

No. 15] *Value Added Tax (Amendment) Act* [2013.

SAINT LUCIA

No. 15 of 2013

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I ASSENT

[L.S.]

PEARLETTE LOUISY,
Governor-General.

December 5, 2013.

SAINT LUCIA

No. 15 of 2013

AN ACT to amend the Value Added Tax Act, No.7 of 2012.

[16th December, 2013]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Assembly and the Senate of Saint Lucia, and by the authority of the same, as follows:

No. 15] *Value Added Tax (Amendment) Act* [2013.

Short title

1. This Act may be cited as the Value Added Tax (Amendment) Act, 2013.

Interpretation

2. In this Act, ‘principal Act’ means the Value Added Tax Act, No.7 of 2012.

Amendment of section 28

3. Section 28 of the principal Act is amended —

(a) in subsection (1), by deleting paragraph (b) and substituting the following—

“(b) pay the tax due in respect of the import within twenty-one calendar days after the tax period in which the services were imported;” and

(b) by inserting the following new subsections —

“(3) Notwithstanding section 67, for the purposes of subsection (1), tax is payable by the recipient of the service -

(a) where a business is established and carries on business from outside of Saint Lucia and supplies a service to a person or local branch in Saint Lucia;

(b) in the case of a registered recipient, if the import by the person is not for use in making taxable supplies; or

(c) in the case of a non-registered recipient, whether —

(i) the person’s taxable supplies are below the threshold under section 12; or

(ii) the person is not engaged in making taxable supplies.

(4) For the purposes of subsection (3), the local branch or other affiliate of a business that is established and operates outside Saint Lucia is treated as a person separate from the non-resident branch or home office for purposes of the tax.”.

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Amendment of section 30

4. Section 30 of the principal Act is amended by deleting subsection (2)(c) and substituting the following -

“(c) for the purposes of subsection (1)(f),(g) and (i), with respect to the acquisition, the taxable person is in possession of documents required by the Comptroller.”.

Amendment of section 31

5. Section 31 of the principal Act is amended by deleting subsection (2)(c)(i) and substituting the following -

“(i) A is the total amount of input tax payable in respect of supplies and imports received during the tax period, less the sum of the input tax accounted for under paragraphs (a) and (b), and the input tax disallowed under subsection (1);”.

Amendment of section 59

6. Section 59 of the principal Act is amended in subsection (1) (c), -

(a) by deleting the fullstop after the words Saint Lucia and substituting a semi-colon; and

(b) by inserting the following new paragraph immediately after paragraph (1)(c) -

“(d) a company incorporated, licensed or continued under the -

(i) International Insurance Act, Cap.12.15;

(ii) International Business Companies Act, Cap.12.14;

(iii) International Trust Act, Cap.12.19;

(iv) International Mutual Fund Act, Cap.12.16;

(v) International Banks Act, Cap.12.17;

(vi) International Partnerships Act, No.23 of 2006.”.

Amendment of the First Schedule

7. The First Schedule to the principal Act is amended -

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(a) in paragraph 1, by deleting the definition of ‘fuel’ and substituting the following –

“‘fuel’ means the goods described under the following Customs Tariff Headings;

- (a) 2710.11.30;
- (b) 2710.19.10;
- (c) 2710.19.20;
- (d) 2710.19.40;
- (e) 2711.11.00;
- (f) 2711.19.11;
- (g) 2711.19.12;
- (h) 2711.19.13; and
- (i) 2711.19.14.”; and

(b) by deleting paragraph 2(1)(k), and substituting the following paragraph –

“(k) a supply of the following agricultural inputs approved for use in agriculture by the Minister responsible for agriculture:

- (i) ventilated boxes specifically designed for use in transporting unprocessed agricultural products;
- (ii) animal feed, other than food for domesticated animals generally held as pets.”.

Amendment of the Second Schedule

8. The Second Schedule to the principal Act is amended —

(a) by deleting paragraph 2(v) and substituting the following-

“(v) a supply of the following agricultural inputs approved for use in agriculture by the Minister responsible for agriculture –

- (i) seeds, seedlings, cuttings and fertilizers;
- (ii) pesticides, insecticides and other treatments;

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- (iii) herbicides, fungicides and nematicides;
 - (iv) packing film and plastic bags specifically designed for use in transporting unprocessed agricultural products;
 - (v) machinery and equipment specifically designed for agricultural or horticultural use;
 - (vi) plant propagation bags;
 - (vii) poultry receptacles, waterers and feeders;
 - (viii) a greenhouse specifically designed for horticultural use;
 - (ix) hatching eggs for poultry production”; and
- (b) in paragraph 2(cc),by -
- (i) deleting the Customs Tariff Heading “0304.99.00” and substituting “0304.29.90”; and
 - (ii) inserting immediately after the Customs Tariff Heading ‘1701.11.19 Other cane sugar’ the following-
“1701.99.90 Other”.

Amendment of the Third Schedule

- 9.** The Third Schedule to the principal Act is amended –
- (a) by deleting paragraph 7 and substituting the following –
- “7. An unconditional gift of goods to an approved charitable organisation, other than for the purposes of resale if the Comptroller of Customs has written notification from the Minister before entry, that the goods are an unconditional gift subject to exemption under this Schedule.”;
- (b) by deleting paragraph 12(b) and substituting the following –
- “(b) one motor vehicle with a customs value of not more than US\$30,000 free of customs duty per family of a returning national whether the motor vehicle is used or new, which accompanies the returning national, arrives or imported by the returning national within three months before or

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after the arrival of the returning national or within such further period as the Comptroller of Customs may allow, which is not intended for sale or exchange within three years of importation;

- (i) where the customs value of a motor vehicle imported under paragraph (b) exceeds US\$30,000 the excess customs duty shall be paid by the importer;
- (ii) a vehicle imported under paragraph (i) shall not be sold, exchanged or disposed of within three years from the date of importation;
- (iii) where a vehicle imported under paragraph (b) is disposed of contrary to paragraph (ii), the returning national shall pay the full duties payable on a prorata basis based upon the cost of the vehicle at the time of importation;”;

(c) in paragraph 18, by deleting the following words –

‘This exemption is not available to a citizen or permanent resident of Saint Lucia.’;

(d) by deleting paragraph 19(b) and substituting the following –

“the importer has a valid licence under the –

- (i) Fiscal Incentives Act, Cap.15.16;
- (ii) Special Development Areas Act, Cap.15.29; or
- (iii) Tourism Incentives Act, Cap.15.30;” and

(e) by inserting immediately after paragraph 20 the following new paragraph –

“21. (a) The Comptroller of Customs may exempt from tax, after receiving written notice from the Minister responsible for youth development and sports, sporting goods, equipment and clothing imported by national sporting organisations affiliated with the Ministry of Youth Development and Sports, specifically designed for use in the following sports:

- (i) badminton;

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- (ii) basketball;
- (iii) boxing;
- (iv) cricket;
- (v) cycling;
- (vi) football;
- (vii) golf;
- (viii) hockey;
- (ix) horse racing;
- (x) lawn tennis;
- (xi) netball;
- (xii) rugby;
- (xiii) softball;
- (xiv) squash;
- (xv) swimming;
- (xvi) table tennis;
- (xvii) track and field; and
- (xviii) volleyball.

(b) Exempt imports under paragraph (a) shall not be for resale.

Passed in the House this 19th day of November, 2013.

PETER I. FOSTER,
Speaker of the House of Assembly.

Passed in the Senate this 28th day of November, 2013.

CLAUDIUS J. FRANCIS,
President of the Senate.