

L.N. 149 of 2001

**VALUE ADDED TAX
(CAP. 406)**

**Value Added Tax (Amendment of Fifteenth Schedule)
Regulations, 2001**

IN exercise of the powers conferred by articles 57 and 75 of the Value Added Tax hereinafter referred to as “the Act”, the Minister of Finance has made the following regulations:

1. The title of these regulations is the Value Added Tax Citation.
(Amendment of Fifteenth Schedule) Regulations, 2001, and shall be read and construed as one with the Fifteenth Schedule to the Value Added Tax Act, which Fifteenth Schedule is hereinafter being referred to in these regulations as “the Schedule”.

2. Immediately after Part D of the Schedule there shall be added Adds Part E
To the Schedule.
the following new Part:

“Part E

Articles 57 and 75

Tax in Danger

1. Where, in any particular contract of supply, and in order to secure the regular payment of the tax in terms of the Act, the Commissioner may, by a notice in writing to the parties to the contract direct that the person to whom the supply is made shall be deemed to have made that supply to himself in the course or furtherance of his economic activity and the provisions of the Act, including the obligation to account for and to pay the tax, shall be read and construed accordingly.

2. When a direction to which item 1 of this Part refers has been given by the Commissioner, the person to whom the supply is made shall keep, in addition to the records required to be kept in terms of the other provisions of the Act, such other records as may be necessary to ascertain the amount of tax payable under this Part.

3. When a direction has been given by the Commissioner in terms of item 1 of this Part, the tax invoice which is required to be issued in terms of the Act by the person who makes the supply,

shall, in lieu of the information required by subparagraph (j) of paragraph (1) of item 2 of the Thirteenth Schedule to the Act, indicate the words “direction in terms of Part E of the Fifteenth Schedule to the Act”.

4. When a direction has been given by the Commissioner in terms of item 1 of this Part, such direction shall not in any way limit the right to claim any input tax to which any of the persons to whom the direction has been given, may still be entitled to claim in accordance with the other provisions of the Act.”.