

ACT NO. 12 OF 2015

I assent.

E. NAILATIKAU
President

[31 August 2015]

AN ACT

TO AMEND THE TAX ADMINISTRATION DECREE 2009

ENACTED by the Parliament of the Republic of Fiji—

Short title and commencement

- 1.—(1) This Act may be cited as the Tax Administration (Amendment) Act 2015.
- (2) This Act shall come into force on the date of its publication in the Gazette.

New section 48A inserted

2. The Tax Administration Decree 2009 is amended by inserting the following new section after section 48—

“Waiver of tax during amnesty period

- 48A.—(1) For the purpose of this section, unless the context otherwise requires—
- “amnesty” means the waiver of any tax payable in respect of any foreign asset, including any interest accrued from, or any penalty or fine imposed, in respect of such tax for any tax period provided that the tax period is prior to 1 January 2016;
- “amnesty period” means the period commencing on and from 1 January 2015 to 15 October 2015;

“applicant” means a qualifying person who applies under subsection (3);

“foreign asset” means any asset outside of Fiji or income derived from the asset outside of Fiji, that is declared during the amnesty period; and

“qualifying person” means a person who is a tax resident and Fiji citizen, required to declare their foreign asset under any tax law.

(2) Any qualifying person may, within the amnesty period, apply for amnesty under subsection (3).

(3) An application for amnesty shall be made in writing to the Chief Executive Officer and such application shall include a declaration of any foreign asset and other information as the Chief Executive Officer may require.

(4) Notwithstanding any other provision in this Decree, upon receipt of an application under subsections (2) and (3) and if the Chief Executive Officer is satisfied that the applicant is a qualifying person, the Chief Executive Officer shall grant amnesty to the applicant.

(5) Pursuant to subsection (4), the Chief Executive Officer shall, as the case requires, remit in whole any tax payable by the qualifying person in respect of the foreign asset, including any interest accrued from, or any penalty or fine payable, in respect of such tax for any tax period provided that the tax period is prior to 1 January 2016.

(6) If an applicant is not granted amnesty under subsection (4), the Chief Executive Officer shall, as soon as practicable, provide written reasons to the applicant for the refusal.”

Passed by the Parliament of the Republic of Fiji this 25th day of August 2015.