L.N. 127 of 2000

VALUE ADDED TAX ACT
(CAP. 406)

Value Added Tax (Refund of Excise Tax on Trading Stock) (Amendment) Regulations, 2000

IN exercise of the powers conferred by section 75 of the Value Added Tax Act, hereinafter referred to as "the Act", the Minister of Finance has made the following regulations:-

Citation and commencement.

1. (1) These regulations may be cited as the Value Added Tax (Refund of Excise Tax on Trading Stock) (Amendment) Regulations, 2000 and shall be read and construed as one with the Value Added Tax (Refund of Excise Tax on Trading Stock) Regulations, 1999, hereinafter referred to as "the principal regulations". L.N. 5 of 1999.

(2) These regulations shall be deemed to have come into force on the 1st January, 1999.

Substitutes regulation 18 of the principal regulations.

2. For regulation 18 of the principal regulations, there shall be substituted the following:

"Change in prices.

18. (1) Subject to the other provisions of these regulations, an application for a refund in accordance with these regulations shall be accepted in full on the condition that the applicant will make a change in the prices, if such a change is necessary, which shall be fairly commensurate with such a refund, otherwise chargeable by him on and after 1 January, 1999, for the sale of goods in respect of which the refund is claimed.

(2) Where an applicant was required to make a change in the prices and such change was not fairly commensurate with the amount of refund claimed in the application for refund, the amount of refund claimed shall be deducted by the applicable percentage as shown hereunder:

(a) where the difference between the actual change and the expected change does not exceed twenty five per cent of the expected change, by the actual resulting percentage;

(b) where the difference between the actual change and the expected change exceeds twenty five per

cent but does not exceed one hundred percent of the expected change, by thirty per cent;

(c) where the difference between the actual change and the expected change exceeds one hundred per cent of the expected change, by thirty five per cent.".

Adds new Regulation 19 to the principal regulations.

3. Immediately after regulation 18 of the principal regulations, there shall be added the following new regulation:

"Saving.

19. Regulation 12 of the principal regulations shall not apply in all cases where the provisions of paragraph (2) of regulation 18 of the said regulations apply.".

Revokes L.N. 20 of 1999.

4. The provisions of the Value Added Tax (Refund of Excise Tax on Trading Stock) (Amendment) Regulations, 1999, are hereby revoked and shall be deemed as never to have come into force.