L.N. 102 of 1990

EXPENDITURE LEVY ACT, 1990
(ACT NO. XXII OF 1990)

Expenditure Levy (Foreign Investment) Regulations, 1990

IN exercise of the powers conferred by section 14 of the Expenditure Levy Act, 1990, the Minister of Finance has made the following regulations:—

1. These regulations may be cited as the Expenditure Levy (Foreign Investment) Regulations, 1990 and shall come into force on the 5th July, 1990 except for regulation 8 which shall come into force on the 16th July, 1990. Citation and commencement.

2. In these regulations, unless the context otherwise requires:— Interpretation.

"Accountant General" means the Accountant General and to the extent of the authority given, includes any officer of the Department authorized by the Accountant General in that behalf for the purpose of these regulations;

"Act" means the Expenditure Levy Act, 1990;

"foreign investment services" means those services specified in Item 3 of the Schedule to the Act;

"inspector" shall have the meaning ascribed to it in section 8 of the Act;

"invoice" includes the appropriate form prescribed from time to time in terms of the Exchange Control Act; Cap 233.

"registered" shall have the meaning ascribed to it in section 9 of the Act.

3. Forms referred to in these regulations shall be made available free of charge by the Accountant General at the specific request of a registered person or of a person to be registered. No return, statement, certificate or other information required to be submitted by these regulations shall be deemed to have been submitted unless it is made on a form supplied or approved by the Accountant General. Forms.

4. Any person who is in the business of providing services specified in Item 3 of the Schedule to the Act shall apply for registration by submitting the prescribed form duly signed, in respect of each and every establishment providing such services, to the Accountant General within fifteen days from the issuance of the requisite permit by the Commissioner of Police and/or licence by the Central Bank; the application form is to be accompanied by the original or authenticated copy of such permit and /or licence. Registration.

Certificate of Registration.

5. When the Accountant General is satisfied that the person submitting the application for registration is in conformity with the Act, he shall issue a Certificate of Registration and the person applying for registration shall not commence business until such Certificate is issued:

Provided that any person already carrying on business prior to the coming into force of these regulations shall be entitled to carry on such business unless the Accountant General by written notice refuses such registration.

Changes in circumstances.

6. (1) The Accountant General is to be notified, within 30 days from the occurrence of the event, of any of the following changes:

(i) closing down of the business supplying scheduled services;

(ii) sale or transfer of business or change in the trading name of the business;

(iii) change in the address of the principal place at which the business is carried on;

(iv) death, bankruptcy, interdiction or incapacity of the registered person;

(v) dissolution of incorporated company or partnership; and

(vi) cessation of supply of scheduled services for any other reason.

(2) Notification shall be made in writing indicating the Registration Number and giving the date on which the change took place. When an individual proprietor dies or becomes bankrupt or interdicted or incapacitated, the person duly authorized to carry on the business must make the necessary notification. Similarly when a liquidator takes over the affairs of an incorporated company he shall notify the Accountant General of the day from which he became responsible and the circumstances in which he took over.

Registration Number.

7. The Expenditure Levy Registration Number given on the relative Certificate of Registration by the Accountant General shall be stated in legible characters on the invoice given in terms of section 7 of the Act and on all returns, statements or other documents required to be submitted by these regulations.

Rate of levy.

8. An Expenditure Levy shall be charged to the purchaser and collected by the seller at the rate of ten per centum (10%) on the value of Maltese currency exchanged into foreign currency for investment purposes, and on the Maltese currency equivalent of the foreign currency value of the investment purchased, acquired or transferred, as specified in Item 3 of the Schedule to the Act.

9. The registered person shall deposit the levy collected in a separate bank account in terms of section 5 of the Act, and he is to supply the Accountant General with details of the relevant account within a week from the opening of such account and thereafter deposit such levy into the account at intervals not exceeding fifteen days. Any money so deposited in any such account shall only be payable to, and may only be released by the bank in favour of the Accountant General on account of any levy collected by the seller. Bank deposit of levy collected.

10. Invoices required to be issued by the seller to the purchaser in terms of section 7 of the Act must show in legible characters the following:— Information required on the invoice.

(i) a consecutive identifying number;

(ii) Registration Number;

(iii) Name and address of registered person and/or establishment;

(iv) date of supply;

(v) name, address and Identity Card Number of the purchaser;

(vi) a description which identifies the investment, rates of exchange applicable on the date the service is rendered and the value of the investment in Maltese currency and its foreign currency equivalent; and

(vii) The Expenditure Levy collected in Maltese currency.

11. A purchaser of scheduled services shall be required to keep the invoice for services supplied for a period of not more than two years from the date of transaction and, within such period, to show such invoice to any inspector or to any police officer on demand. Purchaser to show invoice.

12. (1) Every registered person must keep up to date records and accounts of all scheduled services supplied in the course of his business. Records, including a copy of the invoice, shall be kept in a way which will enable an Inspector or the Accountant General to check and reconcile the data supplied in the Expenditure Levy monthly returns. Such records shall be preserved for at least two years and made readily available to the Accountant General on request. Records.

(2) Records kept on a computer, on magnetic tape, disc or any other medium, should be readily convertible into satisfactorily legible form and made available to the Inspector or the Accountant General on request. A registered person is to inform the Accountant General immediately he decides to use the services of a computer bureau and guarantee access to records pertaining to his business which are kept by the bureau as if they were kept at his principal place of business.

Monthly returns.

13. Every registered person shall submit by the fifteenth day of the month a return to the Accountant General, including a nil return, made out in triplicate on the form provided or approved by the Accountant General giving details of services supplied and levy collected and any adjustments or refunds of levy authorised by the Accountant General in respect of the preceding month.

Remittance of levy.

14. The total Expenditure Levy collected shall be remitted to the Accountant General together with the submission of the monthly return and an appropriate receipt shall be issued. Proof of payment shall be the receipt issued by the Accountant General.

Adjustments and refunds.

15. Where the Accountant General is satisfied that the particular circumstances of the case warrant an adjustment, the registered person shall, on the occasion of the next remittance to the Accountant General, be entitled to a set-off and recoup from the total amount of Expenditure Levy to be remitted to the Accountant General an amount corresponding to the amount overpaid provided that he shall quote on that monthly return the Accountant General's authority for such set-off.

Assessment by Accountant General of levy due.

16. The Accountant General may make assessments in terms of section 10 of the Act within two years from the day on which such levy was due or had been collected.

Collection by unregistered persons.

17. When the Accountant General becomes aware that an unregistered person has collected the Expenditure Levy prior to registration, such levy shall have to be remitted to the Accountant General before consideration can be given to the person's application for registration, and this without prejudice to any action that may be taken in terms of the Act and any other law or regulation in force. If, for any reason whatsoever, the person cannot be registered by the Accountant General, such levy shall not be refunded to the applicant.

Transitory period.

18. Persons who on the date of publication of these regulations are in possession of a licence to supply the scheduled services issued by the Central Bank and a permit issued by the Commissioner of Police shall nonetheless apply for registration by the Accountant General for the purposes of these regulations by the 13th July, 1990.

Ippubblikat mid-Dipartiment ta' l-Informazzjoni — Kastilja — *Published by the Department of Information — Castille*
Mitbugħ fl-Istamperija tal-Gvern — *Printed at the Government Printing Press*

Prezz 2c — *Price 2c*