



VALUE ADDED TAX (AMENDMENT) ACT, 2012

(Act 13 of 2012)

I assent



A handwritten signature in black ink, appearing to read 'Michel'.

J. A. Michel
President

18th December, 2012

AN ACT to amend the Value Added Tax Act, 2010 to provide for matters connected therewith or incidental thereto.

ENACTED by the President and the National Assembly.

1. This Act may be cited as the Value Added Tax (Amendment) Act, 2012. Short title

Amendment to
Act 35 of 2010

2. The Value Added Tax, 2010 is amended as follows —

(a) in section 2 —

- (i) by inserting between the definition of “additional tax” and “Associate” the following definition —

“Assistant Commissioner of Customs” means the Assistant Commissioner of Customs appointed under section 3 of the Customs Management Act, 2011;

- (ii) by inserting between the definition of “Business Tax Act” and “commencement date” the following definition —

“capital goods” means tangible items not being construction materials treated as an asset on the balance sheet of a business of which an individual or group purchase has a CIF value and a life expectancy as prescribed by regulations;

- (iii) by repealing in the definition of “customs legislation” the words “the Trade Tax Act and any successor legislation” and substituting therefor the words “Customs Management Act, 2011 and any other legislation”;

- (iv) by repealing the definition “Director General of Customs”;

- (v) by inserting between the definition of “Minister” and “money” the following definition —

“minor operating equipment” means equipment used in the course of a business,

not including office supplies, of the CIF value or the life expectancy as prescribed by regulations;

- (vi) by repealing the definition “Trades Tax Act”.

(b) in section 7 —

- (i) by repealing subsection (5);

- (ii) by renumbering subsections (6) and (7) as subsections (5) and (6) respectively;

(c) in section 13 by adding after subsection (2) the following new subsection —

“(3) Where capital goods are no longer used for taxable supplies or disposed of, a fraction of the input tax initially deducted shall be remitted to the Revenue Commissioner in accordance with the standard depreciation method.”;

(d) in section 15 by repealing subsection (1) and substituting therefor the following —

“Time of
supply

15.(1) Subject to this Act, a supply of goods or services occurs on —

- (a) the date on which any payment or part payment for the supply of goods or services is made; or

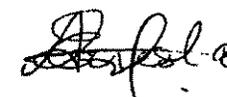
- (b) the date on which the invoice for the supply of goods or services is issued with the prior written approval of the Revenue Commissioner.”;

- (e) in section 23 by repealing in subsection (1) (c) the word "levy" and the brackets ("()") after the word "charge" and "VAT";
- (f) in section 33 —
- (i) by inserting between subsection (1) and (2) the following —
- “(2) A taxable person who has filed a voluntary registration under section 9, shall file a VAT return in respect of each VAT period no later than the 21st of the months of April, July, October and January of any year.”
- (ii) by renumbering subsection (2) as (3);
- (g) in section 35 —
- (i) by inserting between subsection (1) and (2) the following —
- “(2) The net VAT payable by a taxable person who has filed a voluntary registration under section 9, shall pay no later than the 21st of the months of April, July, October and January of any year.”
- (ii) by renumbering subsection (2) as (3);
- (iii) by adding after the renumbered subsection (3) the following —
- “(4) Notwithstanding subsection (3), a taxable person may defer payment where the VAT is payable to customs as prescribed by regulations.”;
- (h) by repealing section 37 and substituting therefor the following —

"Refunds

37. Where the total input tax credit allowed to a taxable person exceeds the total output tax for any VAT period, the excess shall be refunded as prescribed by regulations.”;
- (i) in section 43 —
- (i) by inserting in subsection (1) (c) between the word "section" and figure "10" the figure "7";
- (ii) by repealing in subsection (2) the word "provide" and substituting therefor the word "issue";
- (j) in section 55 by repealing in subsection (1) the words "in the first VAT period" and substituting therefor the words "when the first VAT return has been submitted";
- (k) by repealing the words "Director General of Customs" and substituting therefor the words "Assistant Commissioner of Customs" wherever it appears in the Act”.

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 13th December, 2012.



Azarel Ernesta
Clerk to the National Assembly