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Statutory Instrument 177 of 2008.

[CAP. 24:24

**Bank Use Promotion and Suppression of Money Laundering
(Amendment) Notice, 2008 (No. 8)**

IT is hereby notified that the Minister of Finance has, in terms of section 11(1)(b), 12(1), 15(1), 21(1)(a) and (b) and 22(1) of the Bank Use Promotion and Suppression of Money Laundering Act [*Chapter 24:24*] (No. 2 of 2004), made the following notice:-

1. This notice may be cited as the Bank Use Promotion and Suppression of Money Laundering (Prescribed Amounts) (Amendment) Notice, 2008 (No. 8).

2. The Bank Use Promotion and Suppression of Money Laundering (Prescribed Amounts) Notice, 2008, published in Statutory Instrument 21 of 2008 (hereinafter called "the principal notice"), is amended by the insertion of the following section after section 1—

"Interpretation

1A. In this notice—

"deposit" means a deposit of money with a financial institution;

"proof of lawful source of income", with reference to a deposit of—

- (a) employment income, a current verifiable pay slip relating to that deposit; or
- (b) a pension, annuity or disability payment, a certificate from a pension, annuity or provident fund or insurer relating to that deposit; or
- (c) trade, employment or investment income, a tax clearance certificate issued by ZIMRA in terms of section 34C of the Revenue Authority Act [*Chapter 23:11*] relating to that deposit; or
- (d) a sum of money by or on behalf of a person who is of or over the age of 59 years in respect of -
 - (i) rental or investment income that is exempt from taxation in terms of the Income Tax Act [*Chapter 23:06*]; or
 - (ii) any pension, annuity or disability payment; or
 - (iii) assistance for his or her living expenses by way of a remittance from a dependant, whether from within or outside Zimbabwe;

an affidavit by that person to that effect sworn before a Commissioner of Oaths relating to that deposit;

- (e) in relation to a person under the age of 59 years who receives no income from trade, employment or investment but receives assistance for his or her living expenses in the form of a remittance from a dependant, whether from within or outside Zimbabwe, an affidavit by that dependant to that effect sworn before a Commissioner of Oaths relating to that deposit."

2. Section 5 of the principal notice is repealed and substituted by—

"Prescribed amounts under sections 21(1)(a) and (b) of Act

5. The prescribed amounts in section 21 ("Temporary restrictions on cash withdrawals from financial institutions") (1) of the Act shall, for the purposes of—

- (a) paragraph (a) (relating to the amount an individual may withdraw from a financial institution within any period of twenty-four hours) be—
 - (i) with effect from the commencement of the Bank Use Promotion and Suppression of Money Laundering (Prescribed Amounts) (Amendment) Notice, 2008 (No. 8), an amount up to ten billion dollars (\$10 000 000 000);
 - (ii) with effect from the 12th January, 2009, an amount up to ten billion dollars (\$10 000 000 000) or, in the case of a deposit of employment income, the full amount of such employment income:

Provided that

- A. only one withdrawal per month of the maximum withdrawable amount or four withdrawals per calendar month of a quarter of the maximum withdrawable amount shall be permitted for the purposes of this paragraph; and
 - B. except in the case of a deposit made in favour of an individual by the State, no withdrawal exceeding five hundred million dollars (\$500 000 000) per week shall be permitted for the purposes of subparagraph (i) or (ii) unless the withdrawer presents proof of lawful source of income in relation to that deposit;
 - C. the amounts referred to in subparagraph (ii) are exclusive of each other, that is to say, no individual may withdraw in any period of a month ten billion dollars (\$10 000 000 000) in addition to the full amount of his or her employment income;
- (b) paragraph (b) (relating to the amount a person other than an individual may withdraw from a financial institution within any period of twenty-four hours) be fifty million dollars (\$50 000 000) per week."

3. Section 6 ("Prescribed amount under section 22 of Act") of the principal notice, is amended by the deletion of "five hundred million dollars (\$500 000 000)" and the substitution of "ten billion dollars (\$10 000 000 000)".

4. The Bank Use Promotion and Suppression of Money Laundering (Prescribed Amounts) (Amendment) Notice, 2008 (No. 7), published in Statutory Instrument 172 of 2008, is repealed.

EXPLANATORY NOTE

(This note does not form part of the notice, but merely explains its contents)

Section 34C ("Tax clearance certificates") of the Revenue Authority Act [*Chapter 23:11*] provides as follows:

"(1) At the request of a person liable to pay any tax under the Income Tax Act [*Chapter 23:06*] or any of the Acts specified in the First Schedule ("the Scheduled Acts") the

Commissioner-General shall, if such person is entitled to such a certificate in terms of any of those Acts, issue to him or her a certificate (called a "tax clearance certificate") signed by or on behalf of the Commissioner-General to any effect as follows, namely that the person-

- (a) has furnished a return under section 37 of the Income Tax Act [*Chapter 23:06*] for the last year of assessment for which such a return is due; or
- (b) has made arrangements satisfactory to the Commissioner-General for the furnishing of return referred to in paragraph (a); or
- (c) has paid the appropriate presumptive tax in terms of the Twenty-Sixth Schedule to the Income Tax Act [*Chapter 23:06*] on the last date or occasion on which such tax was due before the certificate is presented for any purpose under that Act, or has made arrangements satisfactory to the Commissioner-General for the payment of such tax; or
- (d) in the case of new or proposed company or private business corporation, has appointed a public officer of the company or private business corporation in accordance with section 61 of the Income Tax Act [*Chapter 23:06*]; or
- (e) has furnished any return required to be furnished under any of the Scheduled Acts on the last date or occasion on which such return was due before the certificate is presented for any purpose under those Acts, or has made arrangements satisfactory to the Commissioner-General for the furnishing of such a return; or
- (f) has paid the appropriate tax in terms of any of the Scheduled Acts on the last date or occasion on which such tax was due before the certificate is presented for any purpose under those Acts, or has made arrangements satisfactory to the Commissioner-General for the payment of such tax.

(2) The Commissioner-General may make the issuance of any tax clearance certificate in terms of subsection (1) conditional on the payment of any tax arrears that may be due from the person who requests that certificate. notwithstanding that such person has furnished any return required to be furnished under section 37 of the Income Tax Act [*Chapter 23:06*] or under any of the Scheduled Acts for the period in respect of which the certificate is requested.

(3) No fee shall be charged for the issuance of a tax clearance certificate except the prescribed fee for a duplicate tax clearance certificate or the replacement of a lost or destroyed tax clearance certificate."

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