

ACT NO. 15 OF 2020

I assent.

J. K. KONROTE
President

[31 July 2020]

AN ACT**TO AMEND THE VALUE ADDED TAX ACT 1991**

ENACTED by the Parliament of the Republic of Fiji—

Short title and commencement

- 1.—(1) This Act may be cited as the Value Added Tax (Budget Amendment) Act 2020.
- (2) This Act comes into force on 1 August 2020.
- (3) In this Act, the Value Added Tax 1991 is referred to as the “Principal Act”.

Section 21 amended

2. Section 21 of the Principal Act is amended by—

(a) in subsection (2)—

- (i) deleting “Subject to subsection (3), where” and substituting “Where”;
and
- (ii) deleting “(and particularly so much as charges tax on supply and entitles a registered person to a deduction for input tax)”;

(b) deleting subsection (3);

(c) deleting subsection (4) and substituting the following—

“(4) For the purposes of this Act, where subsection (2) treats a supply of relevant services as being made by a person in the course or furtherance of that person’s taxable activity, the value of that supply must be for whatever consideration was paid or payable for the relevant services.”;

(d) in subsection (6), deleting “subsection (4)(a)” and substituting “subsection (4)”; and

(e) after subsection (6), inserting the following new subsection—

“(7) Notwithstanding subsections (1) to (6), this section does not apply to a registered person.”.

Section 22 amended

3. Section 22 of the Principal Act is amended by deleting subsections (4A) and (4B).

Section 23 amended

4. Section 23 of the Principal Act is amended by deleting subsections (9) to (12) and inserting the following new subsection—

“(9) Notwithstanding section 3(4), where a person ceases to be registered in relation to the supply of residential accommodation, any input tax credit or VAT refund claimed by the person from the date of the person’s registration to the date of cancellation of the person’s registration, is not recoverable by the Chief Executive Officer.”.

Section 27A deleted

5. The Principal Act is amended by deleting section 27A.

Section 39 amended

6. Section 39(10) of the Principal Act is amended by deleting—

(a) “section 22(4B) and (5)” and substituting “section 22(5)”; and

(b) “including the construction of the residential property for rental”.

Schedule 1 amended

7. Schedule 1 to the Principal Act is amended by—

(a) in paragraph 2, deleting “excluding residential dwelling as specified in paragraph 2A”; and

(b) deleting paragraph 2A.

Consequential amendment

8. The Value Added Tax Regulations 1991 is amended in regulation 10 by deleting “registered”.

Passed by the Parliament of the Republic of Fiji this 31st day of July 2020.