our bank pays stamp duty to URA on all the instruments executed / received within 30 days as required by the Stamps Act.					
34. Over centralization of stamp duty office in Kampala accounts for non payment of duty on some of instruments executed / received by our bank and the upcountry taxpayers.					
35. The method of stamp duty collection on all the instruments executed / received by our bank and URA is not very effective.					

36. For each of the following, please tick the appropriate percentage of the instruments listed below that are always stamped / embossed with the proper duty paid by URA whenever they executed or received by the bank or the clients.

	100%	75% - 99%	50% - 74%	1%-49%	0%
Loan agreement					
Mortgage deed					

Debenture					
Appraisalment / Valuation report					
Receipts above shillings 50,000/=					
Letter of license (agreement for re-scheduling loan repayment)					

For each of the following, please tick the appropriate box.

37. URA conducts Stamp Duty Education to its clients using	1. Radio	2. TV	3. Seminar	4. I do not know	5. Not done
38. How frequently is stamp duty education done	1. Once a year	2. Every month	3. Rarely done	4. I do not know	5. Not done

For each of the following, please tick the extent you agree with the statements using the following likert scale.

Strongly Agree	Agree	Not sure	Disagree	Strongly Disagree
5	4	3	2	1

39. I am aware of the proper stamp duty payable whenever the instruments listed below are executed / received in Uganda:

	5	4	3	2	1
Loan agreement					
Mortgage deed					
Debenture					
Appraisalment / Valuation report					
Receipt above shillings 50,000/=					
Letter of license (agreement for re-scheduling loan repayment)					

40. Majority of our bank clients are **not** aware of the proper stamp duty payable on the instruments listed below whenever they are executed / received in Uganda:

	5	4	3	2	1
Loan agreement					
Mortgage deed					
Debenture					
Appraisalment / Valuation report					
Receipt above shillings 50,000/=					
Letter of license (agreement for re-scheduling loan repayment)					

For each of the following, please tick the extent you agree with the statements using the following likert scale.

Strongly Agree	Agree	Not sure	Disagree	Strongly Disagree
5	4	3	2	1

	5	4	3	2	1
41. I am not knowledgeable about the penalties for non-payment of stamp duty and the importance of paying it.					
42. I rarely educate our bank clients about the proper stamp duty payable on instruments they execute / receive.					
43. In my opinion, the media coverage used to educate taxpayers about stamp duty is insufficient.					
44. Taxpayers' services and information programs provided on stamp duty by URA is inadequate.					
45. Lack of awareness on stamp duty accounts for the non payment of duty on some of the instruments executed / received by the bank and its clients.					
46. I am not satisfied with the current system of stamp duty administration between the URA, the Bank and its clients.					

47. Explain the ways of improving stamp duty administration between URA and Banks in particular and Uganda in general.

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THANK YOU FOR YOUR TIME AND COOPERATION.

Appendix III; Interview Guide

MAKERERE UNIVERSITY BUSINESS SCHOOL

STAMP DUTY ADMINISTRATION AND REVENUE COLLECTION PERFORMANCE IN UGANDA

1. How do you rate the efficiency and effectiveness of the Banks and URA Stamp duty office, in terms of:
 - i. Identification of instruments executed / received. Are all the instruments liable to stamp duty that executed / received by the bank and its clients identified and submitted to URA Stamp duty office?
 - ii. Assessment procedures of the instruments executed / received in (i) above.
 - iii. Taxpayer Education / Sensitization
 - iv. Collection / Payment procedures
 - v. Monitoring / Examination / audit reviews
2. Is Stamp duty collected whenever the instruments listed are executed / received?
 - i. Loan agreement
 - ii. Valuation / Appraisement reports
 - iii. Mortgagee Deed
 - iv. Debenture
 - v. Letter of License (Agreement for rescheduling loan repayments)
 - vi. Receipt of an amount exceeding shillings 50,000/=.
3. What are the reasons for good stamp duty revenue collection performance on some of the instruments listed above?
4. What are the reasons for poor stamp duty revenue collection performance on some of the instruments listed above?
5. What specific problems do you face regarding to payment of stamp duty on the instruments executed / received by your banks?
6. Give your views on how the stamp duty administration can be improved.

Act

Stamps (Amendment) Act

2002



THE REPUBLIC OF UGANDA



THE STAMPS (AMENDMENT) ACT, 2002.

An Act to amend the Stamps Act to revise the stamp duties specified in the Schedule to that Act.

DATE OF ASSENT: .

Date of Commencement:

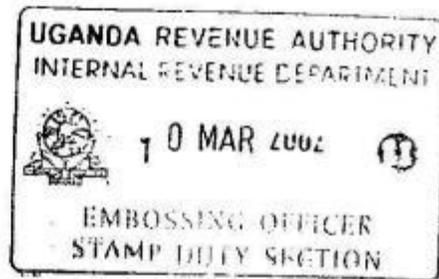
BE IT ENACTED by Parliament as follows:

1. This Act may be cited as the Stamps (Amendment) Act, 2002 and shall be deemed to have come into force on the 1st day of July, 2001.

Short title
and
commence-
ment.

2. The Stamps Act is amended by substituting for the First Part of the Schedule to that Act the following new Part—

Substitution
of First Part
of Schedule
to Stamps
Act.
Cap. 172

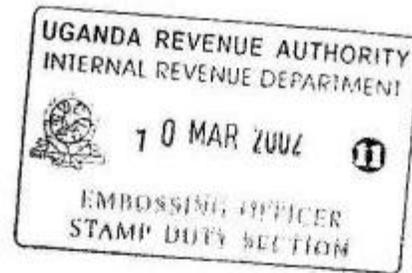


Act *Stamps (Amendment) Act* 2002

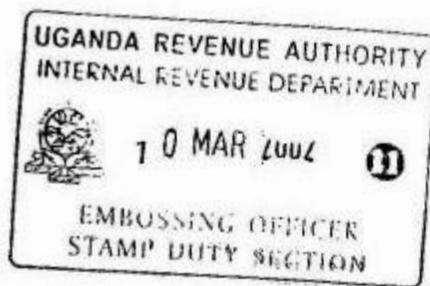
Section 2

"FIRST PART"

<i>Description of instrument</i>	<i>Stamp duty</i>
1. ACKNOWLEDGEMENT of a debt exceeding shs 100,000	5,000/=
2. ADMINISTRATION BOND	5,000/=
3. ADOPTION DEED	5,000/=
4. AFFIDAVIT including an affirmation or declaration	5,000/=
5. AGREEMENT OR MEMORANDUM of an agreement	5,000/=
6. AGREEMENT relating to deposit of title — deeds, pawn pledge-of the total value	1%
7. APPOINTMENT IN EXECUTION of a power, whether of trustees or of property	5,000/=
8. APPRAISEMENT OR VALUATION made otherwise than under an order of Court- of the total value	5,000/= 1%
9. APPRENTICESHIP DEED	5,000/=
10. ARTICLES OF ASSOCIATION OF A COMPANY	10,000/=
11. ASSENT TO BEQUEST WHETHER UNDER HAND OR SEAL	5,000/=
12. AWARD by arbitrator or umpire	5,000/=
13. BILL OF EXCHANGE [as defined in section 2] not being a BOND, bank note or currency note	5,000/=
14. BILL OF LADING (including a thorough bill of lading)	5,000/=
15. BILL OF SALE	5,000/=
16. BOND (not being a debenture)	5,000/=
17. CANCELLATION—instrument of	5,000/=
18. CAPITAL DUTY	
(i) on nominal share capital or any increase of it of any company incorporated in Uganda with limited liability — of the total value	0.5%
(ii) on increase of share capital of any company when the increase is a condition precedent for disbursement of loan funds for a development project	Nil
(iii) on becoming public through the operation of the stock exchange	Nil
19. CAVEAT (under the Registration of Titles Act or any other law relating to the registration of title to land)	5,000/=
20. CERTIFICATE OF SALE (in respect of each property put up as a separate lot and sold)	5,000/=
21. CHARTER PARTY (instrument for charter hire or vessel or part of it)	5,000/=
22. CHEQUE	Nil
23. COMPOSITION DEED (instrument of conveyance of property by a debtor for the benefit of his creditors) — of the total value	1%



Act	<i>Stamps (Amendment) Act</i>	2002
24.	CONVEYANCE (not being transfer) — of the total value	1%
25.	COPY OF EXTRACT	5,000/=
26.	COUNTERPART OR DUPLICATE of an instrument chargeable with duty and in respect of which the property duty has been paid	5,000/=
27.	DEBENTURE — whether a mortgage debenture or not, being of a marketable security- of the total value	0.5%
28.	DEED	5,000/=
29.	DELIVERY — Order in respect of goods	5,000/=
30.	DIVORCE — (any instrument by which any person effects the dissolution of his marriage)	5,000/=
31.	EQUITABLE MORTGAGE — of the total value	0.5%
32.	EXCHANGE OF PROPERTY — of the total value	1%
33.	EXTRACT	5,000/=
34.	FURTHER CHARGE—any instrument imposing a further charge on mortgaged property — of the total value	0.5%
35.	GIFT — Instrument of 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	5,000/=
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	5,000/=
40.	LETTER OF LICENCE — any agreement between a debtor and his creditors that the latter shall for a specified time, suspend their claims and allow the debtor to carry on business at his own discretion	5,000/=
41.	MEMORANDUM OF ASSOCIATION OF A COMPANY	10,000/=
42.	(a) Mortgage deed; of the total value A MORTGAGOR who gives a power of attorney to collect rents or a lease of the property mortgaged is deemed to give possession within the meaning of this item. (b) Where a 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%
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 office or by other person lawfully acting as a Notary Public	5,000/=
44.	NOTARIAL ACT — made or signed by a Notary Public in the Execution of the duties of his office, or by any other person lawfully acting as a Notary Public	5,000/=



Act	Stamps (Amendment) Act	2002
45.	NOTE OR MEMORANDUM — sent by a broker or agent to his principal intimating the purchase or sale on account of such principal of any goods stock or marketable security	5,000/=
46.	NOTE OF PROTEST BY THE MASTER OF SHIP	5,000/=
47.	PARTITION	5,000/=
48.	PARTNERSHIP	5,000/=
	(b) DISSOLUTION OF PARTNERSHIP	5,000/=
49.	POLICY OF INSURANCE	5,000/=
	(b) LIFE INSURANCE	Nil
50.	POWER OF ATTORNEY	5,000/=
51.	PROMISSORY NOTE	5,000/=
52.	PROTEST OF BILL OR NOTE — any declaration in writing made by a Notary Public, attesting the dishonor of a bill of exchange or promissory note	5,000/=
53.	RECEIPT — as defined by section 2 for any money or other property the amount of value of which exceeds Shs 50,000/=	5,000/=
54.	RECONVEYANCE OF MORTGAGED PROPERTY — of the total value	1%
55.	RELEASE — Any instrument not being such a release as is provided for by section 26(2) by which a person renounces a claim upon another person or against any specified property	5,000/=
56.	RESPONDENTIA BOND — any instrument securing a loan on the cargo laden on board a ship and making repayment contingent on the arrival of the cargo at the port of destination	5,000/=
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 the total value	1%
58.	SETTLEMENT	
	A. INSTRUMENT OF — (including a deed of dower)	5,000/=
	B. REVOCATION OF	5,000/=
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	5,000/=
61.	SOLEMN OR STATUTORY DECLARATION	5,000/=
62.	SURRENDER OF LEASE	5,000/=
63.	TRANSFER —	
	(i) of the total value	1%
	(ii) 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 a will	5,000/=