L.N. 274 of 2000

VALUE ADDED TAX ACT
(CAP. 406)

Value Added Tax (Amendment of Fourth Schedule) (No. 2) Regulations, 2000

IN exercise of the powers conferred by article 75 of the Value Added Tax Act, 1998, hereinafter referred to as "the Act", the Minister of Finance has made the following regulations:–

Citation and commencement.

1. (1) The title of these regulations is the Value Added Tax (Amendment of Fourth Schedule) (No. 2) Regulations, 2000, and shall be read and construed as one with the Fourth Schedule to the Value Added Tax Act, which Fourth Schedule is hereinafter being referred to in these regulations as "the Schedule".

(2) These regulations shall come into force on 1st January, 2001.

Substitutes item 5 of Part One of the Schedule.

2. For item 5 of Part One of the Schedule, there shall be substituted the following new item:

"5. *International transport*

The supply of services consisting in international transport of goods and passengers:

Provided that in the case of international transport of passengers, for the purpose of avoiding significant distortion in competition, when such transport is provided from own resources, this item shall not apply to an amount equivalent to the commission paid or payable to third parties who provide such tranport not from own resources.".

Deletes items 10 and 11 of Part One of the Schedule.

3. Items 10 and 11 of Part One of the Schedule shall be deleted.

Renumbers items 12 to 17 of Part One of the Schedule.

4. Items 12 to 17 of Part One of the Schedule shall be renumbered 10 to 15 respectively.

5. In item 8 of Part One of the Schedule, for the words "Part, but including the supply of food by a canteen situated in a work or study area exclusively supplied to workers of students therein." there shall be substituted the word "Part.". Amends item 8 of Part One of the Schedule.

6. Immediately after item 9 of Part Two of the Schedule, there shall be added the following new items: Adds new item 10 and 11 to Part Two of the Schedule.

"10. *Health and Welfare*

(1) The supply of services by a person in the exercise of any profession regulated by the Medical and Kindred Professions Ordinance (Cap. 31).

(2) The provision of care or medical or surgical treatment in any government hospital or institution or in any other hospital or institution approved by the Minister for the purposes of this paragraph.

(3) The supply of human organs, blood and milk.

(4) The supply of welfare services, including services supplied by homes for the elderly, and services for the protection and care of children and young people, supplied by any government institution or by any institution or organisation recognised by the Commissioner as a non-profit making institution or approved by the Minister for the purpose of this paragraph as an institution whose activities fall within the social and welfare policy of the government.

(5) The supply of transport services for sick, injured or disabled persons in vehicles specially designed for that purpose.

(6) The supply of goods where the said supply is connected with and essential for the supply of services referred to in paragraph (2) and (4) of this item by the hospital, institution or home, as the case may be, supplying the said services.

11. *Education*

(1) The provision of education or educational research, including distance learning, by a government school or institution, by the University of Malta, by a school or institution registered under the Education Act (Cap. 327), or by any educational establishment recognised as such by the Commissioner.

(2) The provision of education or educational research, including distance learning, of a kind provided by a school or university, or of religious instruction, by a non-profit making institution recognised as such by the Commissioner.

(3) Tuition given privately by teachers acting in an independent capacity in subjects which are normally taught in the course of education provided by a school or university but excluding tuition in recreational, physical or sporting activities or disciplines.".

Amends item 3 of Part Two of the Schedule.

7. In the proviso to item 3 of Part Two of the Schedule, for the words "item 14" there shall be substituted the words "item 12".

Amends item 6 of Part Two of the Schedule.

8. In paragraph (1) of item 6 of Part Two of the Schedule for the words "of Part One of this Schedule." there shall be substituted the words "of this Part.", and in paragraph (2) of item 6 thereof for the words "of Part One of this Schedule:" there shall be substituted the words "of this Part:".