LEGAL NOTICE NO.....

TAX PROCEDURES ACT

(Cap. 469B)

THE TAX PROCEDURES (CRYPTO ASSETS REPORTING FRAMEWORK) REGULATIONS, 2026

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Legal Notice No. _____

THE TAX PROCEDURES ACT

(Cap. 469B)

In exercise of the powers conferred by Section 112 of the Tax Procedures Act, the Cabinet Secretary for the National Treasury makes the following Regulations —

THE TAX PROCEDURES (CRYPTO ASSETS REPORTING FRAMEWORK) REGULATIONS, 2026

PART I: PRELIMINARY	
Citation	**1.** These Regulations may be cited as the Tax Procedures (Crypto Assets Reporting Framework) Regulations, 2026.
Interpretation	**2.** In these Rules, unless the context otherwise requires-
	"Active Entity" means any Entity that meets any of the following criteria: a) less than 50% of the Entity's gross income for the preceding calendar year or other appropriate reporting period is passive income and less than 50% of the assets held by the Entity during the preceding calendar year or other appropriate reporting period are assets that produce or are held for the production of passive income; b) substantially all of the activities of the Entity consist of holding, in whole or in part, the outstanding stock of, or providing financing and services to, one or more subsidiaries that engage in trades or businesses other than the business of a Financial Institution, except that an Entity does not qualify for this status if the Entity functions or holds itself out as an investment fund, such as a private equity fund, venture capital fund, leveraged buyout fund, or any investment vehicle whose purpose is to acquire or fund companies and then hold interests in those companies as capital assets for investment purposes; c) the Entity is not yet operating a business and has no prior operating history, but is investing capital into assets with the intent to operate a business other than that of a Financial Institution, provided that the Entity does not qualify for this exception after the date that is 24 months after the date of the initial organisation of the Entity; d) the Entity was not a Financial Institution in the past five years, and is in the process of liquidating its assets

	or is reorganising with the intent to continue or recommence operations in a business other than that of a Financial Institution; e) the Entity primarily engages in financing and hedging transactions with, or for, Related Entities that are not Financial Institutions, and does not provide financing or hedging services to any Entity that is not a Related Entity, provided that the group of any such Related Entities is primarily engaged in a business other than that of a Financial Institution; or f) the Entity meets all of the following requirements: (i) It is established and operated in its jurisdiction of residence exclusively for religious, charitable, scientific, artistic, cultural, athletic, or educational purposes; or it is established and operated in its jurisdiction of residence and it is a professional organisation, business league, chamber of commerce, labour organisation, agricultural or horticultural organisation, civic league or an organisation operated exclusively for the promotion of social welfare; (ii) it is exempt from income tax in its jurisdiction of residence; (iii) it has no shareholders or members who have a proprietary or beneficial interest in its income or assets; (iv) the applicable laws of the Entity's jurisdiction of residence or the Entity's formation documents do not permit any income or assets of the Entity to be distributed to, or applied for the benefit of, a private person or non-charitable Entity other than pursuant to the conduct of the Entity's charitable activities, or as payment of reasonable compensation for services rendered, or as payment representing the fair market value of property which the Entity has purchased; and (v) the applicable laws of the Entity's jurisdiction of residence or the Entity's formation documents require that, upon the Entity's liquidation or dissolution, all of its assets be distributed to a Governmental Entity or other non-profit organisation, or escheat to the government of the Entity's jurisdiction of residence or any political subdivision thereof.
	"Anti-Money Laundering/Know Your Customer (AML/KYC) Procedures" means the customer due diligence procedures of a Reporting Crypto

	Asset Service Provider pursuant to the anti-money laundering or similar requirements to which such Reporting Crypto Ssset Service Provider is subject.
	"Annuity Contract" means — (a) a contract under which the issuer agrees to make payments for a period of time determined in whole or in part by reference to the life expectancy of one or more individuals; and (b) a contract that is considered to be an Annuity Contract in accordance with the law, regulation, or practice of the jurisdiction in which the contract was issued, and under which the issuer agrees to make payments for a term of years.
	"Branch" means a unit, business or office of a Reporting Crypto Asset Service Provider that is treated as a branch under the regulatory regime of a jurisdiction or that is otherwise regulated under the laws of a jurisdiction as separate from other offices, units, or branches of the Reporting Crypto-asset Service Provider. Provided that all units, businesses, or offices of a Reporting Crypto Asset Service Provider in a single jurisdiction shall be treated as a single branch.
	"change of circumstances" includes any change that results in the addition of information relevant to an Individual Crypto Asset User's status or otherwise conflicts with such user's status or any change or addition of information to any profile associated with such Individual Crypto Asset User if such change or addition of information affects the status of the Individual Crypto Asset User.
	"Cash Value" means the greater of - a) the amount that the policyholder is entitled to receive upon surrender or termination of the contract determined without reduction for any surrender charge or policy loan; and b) the amount the policyholder can borrow under or with regard to the contract. c) Notwithstanding the paragraph (a) and (b), "*Cash Value"* does not include an amount payable under an Insurance Contract - (i) solely by reason of the death of an individual insured under a life insurance contract; (ii) as a personal injury or sickness benefit or other benefit providing indemnification of an economic loss incurred upon the occurrence of the event insured against;

	(iii) as a refund of a previously paid premium, less cost of insurance charges whether or not actually imposed, under an Insurance Contract other than an investment-linked life insurance or annuity contract due to cancellation or termination of the contract, decrease in risk exposure during the effective period of the contract, or arising from the correction of a posting or similar error with regard to the premium for the contract; (iv) as a policyholder dividend other than a termination dividend provided that the dividend relates to an Insurance Contract under which the only benefits payable are described in paragraph c(ii) of the definition of cash value, or (v) as a return of an advance premium or premium deposit for an Insurance Contract for which the premium is payable at least annually if the amount of the advance premium or premium deposit does not exceed the next annual premium that will be payable under the contract.
	"Cash Value Insurance Contract" means an Insurance Contract, other than an indemnity reinsurance contract between two insurance companies, that has a Cash Value.
	"Central Bank Digital Currency" means any digital Fiat Currency issued by a Central Bank.
	"Central Bank" means an institution that is by law or government sanction the principal authority, other than the government of the jurisdiction itself, issuing instruments intended to circulate as currency and may include an instrumentality that is separate from the government of the jurisdiction, whether or not owned in whole or in part by the jurisdiction.
	"Controlling Persons" means – (i) the natural persons who exercise control over an Entity, provided that for an entity that is a legal entity "control" over an Entity is exercised by the natural person(s) who has a controlling ownership interest of 10%, and where no natural person(s) exercises control through ownership interests, the Controlling Person(s) of the Entity is the natural person(s) who exercises control of the Entity through other means. (ii) In the case of a trust, Controlling Persons means the settlor(s), the trustee(s), the protector(s) (if any), the beneficiary(ies) or class(es) of

	beneficiaries, and any other natural person(s) exercising ultimate effective control over the trust, and (iii) in the case of a legal arrangement other than a trust, Controlling Persons mean persons in equivalent or similar positions.
	"Crypto Asset User" means an individual or Entity that is a customer of a Reporting Crypto Asset Service Provider for purposes of carrying out Relevant Transactions. Provided that - (i) An individual or Entity, other than a Financial Institution or a Reporting Crypto Asset Service Provider, acting as a Crypto-asset User for the benefit or account of another individual or Entity as agent, custodian, nominee, signatory, investment advisor, or intermediary, is not treated as a Crypto Asset User, and such other individual or Entity is treated as the Crypto Asset User. (ii) Where a Reporting Crypto Asset Service Provider provides a service effectuating Reportable Retail Payment Transactions for or on behalf of a merchant, the Reporting Crypto Asset Service Provider must also treat the customer that is the counterparty to the merchant for such Reportable Retail Payment Transaction as the Crypto Asset User with respect to such Reportable Retail Payment Transaction, provided that the Reporting Crypto Asset Service Provider is required to verify the identity of such customer by virtue of the Reportable Retail Payment Transaction pursuant to domestic anti-money laundering rules.
	"Crypto Asset" means a type of Virtual Asset that relies on a cryptographically secured distributed ledger or a similar technology to validate and secure transactions, and that the ownership of, or right to, such value can be traded or transferred to other individuals or Entities in a digital manner including - a) a cryptographic token that represents claims or rights of membership against an individual or Entity, rights to property or other absolute or relative rights, and that can be digitally exchanged for Fiat Currencies or other Crypto Assets; and b) fungible and non-fungible tokens that can be traded or transferred to other individuals or Entities in a digital manner.
	"Custodial Institution" means any Entity that holds, as a substantial portion of its business, Financial

	Assets for the account of others and such Entity's gross income attributable to the holding of Financial Assets and related financial services equals or exceeds 20% of the Entity's gross income during the shorter of – (i) the three-year period that ends on 31 December (or the final day of a non-calendar year accounting period) prior to the year in which the determination is being made; or (ii) the period during which the Entity has been in existence.
	"Depository Institution" means any Entity that - a) accepts deposits in the ordinary course of a banking or similar business; or b) holds Specified Electronic Money Products or Central Bank Digital Currencies for the benefit of customers.
	"Entity" means a legal person or a legal arrangement, such as a corporation, partnership, trust, or foundation.
	"Entity Crypto Asset User" means a Crypto Asset User that is an Entity.
	"Equity Interest" means – (i) in the case of a partnership that is a Financial Institution, either a capital or profits interest in the partnership. (ii) In the case of a trust that is a Financial Institution, an Equity Interest is considered to be held by any person treated as a settlor or beneficiary of all or a portion of the trust, or any other natural person exercising ultimate effective control over the trust. Provided that a Reportable Person shall be treated as being a beneficiary of a trust if such Reportable Person has the right to receive directly or indirectly a mandatory distribution or may receive, directly or indirectly, a discretionary distribution from the trust.
	"Exchange Transaction" means any - a) exchange between Relevant Crypto Assets and Fiat Currencies; and b) exchange between one or more forms of Relevant Crypto Assets.
	"Excluded Person" means - a) an Entity the stock of which is regularly traded on one or more established securities markets; b) any Entity that is a Related Entity of an Entity

	described in paragraph (a); c) a Governmental Entity; d) an International Organisation; e) a Central Bank; or f) a Financial Institution other than an Investment Entity described in these regulations.
	"Fiat Currency" means – (i) the official currency of a jurisdiction, issued by a jurisdiction or by a jurisdiction's designated Central Bank or monetary authority, as represented by physical banknotes or coins or by money in different digital forms, including bank reserves and Central Bank Digital Currencies. (ii) commercial bank money and electronic money products including Specified Electronic Money Products.
	"Financial Asset" includes a security or other evidence of indebtedness; partnership interest; commodity swap and similar agreements; Insurance Contract or Annuity Contract; or any interest in a security, Relevant Crypto Asset, partnership interest, commodity, swap, Insurance Contract, or Annuity Contract but does not include a non-debt, direct interest in real property.
	"Financial Institution" means a Custodial Institution, a Depository Institution, an Investment Entity, or a Specified Insurance Company.
	"Governmental Entity" means the government of a jurisdiction, any political subdivision of a jurisdiction or any wholly owned agency or instrumentality of a jurisdiction or of any one or more of the foregoing. This category is comprised of the integral parts, controlled entities, and political subdivisions of a jurisdiction. a) "integral part" of a jurisdiction means any person, organisation, agency, bureau, fund, instrumentality, or other body, however designated, that constitutes a governing authority of a jurisdiction. The net earnings of the governing authority must be credited to its own account or to other accounts of the jurisdiction, with no portion inuring to the benefit of any private person. An integral part does not include any individual who is a sovereign, official, or administrator acting in a private or personal capacity. b) "controlled entity" means an Entity that is separate in form from the jurisdiction or that otherwise

	constitutes a separate juridical entity, provided that: i. the Entity is wholly owned and controlled by one or more Governmental Entities directly or through one or more controlled entities; ii. the Entity's net earnings are credited to its own account or to the accounts of one or more Governmental Entities, with no portion of its income inuring to the benefit of any private person; and iii. the Entity's assets vest in one or more Governmental Entities upon dissolution. c) Income does not inure to the benefit of private persons if such persons are the intended beneficiaries of a governmental programme, and the programme activities are performed for the general public with respect to the common welfare or relate to the administration of some phase of government. Notwithstanding the foregoing, however, income is considered to inure to the benefit of private persons if the income is derived from the use of a governmental entity to conduct a commercial business, such as a commercial banking business, that provides financial services to private persons.
	"Individual Crypto Asset User" means a Crypto Asset User that is an individual.
	"Insurance Contract" means a contract other than an Annuity Contract under which the issuer agrees to pay an amount upon the occurrence of a specified contingency involving mortality, morbidity, accident, liability, or property risk.
	"International Organisation" means any international organisation or wholly owned agency or instrumentality and includes any intergovernmental organisation that - (a) is comprised primarily of governments; (b) has in effect a headquarter or substantially similar agreement with the jurisdiction; and (c) the income of which does not inure to the benefit of private persons.
	"Investment Entity" means any Entity: a) that primarily conducts as a business one or more of the following activities or operations for or on behalf of a customer - (i) trading in money market instruments;

	foreign exchange; exchange, interest rate and index instruments; transferable securities, or commodity futures trading; (ii) individual and collective portfolio management; or (iii) otherwise investing, administering, or managing Financial Assets, money, or Relevant Crypto Assets on behalf of other persons; or b) the gross income of which is primarily attributable to investing, reinvesting, or trading in Financial Assets or Relevant Crypto Assets, if the Entity is managed by another Entity that is a Depository Institution, a Custodial Institution, a Specified Insurance Company, or an Investment Entity described in paragraph (a), but does not include an Entity that is an Active Entity because it meets any of the criteria in Paragraph (b) and (c) of the definition of Active Entity. c) An Entity is treated as meeting the requirements of paragraph (a) and (b) if the Entity's gross income attributable to the relevant activities equals or exceeds 50% of the Entity's gross income during the shorter of: (i) the three-year period ending on 31st December of the year preceding the year in which the determination is made; or (ii) the period during which the Entity has been in existence. d) For the purposes of paragraph (a)(iii) the term "otherwise investing, administering, or managing Financial Assets, money, or Relevant Crypto Assets on behalf of other persons" does not include the provision of services effectuating Exchange Transactions for or on behalf of customers.
	"Partner Jurisdiction" means any jurisdiction that has put in place equivalent legal requirements and that is identified in a list published by the Commissioner.
	"Passive Income" includes the portion of gross income that consists of - a) dividends; b) interest; c) income equivalent to interest or dividends; d) rents and royalties, other than rents and royalties derived in the active conduct of a business

	conducted, at least in part, by employees of the Entity; e) annuities; f) income derived from Relevant Crypto Assets; g) the excess of gains over losses from the sale or exchange of Relevant Crypto Assets or Financial Assets; h) the excess of gains over losses from transactions including futures, forwards, options, and similar transactions in any Relevant Crypto Assets or Financial Assets; i) the excess of foreign currency gains over foreign currency losses; j) net income from swaps; or k) amounts received under cash value insurance contracts, but does not include, in the case of an Entity that regularly acts as a dealer in Relevant Crypto Assets or Financial Assets, any income from any transaction entered into in the ordinary course of such dealer's business as such a dealer.
	"Pre-existing Entity Crypto asset User" means an Entity crypto asset user that has established a relationship with the Reporting Crypto Asset Service Provider as of 31st December 2026.
	"Pre-existing Individual Crypto Asset User" means an Individual Crypto Asset User that has established a relationship with the Reporting Crypto Asset Service Provider as of 31st December 2026.
	"Related Entity" means, with regard to two entities, that either Entity controls the other Entity, or the two Entities are under common control and includes direct or indirect ownership of more than 50% of the vote and value in an Entity.
	"Relevant Crypto-asset" means any Crypto Asset that is not a Central Bank Digital Currency, a Specified Electronic Money Product or any Crypto Asset for which the Reporting Crypto-asset Service Provider has adequately determined that it cannot be used for payment or investment purposes.
	"Relevant Transaction" means any: a) Exchange Transaction; and b) Transfer of Relevant Crypto Assets.
	"Relevant XML schema" means a data structure based on Extensible Markup Language (XML), used for the

	electronic storage and bulk transmission of information for domestic reporting by Financial Institutions to the Commissioner
	"Reportable Retail Payment Transaction" means a Transfer of Relevant Crypto Assets in consideration of goods or services for a value exceeding USD fifty thousand (USD 50,000).
	"Reportable Jurisdiction Person" means an Entity or individual that is resident in a Reportable Jurisdiction under the tax laws of such jurisdiction, or an estate of a decedent that was a resident of a Reportable Jurisdiction and for this purpose, an Entity such as a partnership, limited liability partnership or similar legal arrangement that has no residence for tax purposes shall be treated as resident in the jurisdiction in which its place of effective management is situated.
	"Reportable Jurisdiction" means any jurisdiction - a) with which an agreement or arrangement is in effect pursuant to which Kenya is obligated to provide the information specified in Part III with respect to Reportable Persons resident in such jurisdiction, and b) which is identified as such in a list published by the Commissioner.
	"Reportable Person" means a Reportable Jurisdiction Person other than an Excluded Person.
	"Reportable User" means a Crypto Asset User that is a Reportable Person.
	"Reporting Crypto Asset Service Provider" means any individual or Entity that, as a business, provides a service effectuating Exchange Transactions for or on behalf of customers, including by acting as a counterparty, or as an intermediary, to such Exchange Transactions, or by making available a trading platform.
	"Specified Electronic Money Product" means any Crypto Asset that is - **a)** a digital representation of a single Fiat Currency; **b)** issued on receipt of funds for the purpose of making payment transactions; **c)** represented by a claim on the issuer denominated in the same Fiat Currency; **d)** accepted in payment by a natural or legal person other than the issuer; and **e)** by virtue of regulatory requirements to which the

	issuer is subject, redeemable at any time and at par value for the same Fiat Currency upon request of the holder of the product. but does not include a product created for the sole purpose of facilitating the transfer of funds from a customer to another person pursuant to instructions of the customer. Despite the foregoing, a product is not created for the sole purpose of facilitating the transfer of funds if, in the ordinary course of business of the transferring Entity, either the funds connected with such product are held longer than 60 days after receipt of instructions to facilitate the transfer, or, if no instructions are received, the funds connected with such product are held longer than 60 days after receipt of the funds.
	"Specified Insurance Company" means any Entity that is an insurance company or the holding company of an insurance company that issues, or is obligated to make payments with respect to, a Cash Value Insurance Contract or an Annuity Contract.
	"TIN" means Taxpayer Identification Number or functional equivalent in the absence of a Taxpayer Identification Number.
	"Transfer" means a transaction that moves a Relevant Crypto Asset from or to the Crypto Asset address or account of one Crypto-asset User, other than one maintained by the Reporting Crypto Asset Service Provider on behalf of the same Crypto Asset User, where, based on the knowledge available to the reporting Crypto Asset Service Provider at the time of transaction, the Reporting Crypto Asset Service Provider cannot determine that the transaction is an Exchange Transaction.
Consistency in interpretation of terms	**3.** The terms "Financial Institution", "Custodial Institution", "Depository Institution", "Specified Insurance Company", "Governmental Entity", "International Organisation", "Central Bank", "Financial Asset", "Equity Interest", "Insurance Contract", "Annuity Contract", "Cash Value Insurance Contract" and "Cash Value" in these regulations, should be interpreted consistently with the Common Reporting Standard, including the Commentary thereon, approved by the Council of the Organisation for Economic Co-operation and Development on 15 July 2014 and then amended and approved on 8 June 2023, as amended from time to time.
PART II - OBLIGATIONS OF REPORTING CRYPTO ASSETS SERVICE PROVIDERS	

Reporting Requirements	**4.** (1) A Reporting Crypto Asset Service Provider is subject to the reporting and due diligence requirements in Part III and IV in Kenya if it is - (a) an Entity or individual resident for tax purposes in Kenya; (b) an Entity that - (i) is incorporated under the laws of Kenya; and (ii) either has legal personality in Kenya or has an obligation to file tax returns or tax information returns to the tax authorities in Kenya with respect to the income of the Entity; (c) an Entity managed from Kenya; or (d) an Entity or individual that has a regular place of business in Kenya. (2) A Reporting Crypto Asset Service Provider is subject to the reporting and due diligence requirements in Parts III and IV in Kenya with respect to Relevant Transactions effectuated through a Branch based in Kenya.
Reporting Obligations	**5.** (1) A Reporting Crypto Asset Service Provider that is an Entity is not required to complete the reporting and due diligence requirements in Parts III and IV that it is subject to in Kenya pursuant to Regulations 4(1)(b), 4(1)(c) and 4(1)(d), if such requirements are completed by such Reporting Crypto-asset Service Provider in a Partner Jurisdiction by virtue of it being resident for tax purposes in such Partner Jurisdiction. (2) A Reporting Crypto Asset Service Provider that is an Entity is not required to complete the reporting and due diligence requirements in Parts III and IV that it is subject to in Kenya pursuant to Regulations 4(1)(c) or 4(1)(d), if such requirements are completed by such Reporting Crypto-asset Service Provider in a Partner Jurisdiction by virtue of it being an Entity that - (i) is incorporated under the laws of such Partner Jurisdiction and (ii) either has legal personality in the Partner Jurisdiction or has an obligation to file tax returns or tax information returns to the tax authorities in the Partner Jurisdiction with respect to the income of the Entity. (3) A Reporting Crypto Asset Service Provider that is an Entity is not required to complete the reporting and due diligence requirements in Parts III and IV that it is subject to in Kenya pursuant to Regulation 4(1)(d), if such requirements are completed by such Reporting Crypto-

	asset Service Provider in a Partner Jurisdiction by virtue of it being managed from such Partner Jurisdiction. (4) A Reporting Crypto Asset Service Provider that is an individual is not required to complete the reporting and due diligence requirements in Parts III and IV that it is subject to in Kenya pursuant to Regulation 4(1)(d), if such requirements are completed by such Reporting Crypto-asset Service Provider in a Partner Jurisdiction by virtue of it being resident for tax purposes in such Partner Jurisdiction. (5) A Reporting Crypto Asset Service Provider is not required to complete the reporting and due diligence requirements in Parts III and IV in Kenya with respect to Relevant Transactions it effectuates through a Branch in a Partner Jurisdiction, if such requirements are completed by such Branch in such Partner Jurisdiction. (6) A Reporting Crypto Asset Service Provider is not required to complete the reporting and due diligence requirements in Parts III and IV that it is subject to in Kenya pursuant to Regulations 4(1)(a), 4(1)(b), 4(1)(c) or 4(1)(d), if it has to file an Information return with Kenya in a format specified by Kenya confirming that such requirements are completed by such Reporting Crypto-asset Service Provider under the rules of a Partner Jurisdiction pursuant a substantially similar nexus that it is subject to in Kenya.
PART III - REPORTING REQUIREMENTS	
Information to be Reported	**6.** (1) For each calendar year, and subject to the obligations of Reporting Crypto Asset Service Providers in Part II and the due diligence procedures in Part IV, each Reporting Crypto-asset Service Provider must report to the Commissioner the following information with respect to each Crypto-asset User that is a Reportable User or that has Controlling Persons that are Reportable Persons: (a) the name, address and TIN (if any) of the Reporting Crypto Asset Service Provider; (b) in the case of any individual that is a Reportable User, the name, address, jurisdiction(s) of residence, TIN(s) and date and place of birth; (c) in the case of any Entity that is a Reportable User, the name, address, jurisdiction(s) of residence and TIN(s); (d) in the case of any Entity that is a Crypto Asset User and that is identified as having one or more Controlling Persons that is a Reportable Person: (i) the name, address, jurisdiction(s) of residence and TIN(s) of the Entity; and

	(ii) the name, address, jurisdiction(s) of residence, TIN(s) and date and place of birth of each Controlling Person that is a Reportable Person, as well as the role(s) by virtue of which each Reportable Person is a Controlling Person of the Entity; (e) For each type of Relevant Crypto Asset with respect to which it has effectuated Relevant Transactions during the relevant calendar year: (i) the full name of the type of Relevant Crypto asset; (ii) the aggregate gross amount paid net of transaction fees, the aggregate number of units and the number of Relevant Transactions in respect of acquisitions against Fiat Currency; (iii) the aggregate gross amount received net of transaction fees, the aggregate number of units and the number of Relevant Transactions in respect of disposals against Fiat Currency; (iv) the aggregate fair market value net of transaction fees, the aggregate number of units and the number of Relevant Transactions in respect of acquisitions against other Relevant Crypto assets; (v) the aggregate fair market value net of transaction fees, the aggregate number of units and the number of Relevant Transactions in respect of disposals against other Relevant Crypto assets; (vi) the aggregate fair market value net of transaction fees, the aggregate number of units and the number of Reportable Retail Payment Transactions; (vii) the aggregate fair market value net of transaction fees, the aggregate number of units and the number of Relevant Transactions, and subdivided by Transfer type where known by the Reporting Crypto Asset Service Provider, in respect of Transfers to the Reportable User not covered by Regulations 6(e)(ii) and (iv); (viii) the aggregate fair market value net of transaction fees, the aggregate number of units and the number of Relevant Transactions, and subdivided by Transfer type where known by the Reporting

	Crypto Asset Service Provider, in respect of Transfers by the Reportable User not covered by Regulations 6(e)(iii), (v) and (vi); and (ix) the aggregate fair market value net of transaction fees, as well as the aggregate number of units in respect of Transfers by the Reportable Crypto Asset User effectuated by the Reporting Crypto-asset Service Provider to wallet addresses not known by the Reporting Crypto Asset Service Provider to be associated with a Crypto-asset service provider or financial institution. (2) (a) Pursuant to Regulation 6(e)(vi), aggregate information on Transfers that constitute Reportable Retail Payment Transactions is required to be reported as a separate category of Relevant Transactions. (b) With respect to such Reportable Retail Payments Transactions, the customer of the merchant for, or on behalf of, whom the Reporting Crypto Asset Service Provider is providing a service effectuating Reportable Retail Payment Transactions must be treated as the Crypto-asset User and therefore as the Reportable User, in addition to the merchant. (c) The aggregate information with respect to Reportable Retail Payment Transactions by the customer of the merchant must not be included in the aggregate information reported with respect to Transfers under Regulation 6(e)(viii). (d) The aggregate information with respect to Transfers that do not constitute Reportable Retail Payment Transactions solely by virtue of not meeting the *de minimis* threshold, should be included in the aggregate information reported with respect to Transfers under Regulation 6(e)(vii) and (viii).
Information not to be reported	**7.** Notwithstanding Regulation 6(1) – (a) the TIN is not required to be reported if - (i) a TIN is not issued by the relevant Reportable Jurisdiction or (ii) the domestic law of the relevant Reportable Jurisdiction does not require the collection of the TIN issued by such Reportable Jurisdiction. (b) the place of birth is not required to be reported unless the Reporting Crypto Asset Service Provider is otherwise required to obtain and report it under domestic law.

Reporting currency	**8.** (1) For the purposes of Regulation 6(e)(ii) and (iii), the amount paid or received must be reported in the Fiat Currency in which it was paid or received. (2) In case the amounts were paid or received in multiple Fiat Currencies, the amounts must be reported in a single Fiat Currency, converted at the time of each Relevant Transaction in a manner that is consistently applied by the Reporting Crypto Asset Service Provider.
Valuation of transactions	**9.** (1) For the purposes of Regulations 6(e)(iv) through (ix), the fair market value must be determined and reported in a single Fiat Currency, valued at the time of each Relevant Transaction in a reasonable manner that is consistently applied by the Reporting Crypto Asset Service Provider. (2) In performing valuation for the purposes of Regulations 6(e)(iv) and 6(e)(v), a Reporting Crypto-asset Service Provider may rely on applicable Crypto-asset-to-Fiat Currency trading pairs that it maintains to determine the fair market value of both Relevant Crypto Assets. (3) If a difficult-to-value Relevant Crypto Asset is exchanged for a Relevant Crypto-asset that can be readily valued, the valuation in Fiat Currency of the Relevant Crypto-asset against which the difficult- to-value Relevant Crypto-asset is exchanged must be relied upon to establish a Fiat Currency value for the difficult-to-value Relevant Crypto Asset. (4) For the purposes of reporting under Regulations 6(e)(iv) and 6(e)(v), the Reporting Crypto Asset Service Provider must aggregate, i.e. sum up, all transactions attributable to each reporting category, as converted pursuant to Regulation 8. (5) In performing valuation for the purposes of Regulations 6(e)(vi), 6(e)(vii), 6(e)(viii) and 6(e)(ix), the Reporting Crypto-asset Service Provider may use as a reference the values of Relevant Crypto Asset and Fiat Currency trading pairs it maintains to determine the fair market value of the Relevant Crypto Asset at the time it is transferred. (6) Where the Reporting Crypto Asset Service Provider effectuating the Transfer does not maintain an applicable reference value of the Relevant Crypto Asset and Fiat Currency trading pairs, the following valuation methods must be relied upon: (a) firstly, the internal accounting book values the Reporting Crypto Asset Service Provider maintains with respect to the Relevant Crypto-asset must be used;

	(b) if a book value is not available, a value provided by third-party companies or websites that aggregate current prices of Relevant Crypto Assets must be used, if the valuation method used by that third party is reasonably expected to provide a reliable indicator of value; (c) if neither of the above is available, the most recent valuation of the Relevant Crypto Asset by the Reporting Crypto Asset Service Provider must be used; and (d) if a value can still not be attributed, a reasonable estimate may be applied as a measure of last resort. (7) With respect to each Relevant Crypto-asset for which the Reporting Crypto Asset Service Provider has relied on an alternative valuation method set out above, the method must be indicated via the appropriate element in the relevant XML Schema. (8) The information reported must identify the Fiat Currency in which each amount is reported.
PART IV - DUE DILIGENCE PROCEDURE	
Due diligence procedures for Individual Crypto Asset Users	**10.** The following procedures shall apply for purposes of determining whether the Individual Crypto-asset User is a Reportable User. (a) When establishing the relationship with the Individual Crypto Asset User, or with respect to Pre-existing Individual Crypto Asset Users, by 12 months after 1st January, 2027, the Reporting Crypto-asset Service Provider must obtain a self-certification that allows the Reporting Crypto Asset Service Provider to determine the Individual Crypto Asset User's residence(s) for tax purposes and confirm the reasonableness of such self-certification based on the information obtained by the Reporting Crypto Asset Service Provider, including any documentation collected pursuant to AML/KYC Procedures. (b) In the case a self-certification of an Individual Crypto Asset User fails the reasonableness test, the Reporting Crypto Asset Service Provider shall obtain either - (i) a valid self-certification, or (ii) a reasonable explanation and documentation, as appropriate, supporting the reasonableness of the self-certification, and retain a copy or a notation of

	such explanation and documentation before providing services effectuating Relevant Transactions to the Individual Crypto Asset User. (c) If at any point there is a change of circumstances with respect to an Individual Crypto Asset User that causes the Reporting Crypto Asset Service Provider to know, or have reason to know, that the original self- certification is incorrect or unreliable, the Reporting Crypto Asset Service Provider cannot rely on the original self-certification and must obtain a valid self-certification, or a reasonable explanation and, where appropriate, documentation supporting the validity of the original self-certification. (d) A Reporting Crypto Asset Service Provider should determine whether new information that is obtained with respect to the Individual Crypto Asset User's profile in accordance with re-documentation undertaken in accordance with AML/KYC Procedures or other regulatory obligations includes new information that constitutes a change of circumstances. (e) A change of circumstances affecting the self-certification provided to the Reporting Crypto Asset Service Provider will terminate the validity of the self-certification with respect to the information that is no longer reliable, until the information is updated. (f) A self-certification becomes invalid on the date that the Reporting Crypto Asset Service Provider holding the self-certification knows or has reason to know that circumstances affecting the correctness of the self- certification have changed. (g) Despite paragraph 10(d), a Reporting Crypto Asset Service Provider may choose to treat a person as having the same status that it had prior to the change in circumstances until the earlier of 90 calendar days from the date that the self-certification became invalid due to the change in circumstances, the date that the validity of the self-certification is confirmed, or the date that a new self-certification is obtained. (h) If the Reporting Crypto Asset Service Provider cannot obtain a confirmation of the validity of the original self-certification or a valid self-certification during such 90-day period, the Reporting Crypto Asset Service Provider must treat the Individual Crypto Asset User as resident of the jurisdiction(s) in which the Individual Crypto Asset User claimed to be resident in the original self-certification and the

	jurisdiction(s) in which the Individual Crypto Asset User may be resident as a result of the change in circumstances. (i) A Reporting Crypto Asset Service Provider may rely on a self- certification without having to inquire into possible changes of circumstances that may affect the validity of the statement, unless it knows or has reason to know that circumstances have changed. (j) A Reporting Crypto Asset Service Provider may treat a self-certification as valid, notwithstanding that the self-certification contains an inconsequential error, if the Reporting Crypto Asset Service Provider has sufficient documentation on file to supplement the information missing from the self-certification due to the error.
Due diligence procedures for Entity Crypto Asset Users	**11.** The following procedures apply for purposes of determining whether the Entity Crypto Asset User is a Reportable User or an Entity, other than an Excluded Person or an Active Entity, with one or more Controlling Persons who are Reportable Persons. (a) Determining whether the Entity Crypto Asset User is a Reportable User. (i) When establishing the relationship with the Entity Crypto-asset User, or with respect to Pre-existing Entity Crypto Asset Users by 12 months after 1 January year 2027, the Reporting Crypto Asset Service Provider must obtain a self-certification that allows the Reporting Crypto Asset Service Provider to determine the Entity Crypto Asset User's residence(s) for tax purposes and confirm the reasonableness of such self-certification based on the information obtained by the Reporting Crypto Asset Service Provider, including any documentation collected pursuant to AML/KYC Procedures. (ii) If the Entity Crypto Asset User certifies that it has no residence for tax purposes, the Reporting Crypto-asset Service Provider may rely on the place of effective management or on the address of the principal office to determine the residence of the Entity Crypto Asset User. (iii) If the self-certification indicates that the Entity Crypto Asset User is resident in a Reportable Jurisdiction, the Reporting Crypt Asset Service Provider must treat the Entity Crypto Asset User as a Reportable User, unless it reasonably determines based on the self-certification or on information in its possession or

	that is publicly available, that the Entity Crypto Asset User is an Excluded Person. (b) Determining whether the Entity has one or more Controlling Persons who are Reportable Persons. (i) For the purposes of determining the Controlling Persons of the Entity Crypto-asset User, a Reporting Crypto Asset Service Provider may rely on information collected and maintained pursuant to AML/KYC Procedures, provided that such procedures are consistent with the 2012 FATF Recommendations as updated in June 2019 and pertaining to Crypto Asset service providers. (ii) If the Reporting Crypto Asset Service Provider is not legally required to apply AML/KYC Procedures that are consistent with the 2012 FATF Recommendations as updated in June 2019 pertaining to Crypto Asset Service Providers, it must apply substantially similar procedures for the purposes of determining the Controlling Persons. (iii) For the purposes of determining whether a Controlling Person is a Reportable Person, a Reporting Crypto Asset Service Provider must rely on a self-certification from the Entity Crypto Asset User or such Controlling Person that allows the Reporting Crypto Asset Service Provider to determine the Controlling Person's residence(s) for tax purposes and confirm the reasonableness of such self-certification based on the information obtained by the Reporting Crypto Asset Service Provider, including any documentation collected pursuant to AML/KYC Procedures. (c) In the case of a self-certification that fails the reasonableness test, the Reporting Crypto Asset Service Provider must obtain either - (i) a valid self- certification, or (ii) a reasonable explanation and documentation supporting the reasonableness of the self-certification and retain a copy or a notation of such explanation and documentation before providing services effectuating Relevant Transactions to the Entity Crypto Asset User. (d) If at any point there is a change of circumstances with respect to an Entity Crypto-asset User or its Controlling Persons that causes the Reporting Crypto Asset Service Provider to know, or have reason to know, that the original self-certification is incorrect or unreliable, the Reporting Crypto Asset Service

	Provider cannot rely on the original self- certification and must obtain a valid self- certification, or a reasonable explanation and, where appropriate, documentation supporting the validity of the original self-certification.
Requirements for validity of self-certifications	**12.** (1). A self-certification provided by an Individual Crypto Asset User or Controlling Person is valid only if, it is signed or otherwise positively affirmed by the Individual Crypto Asset User or Controlling Person, it is dated at the latest at the date of receipt and it contains the following information - (a) first and last names; (b) address; (c) jurisdiction(s) of residence for tax purposes; (d) with respect to each Reportable Person, the TIN with respect to each Reportable Jurisdiction; and (e) date of birth. (2). A self-certification provided by an Entity Crypto Asset User is valid only if it is signed or otherwise positively affirmed by the Crypto Asset User, it is dated at the latest at the date of receipt and it contains the following information - (a) legal name; (b) address; (c) jurisdiction(s) of residence for tax purposes; (d) with respect to each Reportable Person, the TIN with respect to each Reportable Jurisdiction; (e) in case of an Entity Crypto Asset User other than an Active Entity or an Excluded Person, the information described in Regulation 12(1) with respect to each Controlling Person of the Entity Crypto Asset User, unless such Controlling Person has provided a self-certification pursuant to Regulation 12(1), (f) The role(s) by virtue of which each Reportable Person is a Controlling Person of the Entity, if not already determined on the basis of AML/KYC Procedures; and (g) if applicable, information as to the criteria it meets to be treated as an Active Entity or Excluded Person. (3) Notwithstanding Regulations 12(1) and (2), the TIN is not required to be collected if the jurisdiction of residence of the Reportable Person does not issue a TIN to the Reportable Person, or the domestic law of the relevant Reportable Jurisdiction does not require the collection of the TIN issued by such Reportable Jurisdiction.

	(4) Where a self-certification establishes that a Crypto Asset User (Individual or Entity) or a Controlling Person is resident for tax purposes in a Reportable Jurisdiction, the self-certification must include the Crypto Asset User's or Controlling Person's TIN with respect to each Reportable Jurisdiction, subject to Regulation 12(3).
General due diligence requirements	**13.** (1). A Reporting Crypto Asset Service Provider that is also a Financial Institution for the purposes of the Common Reporting Standard may rely on the due diligence procedures under the Tax Procedures (Common Reporting Standard) Regulations on due diligence procedures of New Individual Accounts and New Entity Accounts in the domestic Common Reporting Standard legislation for the purpose of the due diligence procedures pursuant to this Regulation. (2) A Reporting Crypto Asset Service Provider may also rely on a self-certification already collected for other tax purposes, provided such self- certification meets the requirements of Regulation 12. (3) A Reporting Crypto Asset Service Provider may rely on a third party to fulfil the due diligence obligations set out in this Part IV, but such obligations remain the responsibility of the Reporting Crypto Asset Service Provider. (4) A Reporting Crypto Asset Service Provider is required to maintain all documentation and data for a period of not less than five years after the end of the period within which the Reporting Crypto Asset Service Provider must report the information required to be reported pursuant to Part III, including in instances where the Reporting Crypto Asset Service Provider is liquidated or otherwise terminates its business.

Made on ....., 2026.

JOHN MBADI NG'ONGO,
Cabinet Secretary for the National Treasury.