

**MINISTERIAL ORDER N° 002/07 OF 09/05/2007 GOVERNING THE IMPLEMENTATION OF THE LAW N° 25/2005 OF 04/12/2005 ON TAX PROCEDURES**

**The Minister of Finance and Economic Planning,**

Given the Constitution of the Republic of Rwanda of 4 June 2003, as amended to date, especially in its Article 120, 121 and 201;

Given Law n° 25/2005 of 04/12/2005 on Tax Procedures, especially in its articles 42, 64 and 69;

After consideration and approval by Cabinet in its session of 28/03/2007:

**ORDERS:**

Article One: Objective

This order implements the Law n° 25/2005 of 04/12/2005 on Tax Procedures.

**Article 2: Definitions**

For the purpose of implementing this Order, definitions of terms mentioned in the Law on Tax Procedures shall apply.

**Article 3: Electronic evidence**

Where any information or document is electronically stored, articles 20 and 22 of the Law n° 25/2005 of 04/12/2005 on Tax Procedures are deemed as empowering the Tax Administration, for the purpose of exercising its powers conferred by those Articles in relation to it and:

- i. to view the information or document copy or take extracts from it by electronic means; or
- ii. to require that it be reproduced in hard copy, or copied on to computer diskette or reduced to some other portable form suitable for removal and capable of reproducing the information or document for viewing.

When it is proved that documents, computer diskettes or other things removed under the powers conferred by this Article are lost or damaged due to improper handling by the authorised officer, the Tax Administration shall be liable to compensate the owner for any expenses reasonably incurred by him in replacing or repairing them.

**Article 4: Award**

An amount equivalent to ten percent 10% of the value of fines and penalties prescribed in Chapter XI of Law n° 25/2005 of 04/12/2005 on Tax Procedures shall be given as an award to any person who denounces a taxpayer who engages in the tax fraud.

The payment of the award mentioned above shall be made before transmitting the money collected thereof to the National Treasury.

For confidentially purposes, the Commissioner General shall on a case by case basis, determine the modalities of such payments.

**Article 5: Hardship waiver**

The taxpayer can apply in writing for a waiver of tax liability, interest on late payments and administrative fines in case of substantial hardships indicating no ability to clear the tax liability.

The waiver is applied for through the Commissioner General who shall make a report to the Minister if the request is founded. The Minister presents the report to Cabinet for approval.

A waiver of tax liability in cases of substantial economic or financial hardship is granted in a situation where the Competent Court has declared the taxpayer insolvent.

However, if the taxpayer has not demonstrated any bad faith in the accumulation of such liabilities, on request of the tax administration, the Minister may partially or wholly waive tax liabilities if he deems that taxpayer may be adversely affected by the payment of such amount.

A waiver of interest and/or administrative penalties may be granted in those cases where the taxpayer:

1° when paying this interest and/or administrative penalties would not be able to meet a minimum financial subsistence level; and

2° has been regularly filing his or her tax returns and has paid all taxes due.

**Article 6: Abrogation of contrary provisions**

All prior provisions contrary to this order are hereby repealed.

**Article 7: Coming into Force**

This Order shall come into force on the date of its publication in the Official Gazette of the Republic of Rwanda.

Kigali, on 09/05/2007

The Minister of Finance and Economic Planning  
**MUSONI James**  
(sé)

**Seen and sealed with the Seal of the Republic:**

The Minister of Justice  
**KARUGARAMA Tharcisse**  
(sé)