

GOVERNMENT OF ZAMBIA

ACT

No. 6 of 1998

Date of assent: 21st April, 1998

An Act to amend the Value Added Tax Act

[24th April, 1998

ENACTED by the Parliament of Zambia.

Enactment

1. (1) This Act may be cited as the Value Added Tax (Amendment) Act, 1998, and shall be read as one with the Value Added Tax Act, in this Act referred to as the principal Act.

Short title and commencement
Cap. 331

(2) Subject to subsection (3), this Act shall come into force on the 1st April, 1998.

(3) Section *three* shall be deemed to have come into operation on the 31st of January, 1998.

2. Section *two* of the principal Act is amended in the definition of the word " supplier " by the deletion of paragraph (a) and the substitution therefor of the following:

Amendment of section 2

(a) a person, corporation, partnership, joint venture or organisation that supplies goods; or.

3. Section *seventeen* of the principal Act is amended by the insertion immediately after subsection (5) of the following new subsection:

Amendment of section 17

(6) The Commissioner-General may accept a pecuniary settlement instead of taking proceedings for the recovery of a penalty under this section and may, in his discretion, mitigate or remit any penalty or stay or compound any proceedings for recovery thereof and may, after judgement in any proceedings

under this Act, further mitigate or entirely remit the penalty in accordance with administrative rules prescribed by the Commissioner-General.

Amendment
of section 19

4. Section *nineteen* of the principal Act is amended by the deletion of subsection (2) and the substitution therefor of the following:

(2) Where, in respect of a particular prescribed accounting period, beginning on or after 1st April, 1998, a registered supplier's allowable credits exceed what would have been his tax liabilities, if any, for the period, the Commissioner-General shall, within thirty days after the tax return was submitted, remit to him the amount to which he stands in credit by reason of the excess.

Amendment
of section 28

5. Section *twenty-eight* of the principal Act is amended by the deletion of subsection (6) and the substitution therefor of the following:

(6) The registration of a supplier shall take effect—

(a) in the case of a new business, from the date of commencement of trading; or

(b) in the case of a continuing business—

(i) within one month of an application being made or from the date the application was received by the Commissioner-General;

or

(ii) where the application is not made within one month of first becoming liable to register, on the day following the first period during which the taxable turnover exceeded the turnover as specified in subsection (1).

Amendment
of section
38A

6. Section *thirty-eight A* of the principal Act is amended by the deletion of subsection (10) and the substitution of the following:

(10) Notwithstanding any other provision of this section, where goods which are of a perishable nature are impounded, the Commissioner-General may direct that the goods shall be destroyed or sold immediately by public auction.