GOVERNMENT OF ZAMBIA

ACT

No. 14 of 2012

Date of Assent: 19th December, 2012

An Act to amend the Value Added Tax Act.

[21st December, 2012

ENACTED by the Parliament of Zambia. Enactment

1. (1) This Act may be cited as the Value Added Tax (Amendment) Act, 2012, 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) This Act shall come into operation on 1st January, 2013.

2. The principal Act is amended in section *sixteen* by the insertion, immediately after subsection (1), of the following new subsection: Amendment of section 16

> (1A) A return shall be accompanied by such documents as the Commissioner-General may determine and shall be signed by the person lodging the return.

3. Section *eighteen* of the principal Act is amended by the repeal of subsection (4) and the substitution therefor of the following: Amendment of Section 18

> (4) Input tax shall not be deducted or credited after a period of six months from the date of the relevant tax invoice or other evidence referred to in subsection (3), except in such circumstances as the Commissioner-General may by rule, specify.

4. The principal Act is amended by the repeal of Part VI and the substitution therefor of the following new Part: Repeal and replacement of Part VI

Single Copies of this Act can be obtained from the Government Printer, P.O. Box 30136, 10101 Lusaka, Price K2,000 each

PART VI

REVIEWS AND APPEALS

Right of review

30. A person who is aggrieved by a decision made or direction given by the Authority under this Act may apply to the Commissioner-General for a review of that decision or direction in the prescribed manner and form.

Conduct of review

31. (1) A review shall be conducted in the prescribed manner.

(2) The person conducting the review shall give the applicant and the person who made the decision or gave the direction an opportunity to be heard and to make written submissions.

Appeals

Act No. 11 of 1998

32. A person aggrieved by a decision of the Commissioner-General under this Act may appeal against the decision to the Revenue Appeals Tribunal as provided under the Revenue Appeals Tribunal Act.

Insertion of new section 50A

5. The principal Act is amended by the insertion, immediately after section *fifty*, of the following new section:

Tax information exchange agreements and mutual assistance in tax matters

50A. (1) The President may enter into an agreement, which may have retrospective effect, with the Government of any other country or territory for the exchange of information on tax matters or for mutual assistance in tax matters with the objective of rendering reciprocal assistance in the administration and collection of taxes under the tax laws of the Republic and such other country or territory.

(2) Any information received by a country or territory under an agreement entered into under subsection (1) shall be treated as secret in the same manner as information obtained under the domestic laws of that country or territory and shall be disclosed only to persons or authorities involved in the assessment, collection enforcement, prosecution or determination of appeals in relation to, the taxes under this Act.

(3) Subsection (2) shall not be construed so as to impose on a country or territory the obligation to—

(a) carry out administrative measures at variance with the laws and administrative practices of that country or territory;

(*b*) supply information which is not obtainable under the laws of that country or territory or under the laws of Zambia; or

(*c*) supply information which would disclose any trade, business, industrial, commercial or professional secret or trade process, or information, the disclosure of which would be contrary to public policy.

(4) The Minister shall lay a copy of an agreement referred to in subsection (1) before Cabinet for approval.

(5) The President shall, as soon as practicable after the conclusion and approval of any agreement under this section, notify the public of the terms of the agreement by statutory instrument, and the agreement shall, from the date of commencement of the statutory instrument, have effect as if enacted under this Act as long as the agreement has the effect of law in the of the other country or territory.