

GOVERNMENT NOTICE NO. 176 published on 17/4/98

**THE VALUE ADDED ACT, 1997
(ACT NO. 24 OF 1997)**

REGULATIONS

Made under section 19

THE VALUE ADDED TAX (REGISTRATION) REGULATIONS 1998

<p>Citation</p>	<p>1.</p>	<p>These Regulations may be cited as the Value Added Tax (Registration) Regulations, 1998</p>
<p>Interpretation</p> <p>Inserted GN195 Aug 2003</p> <p>Inserted GN 195 Aug 2003</p>	<p>2.</p>	<p>In these Regulations, unless the context requires otherwise—</p> <p>"Act" means the Value Added Tax Act, 1997;</p> <p>"Commissioner" means the Commissioner for Value Added Tax;</p> <p>"Intending Trader" means any person who is in the process of setting up a business with the intention of making taxable supplies with a turnover in excess of the VAT registration threshold prescribed under Regulation 3 of these Regulations but who has not yet started to trade.</p> <p>"VAT" means the Value Added Tax;</p> <p>"taxable person" means person registered or required to be registered under the provisions of this Act;</p> <p>"taxable turnover" means that part of the turnover of a business applicable to taxable suppliers.</p> <p>"Voluntary Registration" means registration for VAT of taxable persons making taxable supplies with a turnover not exceeding the registration threshold prescribed under Regulation 3 of these Regulations.</p>
<p>Taxable turnover requiring registration</p>	<p>3.(1)</p>	<p>Where the taxable turnover of any taxable person exceeds or is likely to exceed—</p> <p>(a) forty million shillings in a period of twelve consecutive months commencing on or after the 1st day of January 1997;</p>

		<p>(b) ten million shillings in any period of three consecutive months commencing on or after the 1st day of October, 1997;</p> <p>(c) that taxable person shall make an application for registration for the purposes of the Act to the Commissioner</p> <p>(2) In calculating the taxable turnover of a taxable person, any supplies made in the course of business prior to the commencement of VAT shall be regarded as taxable if those supplies would be taxable if made after the commencement of VAT.</p>
<p>Manner and form of application</p> <p>Inserted by GN 195/2003</p>	<p>4. (1)</p> <p>(2)</p> <p>(3)</p>	<p>An application for registration under subregulation (1) of regulation 3 shall be made in the form prescribed in the Schedule to these Regulations, and lodged in any manner with the Commissioner within thirty days of the taxable person becoming liable to make the application.</p> <p>The application shall be deemed to have been made when it is received by the Commissioner.</p> <p>Unless notified in writing to the contrary by the Commissioner, the applicant shall be deemed to have been registered from the first day of the month following the month in which the prescribed form was due to be lodged.</p>
<p>Notification of changes</p> <p>Inserted GN195 Aug 2003</p>	<p>5.(1)</p> <p>(2)</p> <p>(a)</p> <p>(b)</p> <p>(c)</p> <p>(d)</p> <p>(e)</p> <p>(f)</p> <p>(g)</p> <p>(a)</p> <p>(b)</p>	<p>A taxable person shall notify the Commissioner in writing, within thirty days after the occurrence of any of the following events-</p> <p>(a) his cessation of making taxable supplies;</p> <p>(b) the taxable turnover falls below the turnover prescribed under subregulation (1) of regulation 3 of these Regulation;</p> <p>(c) a change in ownership of the business including change in the constitution of, or the terms governing the business;</p> <p>(d) a change in the name or trading name of business, or in the name or address of the owner or any of the owners of the business;</p> <p>(e) a change of the business address;</p> <p>(f) a change of or addition to, business premises;</p> <p>(g) any other major change in the nature, control or conduct of the business.</p> <p>The Commissioner may register taxable persons as intending traders upon their making application, in the following form:</p> <p>(a) Every application shall be made in the form prescribed under Regulation 4 of these Regulations.</p> <p>(b) Such application shall be accompanied by evidence to support the claim of the trader, sufficient to satisfy the Commissioner, of the</p>

<p>Inserted GN195 Aug 2003</p> <p>Inserted GN195 Aug 2003</p> <p>Inserted GN195 Aug 2003</p>		<p>business intentions, e.g. Contracts, tenders, building plans, bank financing etc.</p> <p>(3) Applications for registration of intending trader registrations may be approved by the Commissioner subject to such conditions as he may impose and agreed by the trader in writing.</p> <p>(4) The Commissioner may register taxable persons making taxable supplies of goods or services with a turnover below the VAT registration threshold prescribed under Regulation 3 of these Regulations, who apply for voluntary VAT registration.</p> <p>(5) The Commissioner may refuse to register any applicant where the declarations appear to be confusing, doubtful or unrealistic and shall give reasons for such refusal.</p>
<p>Representative of a taxable person</p>		<p>6. Where a taxable person is an unincorporated body other than a company incorporated under the Companies Ordinance and anything is required by or under the Act or Regulations made under the Act to be done by the taxable persons, the person responsible for performing the duties imposed under the Act or regulations made under it shall be in the case of—</p> <p>(a) a partnership, each and every partner jointly and severally;</p> <p>(b) a club, association or organisation the affairs of which are managed by its members or any committee of its members, any person which is the treasurer or any person whose functions are similar to those of a treasurer of the club, association or, organisation as the case may be;</p> <p>(c) a person under a legal disability, bankrupt or incapacitated person, his guardian, curator, administrator or any other person having the management and control of his affairs;</p> <p>(d) a deceased person or his estate, the executor or administrator of estate; and</p> <p>(e) a company which is placed under receivership of liquidation, the receiver or liquidator, as the case may be.</p>

		<p>(a) the name and VAT registration number of the taxable person; (b) the amount of excess credits which the taxable person is claiming and the amount certified by the auditor; (c) the period which the credits have accrued (d) the bank, account and branch of taxpayer (e) the name of certifying auditor and auditors, (f) the registration number of the certifying auditor and auditors (g) the date of certification; (h) the signature and seal of the certifying auditor.</p> <p>(2) Notwithstanding anything stated in these Regulations a Certificate of Genuineness shall be in a format prescribed in the Schedule to Regulations</p>
<p>Responsibility of the registered person to produce documents and information</p>	<p>6.</p>	<p>A taxable person shall prepare and produce the auditor all documents and information necessary for the examination and certification of the refund claim.</p>
<p>Banking practice</p>	<p>7.</p>	<p>Any repayment under these Regulations shall be done in accordance with the governing banking practice and rules established by the relevant laws.</p>

SCHEDULE

CERTIFICATE OF GENUINENESS

NAME OF REGISTERED PERSON:
VAT REGISTRATION NUMBER:

I/We have examined the *genuineness* of the attached claim for the refund of VAT amounting to TShs.....(figures).....(in words) made by the registered person for the period.....to ensure compliance with the provisions of the Value Added Tax No.24 of 1997 and the Value Added tax (Repayment) Regulations 2000, and have obtained all possible information and explanations necessary for the purpose of my/our examination.

My/Our examination was designed to enable me/us to obtain reasonable assurance that the claim is, to the best of my/our opinion, free from misstatement, and included verification on test basis, of evidence supporting amount claimed. It also included an assessment of the adequacy of M's.....system of recording and accounting for VAT.

As per the requirements of the VAT (Repayment) Regulations, I/We confirm that the bank account to effect this refund is Number.....at.....Bank.....Branch.

In my/our opinion the attached Vat claim of TShs.....gives a true and fair view of the *amount claimed* and is properly refundable under the VAT Act and Regulations.

.....
Signed:

Certified Public Accountant and Public Practice (CPA-PP), NBAA Certificates of Practice.

No.

Date:.....

Seal

Dar es Salaam
19th July, 2002

BASIL P.MRAMBA
Minister for Finance