

BELIZE

GENERAL SALES TAX ACT
CHAPTER 63

REVISED EDITION 2020

SHOWING THE SUBSTANTIVE LAWS AS AT
31ST DECEMBER, 2020

This is a revised edition of the Substantive Laws, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Substantive Laws of Belize, Revised Edition 2020.

This edition contains a consolidation of amendments made to the law by Acts No.31 of 2017, No. 35 of 2017, No. 19 of 2018 and No. 8 of 2019.



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CHAPTER 63

GENERAL SALES TAX

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CHAPTER 63

GENERAL SALES TAX

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15 of 2010.
31 of 2017.
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[1st July, 2006]

PART I

Preliminary

Short title.

1. This Act may be cited as the General Sales Tax Act.

Interpretation.

2.–(1) In this Act, unless the context requires otherwise–

"acquisition", in relation to the recipient of a supply of goods or services, means–

(a) the receipt of the goods or services by the recipient;

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(b) the receipt of the goods or services by another person at the instigation of the recipient or under the agreement between

(c) if another person is treated as making a supply to the person under this Act or the Regulations, a corresponding receipt of that supply;

"aircraft's stores" means stores for the use of the passengers or crew of an aircraft, or for the service of an aircraft;

"appointed day" means the day on which Part II of this Act [relating to imposition of GST] comes into force under section 1(2) of this Act;

"ancillary transport services in relation to goods" means services dealing with the operations or management of a ship, aircraft or other vessel used in the transportation of goods; 19 of 2018.

"ancillary transport services in relation to passengers" means services dealing with the operations or management of a ship, aircraft or other vessel used in the transportation of passengers, but does not include transportation of the passengers or crew of a ship, aircraft or other vessel for tours or other tourist services within Belize; 19 of 2018.

"body of persons" means any body politic, corporate or collegiate and any company, fraternity, fellowship, partnership, or society of persons whether corporate or unincorporate, and includes a joint venture and the trustees of a trust;

"business" has the meaning given in section 3 of this Act;

"capital asset" means an asset, whether tangible or intangible, acquired by a person for use in the person's business but does not include–

(a) consumables or raw materials; or

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(b) an asset acquired for the principal purpose of resale in the ordinary course of carrying on the person's business, whether or not the asset is to be sold in the form or state in which it was acquired;

"certificate of registration" means a certificate of registration issued under section 27;

8 of 2019.
CAP. 51.___

"Commissioner" means the Director General as defined in the Tax Administration and Procedure Act;

"company" means an incorporated or unincorporated association or body of persons created or recognised under a law in force in Belize or elsewhere, but does not include a partnership or trust;

CAP. 49.

"Comptroller" means the Comptroller of Customs appointed under the Customs Regulation Act;

"consideration" has the meaning given in section 4;

CAP. 48.

"entered" has the meaning given to that expression by section 2 of the Customs & Excise Duties Act;

"exempt", means–

Schedule V.

(a) in relation to an import, an import that is specified as exempt in Schedule V to this Act, or the Regulations; or

(b) in relation to a supply–

Schedule IV.

(i) a supply that is specified as exempt in Schedule IV to this Act, or the Regulations; or

(ii) a supply of a right or option to receive an

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"exempt use" means the use of goods or services by a taxable person for the purpose of making exempt supplies, including where used partly for other purposes of the person's business, if those other purposes will constitute less than 10% of the total use of the goods or services;

"export", in relation to a supply of goods, means the goods are delivered to, or made available at, an address outside Belize, and for this purpose evidence that goods have been exported includes evidence of–

(a) the consignment or delivery of the goods to an address outside Belize; or

(b) the delivery of the goods to the owner, charterer, or operator of a ship or aircraft engaged in international transport for the purpose of carrying the goods outside Belize;

"face value", in relation to a voucher, means a monetary amount stated (whether visibly, electronically, or otherwise) on the voucher, which represents the value of supplies of goods or services for which the voucher is redeemable;

"face value voucher", means a voucher which entitles the holder to receive a supply or supplies of goods or services up to the face value of the voucher;

"fair market value" has the meaning given in section 6 of this Act;

"finance lease" means–

(a) a hire purchase agreement; or

(b) a lease, other than a lease of land, that is treated as a finance lease under international financial reporting standards;

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"gambling event" means–

(a) the conduct of a lottery or raffle, or similar undertaking; or

(b) a race, game, sporting event, or any other event which has or is intended to have an outcome;

"gambling supply" means–

(a) a supply of a ticket (however described) in a lottery, raffle or similar undertaking; or

(b) the acceptance of a bet (however described) relating to the outcome of a gambling event;

"goods" means any tangible property, whether real or personal, but does not include money;

"government entity" means–

(a) the Government of Belize or a Department, Division, or Agency of Government;

(b) a Public Statutory Body, agency, or authority; or

(c) a Government owned or operated body, or agency;

"GST" or "general sales tax" means the tax imposed under this Act, and includes any amount to the extent that it is treated as GST for the purposes of this Act, including interest or a penalty payable under this Act, and the absence of a specific reference to the inclusion of such amounts in a particular provision should not be taken to imply that they are not included in the GST referred to in that section;

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"GST return" means a return required by section 30;

"importer", in relation to an import of goods, means the person treated as the importer for the purposes of the Customs and Excise Duties Act; CAP. 48.

"individual" means a natural person;

"input tax"–

(a) in relation to an acquisition of goods or services by a person, means the GST imposed on the supply to that person of those goods or services; and

(b) in relation to an import of goods by a person, means the GST imposed on that import; and includes any amount that is treated as input tax under this Act or the Regulations;

"input tax credit" means a credit for input tax allowed under section 32 or under any other provision of this Act or the Regulations;

"international transport" means the supply of the following types of services– 19 of 2018.

(a) the services, other than ancillary transport services in relation to passengers, of transporting passengers by road, water or air–

(i) from a place outside Belize to another place outside Belize, including part of the transport that takes place in the territory of Belize;

(*ii)* from a place outside Belize to a place in Belize; or

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(i*ii)* from a place in Belize to a place outside Belize;

(b) the services, including ancillary transport services in relation to goods, of transporting goods from a place in Belize to another place in Belize to the extent that those services are supplied by the same supplier as part of the supply of services to which paragraph *(a)* applies; or

(c) the services of insuring, arranging for the insurance of, or arranging for the transport of passengers or goods to which paragraphs *(a)* or *(b)* apply;

"invoice" means a document notifying an obligation to make a payment;

"Minister" means the Minister for the time being responsible for Finance;

"money" means–

(a) any coin or paper currency (whether of Belize or of another country);

(b) a negotiable instrument used or circulated, or intended for use or circulation, as currency whether of Belize or of another country);

(c) a bill of exchange, promissory note, bank draft, postal order, money order, or similar instrument;

(d) whatever is supplied as payment by way of–

(i) credit card or debit card;

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(*ii)* crediting or debiting an account; or

(iii) the creation or transfer of a debt

and includes any amount expressed as an amount of money but does not include a collector's piece, investment article, or item of numismatic interest;

"non-resident" means a person who is not a resident within the meaning of the term "resident" as defined herein;

"officer" of an unincorporated body means–

(a) in the case of a partnership, a partner of the partnership;

(b) in the case of a trust, a trustee of the trust; and

(c) in the case of any other unincorporated body–

(i) a person who holds office as Chairperson, president, treasurer, secretary of the body, or a similar office; or

(ii) if there is no such officer, a member of a committee that has management of the affairs of the body; or

(iii) if no person can be identified under paragraph *(i)* or *(ii)*, a member of the body.

"officer of customs" includes excise officers and all members of the Police Force;

"output tax", in relation to a person and to a tax period, means the GST payable by the person in respect of a taxable supply made or treated as having been made by the person during the

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tax period, and includes any amount that is treated as output tax in relation to that period under this Act or the Regulations;

CAP. 259. "partnership" and "partner" have the same meanings as in the Partnerships Act;

"person" includes an individual, a legal person, a body of persons, a government entity, and any part of such person or group of such persons that is treated as a person for the purposes of this Act;

"phone card" means a card or similar item in whatever form it is issued, including electronically, which entities the holder to receive telecommunications services up to its face value, and includes a pre-paid SIM card, a rechargeable card, or a similar item;

"progressive or periodic supply" means–

(a) a supply of goods or services made progressively or periodically under an agreement or law that provides for progressive or periodic payments; or

(b) a supply of goods by way of a lease or hire (including a finance lease);

"promoter of public entertainment" means a person who arranges the staging of entertainment to which the general public is invited but does not include entertainment organized by–

(a) an approved educational institution;

(b) the board of management or a parent teacher association of an approved educational institution;

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(c) a person that provides entertainment on a daily basis or a weekly basis; or

(*d*) a church incorporated by statute or registered under the Non-Governmental Organisations Act; CAP. 315.

"real property" includes an estate, interest, easement, or right, whether equitable or legal, in, to, or out of land, and includes things attached to land or permanently fastened to anything attached to land;

"recipient", in relation to a supply of goods or services, means the person to whom the goods or services are supplied;

"registered" means registered under Part III, Division 2 of this Act; "related person" has the meaning given in section 7;

"resident" means–

(a) a person who is resident in Belize for the year in question for the purposes of determining the person's liability for income tax under the Income and Business Tax Act; CAP. 55.

(b) a person, including a body, company, partnership, board, or trust, which is formed or created under the laws of Belize or which is managed and controlled in Belize; or

(c) any other person to the extent that the person carries on a business in Belize;

"residential premises" means a building occupied or capable of being occupied as a residence, but not including hotel or holiday accommodation;

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"Schedule" means a Schedule to this Act;

"ship's stores" means stores for the use of the passengers or crew of a ship, or for the service of a ship;

CAP. 196.

"strata corporation" means a corporation established under section 5 of the Strata Titles Registration Act or any similar person including, without limitation, a trust, a company, or other person if the units in the trust, shares in the company, or other membership interests in the person carry with them an entitlement for the holder to occupy any land or part thereof for any period;

"supplier", in relation to a supply of goods or services, means the person by whom the goods or services are supplied;

"supply" means a supply of goods or a supply of services as defined in section 5;

"tax" has the same meaning as "GST";

"taxable acquisition" means the acquisition of a taxable supply;

"taxable importation" means an importation of goods into Belize but does not include an exempt importation;

"taxable person" means–

(a) a person who is registered; and

(b) subject to the limitations set out in section 22(5), a person who is required to be registered;

"taxable supply" has the meaning given in section 15(1) of this Act;

"Taxpayer Identification Number" or "TIN", in relation to a registered person, means the unique identifying number shown

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on the certificate of registration issued to that person under section 27;

"tax invoice" means a tax invoice given under section 36;

"tax period" means a calendar month;

"telecommunications services" means the transmission, emission, or reception of signals, writing, images, sounds or information of any kind by wire, radio, optical, or other electromagnetic systems, and includes–

(a) the related transfer or assignment of the right to use capacity for such transmission, emission, or reception; and

(b) the provision of access to global or local information networks, but does not include the supply of the underlying writing, images, sounds, or information;

"telecommunications supplier" means a supplier of telecommunications services;

"type of supply" means–

(a) a zero-rated supply;

(b) an exempt supply;

(c) a taxable supply that is not a zero-rated supply; or

(d) any other kind of supply;

"value"–

(a) in relation to an import, has the meaning given in section 13; and

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(b) in relation to a supply, has the meaning in section 19;

"voucher" means a voucher, stamp, token, coupon, or similar article, including an article issued electronically, that can be redeemed by the holder for supplies of goods or services, and includes a phone card but does not include a postage stamp;

"zero-rated", in relation to a supply or import, means–

Schedule I. Schedule II. Schedule III.

(a) a supply or import that is specified as zero-rated under Schedule I, Schedule II or Schedule III, or the Regulations; or

(b) a supply of a right or option to receive a supply that will be zero-rated.

Definition of a business.

3.–(1) For the purpose of this Act, a "business" is taken to include the following activities, whether or not carried on for pecuniary profit–

(a) a trade, profession or vocation;

(b) an activity that involves or is intended to involve, in whole or in part, the supply of goods or services to another person;

(c) an activity that involves or is intended to involve the supply of membership, facilities, or advantages to its members by a club, association, or organization, including a strata corporation;

(d) an activity involving the admission of persons to any premises.

(2) The following activities shall not be considered to constitute a business or part of a business–

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(a) the supply to its members, by a body having objects in the public domain that are of a political, religious, philanthropic, philosophical, or patriotic nature, of the right to participate in its management or receive reports on its activities;

(b) an engagement, occupation, or employment under a contract of service or as a director of a company except where, in carrying on any business, the person accepts an office and supplies services as the holder of that office, in which case those services shall be regarded as being supplied in the course of, or furtherance of the business;

(c) an activity carried on by an individual as a private recreational pursuit or hobby;

(d) an activity carried on by a person other than an individual which, if carried on by an individual, would fall within paragraph *(c)*;

(e) subject to the approval of the Minister, an activity to the extent that it involves a supply of goods without charge by the Government of a country other than Belize, an international institution, an individual, or a group of individuals, to assist the economic development of Belize;

(f) subject to the approval of the Minister, an activity to the extent that it involves the supply of goods or services using funds provided under grant agreements with external donor agencies, or funds borrowed from external financial institutions by the Government, or under a Government Guarantee, to assist the economic development of Belize;

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(g) an activity involving the supply of goods or services by a government entity to the extent, if any, that the entity or the activity may, from time to time, be specified by the Minister.

(3) Anything done in connection with the commencement or termination of a business shall, for the purposes of this Act, be regarded as done in the course of, or furtherance of, the business.

Definition of consideration.

4.–(1) "Consideration", in relation to a supply or acquisition, means any payment, act, or forbearance by any person, whether or not voluntary, in respect of, in response to, or for the inducement of the supply.

(2) For the avoidance of doubt, "consideration" includes a reimbursement of the supplier for any duties, levies, fees, charges, and taxes (including GST) paid or payable by the supplier in respect of the supply, but does not include a price discount or rebate allowed and accounted for at the time of the supply.

(3) Where the consideration for a supply or importation must be expressed as an amount, the amount shall be the sum of–

(a) so far as the consideration is expressed as an amount of money, that amount;

(b) so far as the consideration is not consideration expressed as an amount of money, the GST-inclusive fair market value of the consideration.

Definition of a supply of goods or services.

5.–(1) A "supply of goods" means a sale, exchange, or other transfer of the right to dispose of goods as owner but does not include a supply of money.

(2) Anything that is not a supply of goods or money is a "supply of services," including, without limitation–

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(a) the grant, assignment, termination, or surrender of a right;

(b) the making available of a facility, opportunity, or advantage;

(c) refraining from or tolerating an activity, a situation, or the doing of an act;

(d) the issue of a licence, permit, certificate, concession, authorisation, or similar document;

(e) the lease, hire, or rental of goods, or any other supply of a right to use goods;

(f) the production of goods by applying a treatment or process to goods belonging to another person, which shall be regarded as a supply of services to that other person;

(g) the supply of water, other than water in a container, or the supply of natural gas or any form of power, refrigeration, or air-conditioning; or

(h) anything that is deemed to be a supply of services by this Act or by Regulations.

(3) A progressive or periodic supply is treated as a series of separate supplies as follows–

(a) if the supply is made progressively or periodically under an agreement or law that provides for progressive or periodic payments–

(i) each progressive or periodic part of the supply is a separate supply; or

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(*ii*) if such parts are not readily identifiable, each separate supply corresponds to the proportion of the supply to which each separate payment relates;

(b) if the supply involves a lease or hire of goods–

(i) if payment is made progressively or periodically, each separate supply corresponds to the proportion of the supply to which each separate payment relates; or

(ii) in any other case, each separate supply corresponds to each tax period, to the extent that the period of the lease or hire occurs during that tax period.

(4) If a taxable person–

(a) applies goods or services wholly to a private or exempt use; or

(b) having used the goods wholly or partly in its business, applies them in the manner described in paragraph *(a)* from a particular time onwards; and

(c) the taxable person is or has been allowed an input tax credit in respect of part or all of the input tax incurred on the acquisition or importation of the goods or services,

the application is treated as a supply of the goods or services by the taxable person.

(5) A supply of goods or services ("referred to in this section as the incidental supply") that is ancillary or incidental to another supply of goods or services ("referred to in this section

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as the principal supply"), is part of the supply of principal supply.

(6) A supply of services that are ancillary or incidental to an import of goods is part of the import of goods.

(7) Subject to sub-sections (5) and (6), where more than one thing is supplied in a single transaction, regulations made under this Act may provide that there is only one supply and may specify how to determine which of the things supplied are incidental supplies and which is the principal supply.

(8) Regulations made under this Act may provide that something that would otherwise be a supply is not a supply for the purposes of this Act.

Definition of fair market value.

6.–(1) The "fair market value" of a supply of goods or services, including anything provided as in-kind consideration for another supply, is–

(a) the consideration the supply would fetch in an open market transaction freely made between unrelated persons; or

(b) if it is not possible to determine an amount under paragraph *(a)*, the consideration a similar supply would fetch in an open market transaction freely made between unrelated persons, adjusted to take account of the differences between such supply and the actual supply;

determined on the basis of the market conditions, including the registration status of the supplier, prevailing at the time and place of the actual supply.

(2) For the purpose of sub-section (l)*(b)*, one supply is similar to another if it is the same as, or closely resembles, the

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other supply in character, quality, quantity, functionality, materials, and reputation.

(3) If the fair market value of a supply cannot be determined under sub-section (1), it may be determined using any method approved by the Commissioner for calculating an objective approximation of the consideration the supply would fetch in an open market transaction freely made between unrelated persons.

(4) If a provision of this Act requires the fair market value to be determined for particular goods or services, or for an asset held by a person, that value is worked out under this section by reference to the value that a supply of those goods or services, or that asset, would fetch in a transaction freely made under appropriate market conditions.

Definition of related persons.

7.–(1) Persons are "related persons" if–

(a) they are officers or directors of one another's business;

(b) in the case of a partnership, they are a partner and that partnership, and the partner, either alone or together with persons who are related to the partner under another paragraph of this definition, owns 25 per cent or more of the rights to income or capital of the partnership;

(c) they are a shareholder and a company limited by shares in which the shareholder, either alone or together with persons who are related to the shareholder under another paragraph of this definition–

(i) controls 25 per cent or more of the voting power in the company; or

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(ii) owns 25 per cent or more of the rights to distributions of income or capital by the company;

(d) in the case of two companies, a person directly or indirectly, either alone or together with persons who are related to the person under another paragraph of this definition, owns, controls, or holds 25 per cent or more of the voting power or the rights to distributions of income or capital in both of them;

(e) one of them directly or indirectly controls the other;

(f) both of them are directly or indirectly controlled by a third person;

(g) together they directly or indirectly control a third person;

(h) they are members of the same family; or

(i) in the case of a trust, they are the trust and a person who is or may be a beneficiary of that trust or whose relative is or may be a beneficiary of the trust.

(2) Persons who are associated in business with one another in that one is the sole agent, sole distributor, or sole concessionaire, however described, of the other are related persons only if they fall within the criteria set out in sub-section (1).

(3) For the purposes of this section, one person controls another if the former is legally or operationally in a position to exercise restraint or direction over the latter.

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PART II

Imposition of General Sales Tax and Taxable Importations

Imposition of GST.

8. A tax, to be known as "general sales tax" or "GST", shall be charged in accordance with this Act on–

(a) taxable importations; and

(b) taxable supplies.

Rate of tax.

9.–(1) The rate of GST applicable to a taxable supply or importation is–

15 of 2010. Schedule I. Schedule II. Schedule III.

(a) if the supply or import is zero-rated under Schedule I, Schedule II or Schedule III, 0%; or

(b) in any other case, 12.5%.

(2) The rate of tax specified in sub-section (1)*(b)* of this section may from time to time be varied by the Minister by Order published in the *Gazette* and every such Order shall be subject to negative resolution.

Person liable.

10. The GST payable–

(a) on a taxable supply, is the liability of the supplier and must be accounted for to the Commissioner in accordance with the formula in section 31, unless otherwise specified; and

(b) on a taxable importation, is the liability of the importer and becomes due and payable to the Comptroller at the time when the goods are entered.

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Calculation of GST on taxable importations.

11. GST charged on a taxable importation shall be the amount calculated by multiplying the rate of tax applicable under section 9 by the value of the goods imported.

Comptroller to collect GST on taxable importations.

12.–(1) The Comptroller shall be responsible for the collection of the GST payable on taxable importations.

CAP. 49.

(2) GST payable on taxable importations shall be charged and payable under this Act, but for the purposes of collecting and enforcing the payment of the tax, the Customs Regulation Act and any other law relating to the importation of goods shall apply in the same manner as if the GST were a duty of customs.

Value of imported goods.

13. For the purposes of this Act, the value of goods imported into Belize is the total of the following amounts–

Schedule III. CAP. 48.

(a) the value of the goods determined in accordance with Schedule III to the Customs and Excise Duties Act (whether or not duty is payable under that Act); and

(b) any duties, taxes (other than GST charged under this Act), and other charges that are charged, paid, or payable upon the entry of imported goods;

except that where the goods are re-imported after being exported for repair, renovation or improvement and it is further shown that the goods have been subjected to a process of repair, renovation or improvement abroad and where their form or character has not been changed, the value of the goods, for the purposes of calculating tax, if any, on the entry of the goods when they are re-imported, is the amount of the increase in their value that is attributable to the process.

Refund of over payments of tax on imports.

14. Where a person pays tax on a taxable importation in excess of his liability under this Act, the Comptroller shall refund the amount by which the payment exceeds such liability as if the amount were an overpayment of duty.

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PART III

General Sales Tax on Taxable Supplies

Division 1

General Sales Tax and its Rules

Calculation of GST payable on taxable supplies.

15.–(1) A supply of goods or services is a "taxable supply" if the supply–

(a) is made in Belize;

(b) by a taxable person;

(c) in the course or furtherance of a business carried on by that person; and

(d) is not an exempt supply.

(2) Where a registered person ceases to carry on a business, or ceases to be registered but continues to carry on business, the person shall be deemed at that time to have made a taxable supply of goods or services on hand at that time, but only if the person was allowed an input tax credit in respect of the acquisition or importation of those goods or services, or in respect of the acquisition of goods or services which have been subsumed into those goods or services.

(3) Except where otherwise specified–

(a) the GST payable on a taxable supply shall be the amount calculated by multiplying the rate of GST applicable under section 9 by the value of the supply; and

(b) the GST payable on a supply that is partly taxable shall be the amount calculated by

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multiplying the rate of GST applicable under section 9 by the value of that part of the supply that is a taxable supply.

Commissioner to collect tax.

16. The Commissioner shall be responsible for the collection of the GST payable on taxable supplies.

Place of supply.

17.–(1) Except as otherwise provided, a supply of goods or services shall be regarded as taking place in Belize if–

(a) the supplier is a resident; or

(b) the supplier is a non-resident and–

(i) in the case of a supply of goods, the goods supplied are located in Belize at the time of the supply; or

(ii) in the case of a supply of services, the services are physically performed in Belize by any person who is in Belize at the time the services are performed.

(2) Except as provided in sub-sections (l)*(b)*, (5), and (7), a supply of goods or services shall be regarded as not taking place in Belize if the supplier is a non-resident.

(3) Where a supplier who is not resident in Belize and is not a registered person makes a supply of goods or services referred to in sub-section (l)*(b)*, (5), or (7) to a recipient who is a registered person and who acquires the goods or services exclusively for the purpose of making taxable supplies, the supply shall be deemed to take place outside Belize unless the supplier and recipient have agreed in writing that this sub-section shall not apply.

(4) Where goods that have been imported into Belize are supplied to a person before the goods are entered for use within

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Belize, the supply shall be deemed to have taken place outside Belize.

(5) Where a supply is of the lease or hire of goods, including under a charter party or agreement for chartering–

(a) if the goods are for use, or are used, wholly outside Belize, the supply shall be treated as taking place outside Belize;

(b) if the goods are for use, or are used, wholly or partly in Belize, the supply shall be treated as taking place in Belize;

(c) if the goods are used in international territory and immediately before and after that use the goods are used in Belize, the supply shall be treated as taking place in Belize.

(6) For the avoidance of doubt the location where a progressive or periodic supply, including a supply referred to in sub-section (5), is deemed to be a series of separate supplies because of section 5(3), that place each such supply takes place is determined separately.

(7) A supply of telecommunications services shall be regarded as taking place in Belize if the supplier is a non-resident and a person, physically in Belize, initiates the supply from a telecommunications supplier, whether or not the person initiates the supply on behalf of another person.

(8) For the purposes of this Act, the person who initiates a supply of telecommunications services is–

(a) the person who is identified by the supplier of the services as being–

(i) the person who controls the commencement of the supply;

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(ii) the person who pays for the services;

(iii) the person who contracts for the supply; and

(b) if more than one person satisfies paragraph *(a)*, the person who appears highest on the list in that paragraph.

(9) If a telecommunications supplier cannot apply sub-section (7) because it is impractical for the supplier to determine the physical location of a person due to the type of service or the class of customer to which the person belongs, the supplier must treat the supply of telecommunications services as taking place in Belize if the person's address for receiving invoices from the supplier is in Belize, where "address" means the physical residential or business address of the person to whom invoices are sent, but does not include a post office box number.

(10) Subject to sub-section (11), if sub-section (9), applies, the telecommunications supplier must apply that sub-section for all supplies of telecommunications services made for that type of service or class of customer.

(11) Sub-sections (7) and (9) do not apply to supplies made between telecommunications suppliers.

Time of supply.

18.–(1) Except as otherwise provided in this section, a supply of goods or services shall be treated as taking place, for the purposes of this Act, at the earlier of the time when–

(a) an invoice for the supply is issued by the supplier; or

(b) any of the consideration for the supply is received.

(2) If the supplier and recipient are related persons, or if the Commissioner is of the opinion that a supplier and recipient

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have colluded to defer the time of payment for GST by deferring the issue of an invoice or the payment of consideration, a supply of goods or services shall be treated as taking place on the earliest of the date determined under sub-section (1) or the date on which–

(a) for a supply of goods, the goods are delivered or made available; or

(b) for a supply of services, the services are performed.

(3) Sub-sections (1) and (2) apply separately for each separate part of a progressive or periodic supply that is treated as a separate supply because of section 5(3) and for the purpose of sub-section (2)–

(a) goods already delivered or made available during an earlier part of the progressive or periodic supply are considered to be delivered or made available on the first day of the period for which the supply is treated as being made; and

(b) services are considered to be performed throughout the period during which they are performed.

(4) Notwithstanding anything else in this section, where a building, structure or other works is constructed under an agreement that expressly provides for the consideration to be paid at specified stages of the construction, the supply of the goods and services involved in the construction of the building to each stage shall be regarded as taking place at the earliest of the time when–

(a) an invoice in respect of the construction of the building to that stage is given;

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(b) payment in respect of the construction of the building to that stage is made; or

(c) payment in respect of the construction of the building to that stage becomes due,

except that the proportion of the supply to which the deposit, if any, relates shall be regarded as taking place at the time the deposit is paid.

(5) The time at which an acquisition occurs is the time at which the corresponding supply occurs.

Value of supply.

19.–(1) In this section, "tax fraction", in relation to a taxable supply, means the fraction calculated in accordance with the following formula–

$$R/ (100+R)$$

where R is the rate of GST applicable to the supply as

(2) Subject to this section–

(a) the value of a taxable supply is the consideration for the supply reduced by an amount equal to that sum multiplied by the tax fraction;

(b) the value of a supply that is not a taxable supply is the consideration for the supply; and

(c) the value of a supply that is partly taxable is the consideration for the supply, minus the tax fraction of the part of the consideration that relates to the taxable part of the supply.

(3) Where the recipient of the supply stands in such a relationship as affects or could reasonably be expected to affect

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the amount of the consideration, the value of the supply is the GST-exclusive fair market value of the supply.

(4) The value of a supply by an employer to an employee is limited to the amount of the consideration in money (if any) payable by the employee for the supply, reduced by the tax fraction of that amount, if the supply is of–

(a) accommodation for a period not exceeding an aggregate of thirty days in any twelve month period; or

(b) meals.

(5) Where a registered person is deemed to make a supply of goods or services under section 15(2) because the person has ceased to carry on a business, or ceased to be registered but continues to carry on business, the value of that supply is the lesser of–

(a) the GST-exclusive fair market value of the goods or services at the time of the deemed supply; or

(b) the value of the acquisition or importation, as the case may be, of the goods or services by the registered person at the time of acquisition or importation,

Provided that, if only part of the input tax for the original acquisition or importation was allowed as a credit to the taxable person, the value determined under this sub-section is reduced by the proportion of the input tax for which a credit was not allowed.

(6) Except as provided otherwise, the value of a supply of goods or services for no consideration is nil.

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(7) The value of an unconditional gift given to an approved non-profit body is nil if anything received by the donor as a consequence of the gift is of insignificant value, such as a recognition or acknowledgement of the gift.

(8) The Regulations may specify or vary the way in which the value of a particular kind of supply is determined.

Rights, options and vouchers.

20.–(1) If a right or option is exercised, the consideration for the supply made on exercise of the right or option is limited to any additional consideration provided for the supply or in connection with the exercise of the right or option.

(2) This section applies to a supply made on redemption of a face value voucher unless–

(a) the Regulations provide otherwise; or

(b) the supply made on redemption of the voucher is a taxable supply and the supply of the voucher was not a taxable supply.

Gambling supplies.

21.–(1) In this section–

"total amounts wagered", in relation to a tax period, is the sum of–

(a) the consideration for all of the gambling supplies made by a taxable person in that tax period; and

(b) any amounts recovered by the taxable person during the tax period in respect of an amount written off in the current or a previous tax period, which was included in total monetary prizes under paragraph *(d)* of the definition of that term; and

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"total monetary prizes", in relation to a tax period and in relation to a taxable person, is the sum of the following amounts, whether or not the relevant gambling event, gambling supply, or gambling loss occurred during the tax period–

(a) the monetary prizes paid by the person during the tax period because of the outcome of gambling events;

(b) any amounts of money paid during the tax period by the person to a recipient of the person's gambling supplies because of an agreement between them requiring the person to repay a proportion of the recipient's losses from those supplies;

(c) a negative amount, if any, resulting from the calculation under sub-section (3) in the immediately preceding tax period; and

(d) an amount the person writes off as a bad debt in relation to all or part of the consideration for a gambling supply made by the person that is due as a debt to the person and has not been received.

(2) Notwithstanding section 15(3), the amount of GST payable on gambling supplies made by a taxable person shall be determined on a global basis under this section for each tax period rather than for each gambling supply.

(3) There shall be included in the output tax a person who makes gambling supplies an amount calculated according to the following formula–

Total amounts wagered - Total monetary prizes.

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(4) If the amount calculated under sub-section (3) is a negative amount in any tax period no amount is included in the output tax of the taxable person.

(5) Section 34 which deals with bad debts, does not apply in relation to a gambling supply.

(6) A payment of a kind referred to in paragraph *(b)* of the definition of "total monetary prizes" shall not be treated as consideration for a supply or acquisition.

Division 2

Registration

Suppliers required to be registered.

22.–(1) A person who on or after the appointed day meets or exceeds the registration limits set out in section 23 is required to be registered.

(2) Promoters of public entertainment and licensees and proprietors of places of public entertainment shall be registered for the purposes of this Act notwithstanding that the taxable supplies of such promoters, licensees and proprietors for the period specified in section 23(1)*(a)* or *(b)*, as the case may be, are less than the amount specified in those paragraphs.

(3) A person who is required to be registered must lodge an application for registration with the Commissioner in the approved form within one month of the day on which the person first becomes required to be registered.

(4) A person who, being required to be registered, has not applied for registration within the time required by sub-section (3) of this section is liable on summary conviction to a fine of not less than five thousand dollars and not exceeding ten thousand dollars or to imprisonment for a period not exceeding two years or to both.

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(5) Notwithstanding sub-section (4), but subject to sub-section (6), the liability of a person to pay tax assessed under section 39 shall not be affected by the fact that that person may not have been registered at the relevant time, nor by the fact that the person may have been convicted of, and punished for, the contravention concerned.

(6) For the purposes of paragraph *(b)* of the definition of a taxable person–

(a) a person is not a taxable person under that paragraph unless the timeframe under sub-section (2) for applying for registration has elapsed without the person having submitted an application for registration; and

(b) a person is not a taxable person under that paragraph if the person has submitted an application for registration but that application has not yet been dealt with by the Commissioner,

and for the purposes of both paragraphs *(a)* and *(b)*, minor defects in the form or content of an application for registration shall not cause the person to become a taxable person.

Registration limits.

23.–(1) A person meets or exceeds the registration limits for the purposes of this section where–

(a) on the last day of any month–

(i) during the period of twelve months ending on that day, the value of supplies made by the person was seventy-five thousand dollars or more; and

(ii) there are reasonable grounds for believing that the value of the person's supplies during the period of twelve

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months commencing with the first day of that month will be seventy-five thousand dollars or more; or

(b) on the last day of any month, there are reasonable grounds for believing that the value of the person's supplies during the period of twelve months commencing on the first day of the following month will be seventy-five thousand dollars or more.

(2) For the purposes of sub-section (1)–

(a) the value of supplies made by a person is treated as if it did not include–

(i) the value of a supply that would not be a taxable supply if the person were registered;

(ii) the value of a supply by way of sale of one or more capital assets of the person;

(iii) the value of a supply made solely as a consequence of the person selling the person's business or part of that business; or

(iv) the value of supplies made solely as a consequence of the person permanently ceasing to carry on its business;

(b) the Commissioner may require a person to treat the value of supplies made by that person as including the value of supplies made by a related person if he is satisfied that it is appropriate to do so due to the nature of the activities carried out by the related person, the way in which the taxable activities of the

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person and the related person are carried on, the connections between those persons or between the activities carried on by them, or any other relevant factors.

(3) Where a person has been carrying on a business for less than the period of twelve months referred to in sub-section (l)*(a)(i),* the circumstances required by that sub-paragraph are deemed to exist if, during the lesser period, the average monthly value of the person's taxable supplies was six thousand two hundred dollars or more.

(4) The amounts specified in this section may from time to time be varied by the Minister by Order published in the *Gazette* and every such Order shall be subject to negative resolution.

Meeting or exceeding registration limits.

24.–(1) The Commissioner may, by notice in writing given to a person, declare that reasonable grounds exist for believing that the value of a person's supplies will meet or exceed the registration limits in section 23(l)*(a)(ii)* or 23(1)*(b)*, and for the purposes of section 23 the giving of that notice shall constitute reasonable grounds for so believing.

(2) Where the Commissioner has given a notice to a person under sub-section (1) (referred to in this sub-section as "the former notice") he may, by further notice in writing (referred to in this sub-section as "the revocation notice") given to that person, revoke the former notice, and the declaration in the former notice shall accordingly cease to have effect from the date specified in the revocation notice.

Voluntary registration.

25. A person who is not required to apply for registration may lodge an application for registration with the Commissioner in the approved form at any time if the person is carrying on or intends to carry on a business and makes or intends to make, supplies that would be taxable if the person were registered and the Commissioner is satisfied that 80% or more of the supplies will be made to taxable persons.

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Registration.

26.–(1) If a person applies for registration and the Commissioner is satisfied that the person is required to apply for registration, the Commissioner–

(a) shall cause the person to be registered; and

(b) within 14 days of the date on which the application was received, shall notify the person of the registration by notice in writing,

and the date of effect of the registration shall be the beginning of the following month.

(2) If the Commissioner is satisfied that a person is required to apply for registration and the person has not applied for registration within the time limit given in section 22(2), the Commissioner may cause that person to be registered.

(3) If a person applies for registration and the Commissioner is satisfied that the person is not required to apply for registration, he shall cause the person to be registered if he is satisfied that–

(a) the person is making, or will make, supplies that would be taxable if the person were registered;

(b) the person has a fixed place at which the person's business is carried on;

(c) there are reasonable grounds to believe that the person will keep proper records and lodge regular and reliable GST returns; and

(d) if the person has commenced carrying on a business, the person–

(i) has kept proper records of its business; and

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(ii) complied with its obligations under other taxation laws, including laws relating to customs.

(4) If the Commissioner registers a person who is not required to apply for registration–

(a) he shall notify the person of the registration by notice in writing issued no later than one month after the day on which the person applied to be registered;

(b) the date of effect of the registration may be the date requested by the person in the application unless the Commissioner determines that a different date is appropriate having regard to the factors referred to in sub-section (3), the date on which the person commences or intends to commence carrying on business, and any other relevant factors.

(5) If the Commissioner decides not to register a person who applies for registration, he must, within one month of receiving the application, notify the person by notice in writing stating the reasons for his decision and outlining the person's rights of appeal and objection against the decision under Part III, Division 5.

Certificate of registration.

27.–(1) The Commissioner shall cause each person registered to be issued with a GST Registration Certificate and such number of certified copies of it, if any, as he requires for the purposes of sub-section (3).

(2) A certificate of registration shall bear the Taxpayer Identification Number (TIN) and shall show the date from which the registration is effective.

(3) A registered person shall cause his GST Registration Certificate, or a certified copy of it issued by the Commissioner,

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to be displayed in public view at the place from which the person carries on a business in connection with which he makes a taxable supply, or at each such place if there is more than one.

(4) A person who contravenes sub-section (3) commits an offence and is liable on summary conviction to a fine of not less than three thousand dollars and not more than five thousand dollars and an additional fine of one hundred dollars in respect of each day during which the offence has continued, or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.

(5) A person who, not being registered, displays a GST Registration Certificate, a copy of a GST Registration Certificate, or a document purporting to be a GST Registration Certificate commits an offence and is liable on summary conviction to a fine of not less than five thousand dollars and not more than ten thousand dollars or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.

(6) A registered person who requires a replacement of his GST certificate of registration, for whatever reason, including loss or other unavailability of a previously issued certificate of registration, shall apply in writing to the Commissioner therefor, which application shall be accompanied by an administrative fee of $100.00. 35 of 2017.

Notice of changes.

28.–(1) A registered person shall, within seven days of the relevant event give the Commissioner notice in writing of–

(a) any change affecting the accuracy of the particulars provided by him in his application to be registered;

(b) the business in respect of which the person is registered closing down; or

(c) any other matter of which he is required by the regulations to give the Commissioner notice.

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(2) Where a registered person–

(a) dies;

(b) becomes bankrupt;

(c) goes into liquidation or receivership; or

(d) becomes a party to an amalgamation,

the registered person or the person responsible for the affairs of the registered person shall, within twenty one days, give the Commissioner notice in writing thereof.

(3) Where the Commissioner has not been given notice as required by this section of any matter relating to a registered person, he may assess that person under this Act and otherwise exercise his powers under this Act as if the matter of which the notice was required to be given under this section had not taken place, and the registered person, or the estate of the registered person is liable accordingly.

(4) A person contravening this section commits an offence and is liable on summary conviction to a fine of not less than one thousand dollars and not more than three thousand dollars, and an additional fine of one hundred dollars in respect of each day during which the offence has continued, or to imprisonment for a term not exceeding one year, or to both such fine and imprisonment.

Cancellation of registration.

29.–(1) A registered person who is no longer required, or will not be required, by this Act to be registered may apply in writing to the Commissioner to have his registration cancelled.

(2) Whether or not a registered person has applied to have his registration cancelled, the Commissioner may cancel the registration of a person if it appears to the Commissioner that the person will not be required to be, and should not continue to be registered.

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(3) Where a registered person has applied to have his registration cancelled the Commissioner may refuse to cancel the registration on the ground that the person has, within the last two years, made supplies by reason of which he has been required to be registered, but nothing in this sub-section limits the grounds on which the Commissioner may refuse to cancel the registration of a person.

(4) Where a person who is registered under section 26 fails to commence making taxable supplies, the Commissioner may, subject to sub-sections (5), (6) and (7), cancel the registration of that person and that person shall be required to pay to the Commissioner within twenty-five days of cancellation of his registration or such further period as the Commissioner may allow, an amount equivalent to all input tax that had been refunded him during the period of his registration.

(5) Before the Commissioner cancels a registration under sub-section (4), he shall serve a notice on the registered person requiring him to show cause why he should not exercise his powers under that sub-section.

(6) Where a person served with a notice under sub-section (5) satisfies the Commissioner that that person–

(a) intends to make taxable supplies; and

(b) is taking steps to commence making those supplies,

the Commissioner shall not cancel his registration.

(7) Where a person served with a notice under sub-section (5) satisfies the Commissioner that–

(a) at the time of his registration, he intended to make taxable supplies;

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(b) he made reasonable efforts to make those supplies;

(c) he no longer intends to make those supplies; and

(d) he has reasonable grounds for his change of intention;

the Commissioner shall cancel his registration, and that person shall be required to pay an amount equivalent to all input tax refunded to him after the date of the notice or if it appears to the Commissioner that he ceased to intend to make taxable supplies on a date earlier than the date of that notice, after that earlier date.

(8) A registered person aggrieved by a cancellation under sub-section (4) may appeal to the GST Appeal Board established under section 41.

(9) The Commissioner shall give notice of the cancellation of the registration of a person personally to the person or his agent or by registered post addressed to the person and the cancellation shall not have effect before–

(a) where the notice is given personally, the day on which it was given;

(b) where the notice is given by registered post–

(i) the day on which it is received by the person; or

(*ii)* the day that is fifteen days after the day on which it was posted, whichever is the earlier.

(10) A person who, in accordance with sub-section (9) is given notice of the cancellation of his registration shall, within

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fifteen days after the cancellation has effect, return to the Commissioner his certificate of registration and any copies thereof that have been issued in accordance with section 27.

(11) A person who contravenes sub-section (10) commits an offence and is liable on summary conviction to a fine of not less than one thousand dollars and not exceeding three thousand dollars and an additional fine of one hundred dollars in respect of each day during which the offence has continued, or to imprisonment for a period not exceeding one year, or to both such fine and imprisonment.

(12) The obligations and liabilities under this Act of person in respect of anything done or omitted to be done while that person was a registered person are not affected by that person ceasing to be a registered person.

Division 3

Payment of the Tax

GST Returns.

30.–(1) A registered person shall, in respect of supplies made by him, account for and pay tax for each tax period or part thereof during which the person is registered.

(2) Every person shall, within the time required by this section, furnish to the Commissioner a GST return, in a form approved by the Commissioner and signed by the person, relating to the tax period during which he was a registered person.

(3) A GST return shall be furnished to the Commissioner at the address specified on the form–

(a) within fifteen days after the end of the tax period to which it relates; or

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(b) where the person ceases to be registered during a tax period, within fourteen days after the person ceases to be registered,

or within such further time as the Commissioner may, in writing allow.

(4) A GST return shall not be considered to be furnished until it is received at the address referred to in sub-section (3).

(5) A form approved by the Commissioner for the purposes of sub-section (2) shall include particulars of the amount of tax payable, or the refund due, in respect of the tax period concerned, the registered person's TIN, and may include such other particulars as the Commissioner sees it, which may differ according to the circumstances in which the form is to be used.

(6) The amount specified in a GST return as being the amount of tax payable, or the amount of the refund due, in respect of a tax period shall be calculated in accordance with section 31.

8 of 2019. (7) *Repealed*.

Calculation of tax payable or refund due.

31.–(1) The GST payable by, or the refund due to, a person in respect of a tax period is calculated in accordance with the following formula,

A-B

where,

A is the total output tax payable by the person in relation to supplies made by the person during the tax period, plus any additional amounts required by this Act to be included in the output tax for the period; and

B is the total input tax credits allowed to the person under section 32 in respect of that tax period, plus any additional

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amounts allowed by this Act to be included in the input tax for the period.

(2) Notwithstanding that the output tax in respect of a tax period may be less than the allowable input tax credits, or may be nil, the full amount of the allowable input tax credits is nevertheless deductible, with the effect that, in respect of that period, a refund is due.

Input tax credits.

32.–(1) If all of the supplies made by a taxable person during a tax period are taxable supplies, the person shall be allowed input tax credits for the purposes of section 31 for all of the input tax paid or payable by the person on acquisitions or importations made by the person during that period.

(2) If none of the supplies made by a taxable person during a tax period are taxable supplies, the person shall be allowed input tax credits for such proportion, if any, as the Commissioner may consider to be fair and reasonable of the input tax paid or payable by the person on acquisitions or importations made by the person during the period.

(3) If some, but not all, of the supplies made by a taxable person during a tax period are taxable supplies–

(a) the person shall be allowed input tax credits for acquisitions or importations made by the person during the period solely for the purposes of making taxable supplies, whether or not those supplies will be made during that tax period;

(b) the person shall not be allowed input tax credits for acquisitions or importations made by the person during the period solely for the purposes of supplies that are not taxable, whether or not those supplies will be made during that tax period; and

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(c) the person shall be allowed input tax credits for all other acquisitions or importations made by the person during the period according to the following formula–

A x B/C

where,

A is the total amount of input tax paid or payable for imports or acquisitions made by the person during the period, less the input tax accounted for under *(a)* and *(b)*;

B is the value of all taxable supplies made by the taxable person during the period; and

C is the value of all supplies made by the taxable person during the period, other than supplies made through a business carried on by the person outside Belize.

(4) Whether an acquisition or importation made in a tax period relates to making a particular kind of supply should be determined on the basis of the taxable person's intention at the time of the acquisition or importation, but the taxable person may take account of actual use or a change in intention that occurs before the date on which the GST return for that tax period is required to be lodged.

Limitations on input tax credits.

33.–(1) In this section–

"entertainment" means the provision of food, beverages, tobacco, amusement, recreation, or hospitality of any kind, including gambling;

"passenger vehicle" means a road or off-road vehicle designed or adapted for the transport of 9 or fewer seated passengers; and

"vehicles to be used in the agricultural sector" means tractors, towheads, forklifts, platform trucks and other similar vehicles.

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(2) Notwithstanding any other provision of this Act, no entitlement to an input tax credit shall arise for a person in relation to a taxable acquisition or import by the person to the extent that–

(a) the acquisition or import is not made in the course or furtherance and for the purposes of the person's business;

(b) the acquisition or import is of a passenger vehicle, of spare parts for such vehicle, or of repairs and maintenance services for such vehicle, unless the person's business involves

dealing in or hiring out such vehicles and the vehicle was acquired for that purpose or the vehicle is of a kind for use in the agricultural sector;

(c) the acquisition or import is used to provide entertainment, to the extent of such use, unless the person's business involves providing entertainment and the entertainment was provided in the ordinary course of that business and was not supplied to a related person or employee;

(d) the acquisition is of a membership or entry fee for any person in a club, association, or society of a sporting, social, or recreational nature; or

(e) the acquisition or import is otherwise of a private or domestic nature.

(2A) Subject to sub-section (3), input tax credit shall only be allowed for the tax period which gives rise to the input tax credit. 35 of 2017.

(3) If, at the time a taxable person submits a GST return for a tax period in which an input tax credit would otherwise be allowable for an acquisition or importation, the person does not

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hold the documentation referred to in sub-section (4), the input tax credit is not allowed in that tax period but is instead allowed in the first period in which the person holds the documentation required, provided that tax period occurs within the subsequent 6 months.

(4) The documentation required for the purposes of sub-section (3) is–

(a) in the case of a taxable acquisition, the tax invoice issued by the supplier for the supply, except where the supply was a low value supply for which the supplier was not required to issue a tax invoice;

(b) in the case of a taxable importation, a bill of entry or other document prescribed under the Customs and Excise Duties Act for the importation;

(c) in the case of an input tax credit allowed under section 37(8), because of an adjustment for an acquisition, the debit note issued by the supplier in respect of that event; or

(d) in the case of an input tax credit allowed under section 37(5), because of an adjustment for a supply, a copy of the credit note issued to the recipient of the supply in respect of that event.

Bad debts and overdue payments.

34.–(1) Where–

(a) the amount specified by a person in a GST return as being the amount of tax payable, or the amount of the refund due, has been calculated taking into account a taxable supply made by that person for consideration;

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(b) all or any of the consideration remains unpaid, despite its having become due and payable; and

(c) reasonable efforts having been made for its recovery, the debt or part of the debt has been written off as a bad debt,

the person who furnished the return may, in calculating the amount of tax payable, or the amount of refund due, that is to be specified in the return for the period in which the amount was written off or, where a period of twelve months has not then elapsed since the amount became due and payable, the first return after that period of twelve months elapses, include as an input tax credit the amount of tax included in the previous return that was attributable to the amount written off.

(2) Where an amount in respect of which a deduction has been made under sub-section (1) is wholly or partly recovered by a registered person, that person shall include as payable in his GST return for the period during which the amount is recovered the amount previously deducted or, where only part of the amount written off is recovered, such portion of the amount previously deducted as the amount recovered represents as a proportion of the amount written off.

(3) Where–

(a) the amount specified by a person in a GST return as being the amount of input tax allowable has been calculated taking into account a taxable acquisition made by that person for consideration;

(b) all or any of the consideration remains unpaid, despite its having become due and payable; and

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(c) a period of twelve months has elapsed since the amount became due and payable and the supplier has not, by notice in writing, allowed the recipient an extension of time to pay,

the person who furnished the return shall, in calculating the amount of tax payable, or the amount of refund due, in the first return after that period of twelve months elapses, include an amount of output tax equal to the amount of input tax that was allowed in the previous return in relation to the amount of consideration that remains outstanding.

(4) Where an amount in respect of which an amount of output tax has been included under sub-section (3) is wholly or partly paid by the recipient to the supplier, that person may include as an allowable input tax credit in his GST return for the period during which the amount is paid the amount previously included as output tax or, where only part of the amount outstanding is paid, such portion of the amount previously included as the amount paid represents as a proportion of the amount outstanding.

Payment or refund of tax.

35.–(1) A person who is required by section 30 to furnish a GST return in respect of a tax period shall, within the time allowed by that section for furnishing the return, pay to the Commissioner the amount of tax, if any, calculated in accordance with this Act as being payable in respect of that period.

(2) Where, in a GST return furnished to the Commissioner in accordance with section 30, a refund of any amount is specified as being due, the Commissioner shall satisfy the amount–

(a) by applying the amount, or any of it, to the payment of any outstanding GST, interest or penalty payable under this Act or as notified to the Commissioner as payable under any

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other revenue law, by the person to whom the refund is due; or

(b) by paying the amount, or any of it, to the person to whom the refund is due.

(3) Any amount of refund due that remains outstanding for more than a period of three months after–

(a) the date by which the GST return in which the refund was specified as being due, was required to be furnished to the Commissioner; or

(b) the date on which the GST return referred to in paragraph *(a)*, was furnished to the Commissioner,

whichever is the later, shall bear interest at the rate of one per cent per month or part of a month from the day after the expiration of that period until the amount outstanding is satisfied in accordance with sub-section (2).

(4) Subject to the provisions contained in Division 6 of this Part, the amount specified in a GST return as being the amount of the tax payable, or the amount of the refund due, in respect of a tax period shall be conclusively deemed, for the purposes of this Act, to be correct.

(5) Notwithstanding anything in this section, where the amount of tax calculated in accordance with this Act as being payable to the Commissioner in respect of a tax period, or the amount of any refund calculated as being due from the Commissioner to a person in respect of a tax period, is not more than five dollars, the amount calculated shall be deemed to be nil.

(6) Any amount that a person pays to the Commissioner other than in accordance with sub-section (1) may be applied by

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the Commissioner to satisfy any outstanding amount that the person is required by this Act to pay to the Commissioner and, where the amount is insufficient to satisfy all of the amounts outstanding, the priority in which it shall be applied shall be according to the length of time for which the amounts have been outstanding, those outstanding for the longest being satisfied first.

(7) Notwithstanding the foregoing provisions of this section, the Commissioner may delay the payment of refund to any person if he has reasonable grounds for so doing.

Division 4

Tax Invoices, Credit Notes, Debit Notes, other Documentation and Assessment

Tax invoices.

36.–(1) A registered person making a taxable supply to another taxable person shall, at the time of the supply, give the recipient a tax invoice in respect of the supply in accordance with sub-section (2).

(2) A tax invoice issued under sub-section (1) shall be issued in the form and manner prescribed by the Commissioner and shall include the following information unless otherwise specified by regulations–

(a) the words "tax invoice" shown conspicuously thereon;

(b) an identifying serial number and the date on which the tax invoice was given;

(c) the name, address and TIN of the supplier;

(d) the name, address and TIN of the recipient;

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(e) a description of the goods or services supplied, including the quantity of goods or the number of services supplied;

(g) the price of the supply;

(h) the rate of tax applicable to the supply and the amount of GST included in the price of the supply; and

(i) such other particulars, if any, as are required by the regulations to be included in the tax invoice.

(3) A tax invoice is not required to be issued for a taxable supply if the price of the supply is less than fifty dollars, unless requested by the recipient.

(4) A supplier shall not give more than one tax invoice in respect of the same supply but this sub-section does not prevent him from providing a copy, clearly marked to indicate that it is a copy, where the original of a tax invoice has been lost.

(5) Notwithstanding sub-section (1), a person is prohibited from issuing a tax invoice for a gambling supply.

(6) A person who contravenes the requirements of this section commits an offence and is liable on summary conviction to a fine of not less than three thousand dollars and not exceeding five thousand dollars or to imprisonment for a term not exceeding one year, or to both such fine and imprisonment.

Credit and debit notes.

37.–(1) This section applies where a registered person has given a tax invoice in respect of a taxable supply and thereafter–

(a) the supply is cancelled;

(b) the consideration for the supply is altered, whether due to a discount or otherwise;

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(c) the goods or services supplied, or any part thereof, are returned to the supplier; or

(d) the nature of a supply, whether or not it was a taxable supply, is fundamentally varied or altered.

(2) Where this section applies, the supplier shall give to the recipient a credit note or a debit note, as the case requires, to adjust the amount of GST shown on the tax invoice to the amount, if any, (referred to in this section as "the adjusted amount") that would have been so shown if–

(a) the cancellation or alteration referred to in sub-section (l) *(a)* or *(b)* had taken place before the tax invoice was given; or

(b) the goods or services returned had not been supplied, as the case requires.

(3) For the purposes of sub-section (2)–

(a) a credit note shall be given by the supplier where the amount of GST shown on the tax invoice, as affected by any previous credit or debit notes issued in respect of the supply, was more than the adjusted amount; and

(b) a debit note shall be given by the supplier where the amount of GST shown on the tax invoice, as affected by any previous credit or debit notes issued in respect of the supply, was less than the adjusted amount.

(4) A credit note or debit note required by sub-section (2) to be given shall include–

(a) the words "credit note" or "debit note", as the case requires, shown conspicuously thereon;

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(b) the name, address and TIN of the supplier;

(c) the name and address of the recipient;

(d) the date on which the credit note or debit note as the case requires is given;

(f) the amount shown on the tax invoice as being the GST payable on the supply, the adjusted amount, and the amount of the difference between them; and

(g) a brief explanation of the circumstances giving rise to the note being given.

(5) A supplier who gives a credit note under this section may, in calculating the amount of tax payable, or the amount of the refund due, for the tax period in which the credit note is given, include the amount of the adjustment as an input tax credit allowed to him during the tax period.

(6) A supplier who gives a debit note under this section shall, in calculating the amount of tax payable, or the amount of the refund due, for the tax period in which the debit note is given, include the amount of the adjustment as output tax payable by him during the tax period.

(7) A recipient who–

(a) being registered, is given a credit note under this section; and

(b) in calculating tax payable by him, has taken into account as input tax the amount that, in the tax invoice to which the note relates, was shown as being in respect of tax,

shall, in calculating the amount of tax payable, or the amount of the refund due, for the tax period in which the credit note is

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given, include the amount of the adjustment as output tax payable by him during the tax period.

(8) A recipient who–

(a) being registered, is given a debit note under this section; and

(b) in calculating tax payable by him, has taken into account as input tax the amount that, in the tax invoice to which the note relates, was shown as being in respect of tax,

may, in calculating the amount of tax payable, or the amount of the refund due, for the tax period in which the debit note is given, include the amount of the adjustment as an input tax credit allowed to him during the tax period.

(9) A supplier shall not give more than one credit note or debit note in respect of the same adjustment but this sub-section does not prevent him from providing a copy, clearly marked to indicate that it is a copy, where the original of a note has been lost.

(10) A person who contravenes this section commits an offence and is liable on summary conviction to a fine of not less than three thousand dollars and not more than five thousand dollars, or to imprisonment for a term not exceeding one year, or to both such fine and imprisonment.

8 of 2019.

38. *Repealed.*

Power to assess tax on failure to register or file a GST return, etc.

39.–(1) Where–

(a) a person fails to furnish a GST return in accordance with this Act;

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(b) person requests the Commissioner, in writing, to amend a GST return that the person has furnished under this Act;

(c) the Commissioner is not satisfied with a GST return made by any person or as to any matter on the basis of which the return is prepared; or

(d) a taxable person who is not registered makes a taxable supply,

the Commissioner may assess, in the best of his judgment, the amount of tax that should be payable by, or the refund that should be due to, that person in respect of the tax period concerned and the amount so assessed is payable in lieu of the tax that would otherwise be payable, or refund that would otherwise be due, to that person in respect of that tax period.

(2) An assessment under sub-section (l)*(d)* does not prevent the imposition of penalties under section 22 for failure to apply for registration.

(3) Where a person who makes a supply–

(a) falsely represents that GST is charged on that supply;

(b) falsely represents the amount of GST charged on that supply; or

(c) otherwise recovers or seeks to recover an amount falsely represented to be in respect of GST,

the Commissioner may assess that person as being liable to pay an amount of tax on the basis of so much of the amount that was represented to be charged as tax as appears to the Commissioner to exceed the amount, if any, payable in relation to the supply.

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(4) Where an assessment of the tax payable by a person is made or amended under this section wholly or in part as a result of an act or omission of that person that constitutes an offence against this Act, the assessment may include such additional amount by way of penalty as the Commissioner sees fit, but so that the additional amount does not exceed three times the amount of GST (other than the penalty) that is included in the assessment or amendment as a result of the act or omission that constitutes the offence.

(5) An assessment under this section may be amended or vacated by the Commissioner notwithstanding that the tax or refund as assessed may already have been paid.

(6) The liability of a person to be proceeded against or punished for an offence under this Act shall not be affected by an assessment under this section or the payment of an amount so assessed.

(7) The Commissioner shall give to the person to whom an assessment relates notice in writing of the assessment, or of the amendment or vacation of the assessment, and any amount required by the assessment or amended assessment to be paid by that person shall be paid within thirty days after the notice is given.

(8) An assessment under sub-section (l)*(a)*, *(b)*, or *(c)* shall not be made, amended, or vacated at any time after six years has elapsed since the end of the tax period to which the assessment relates.

(9) An assessment under sub-section (l)*(d)* shall not be made, amended, or vacated at any time after six years has elapsed since the end of the month in which the supply to which the assessment relates was made.

(10) Sub-sections (8) and (9) shall not apply where the Commissioner is satisfied that there are reasonable grounds for

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believing that tax has been or may have been lost through the fraud, wilful default, or gross neglect of any person.

Refund of overpayments of tax on supplies.

40. Where a person pays to the Commissioner an amount of tax in excess of his liability, the Commissioner shall refund the amount by which the payment exceeds such liability.

Division 5

Appeals against GST Assessment, Special Cases of Taxable Persons and Party Reliefs

41. *Repealed.* 8 of 2019.

42. *Repealed.* 8 of 2019.

43. *Repealed.* 8 of 2019.

44. *Repealed* 8 of 2019.

45. *Repealed.* 8 of 2019.

Branches and divisions.

46.–(1) A person carrying on business through several branches or divisions, each of which–

(a) can be separately identified by reason of the nature or location of its business activity; and

(b) maintains a separate system of accounting,

may apply in writing to the Commissioner for any such branch or division to be separately registered.

(2) The Commissioner may, on application being made therefor under sub-section (1), cause a branch or division to be separately registered, whereupon the business carried on through the branch or division shall be regarded as being carried

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on by a separate registered person and not by the person who made the application.

(3) Notwithstanding sub-section (2), the obligations and liabilities of a branch or division separately registered under this section devolve upon the person upon whose application the branch or division was separately registered, but nothing in this sub-section prevents the application of this Act to or in relation to supplies made to, or by, a branch or division separately registered as if it were a separate person.

(4) The Commissioner may, on the application of the person referred to in sub-section (3), or of his own motion cancel the separate registration of a branch or division.

Unincorporated bodies.

47.–(1) In this section–

"body" means an unincorporated body of persons and includes a partnership, a joint venture, and the trustees of a trust;

"member" means a member of a body and includes a partner, a joint venture, and a trustee;

CAP. 259.

"partnership" and "partner" have the same meanings as in the Partnerships Act.

(2) Where a body carrying on business is registered–

(a) a supply of goods or services made or received in the course of or furtherance of, the business (whether or not by a member of the body acting in his capacity as a member) shall, for the purposes of this Act, be regarded as made or received by the body and not by any member of the body; and

(b) a change in the membership of the body does not affect the continuity of body as a person

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for the purposes of this Act, nor the registration of the body.

(3) The members of a registered body are jointly and severally liable for any liability of the body and, for that purpose, a person who, in the case of a partnership or joint venture or the trustee of a trust, is a member or, in the case of, any other body, is a member involved in the management of the body does not cease to be a member of the body until the Commissioner has been notified in writing of such cessation, but the doing by one member of anything that the body is liable to do is sufficient to discharge that liability.

(4) For the purposes of this Act, any document given or served in accordance with this Act that is addressed to a body by the name in which it is registered is deemed to be given to, or served on, that body and all of its members.

Agents of Absentee principals.

48.–(1) In this section "absentee" means–

(a) any person, not being a company, for the time being out of Belize; or

(b) a company, not incorporated in Belize, that–

(i) does not have a fixed or permanent place in Belize for the carrying on of business in its own name; or

(ii) is for the time being declared by the Commissioner, by notice given to the company, to be an absentee for the purposes of this section.

(2) A person who, in Belize, carries on a business, or makes a supply or acquisition of goods or services on behalf of, a principal who is an absentee may perform the functions under this Act of the principal.

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(3) In the absence of the appointment of a person in accordance with sub-section (2), the Commissioner may deem a person who carries on business, or makes a supply or acquisition of goods or services on behalf of, a principal who is an absentee to be the agent for the purposes of compliance and accountability.

Certain imports exempt.

49. Where a person imports–

(a) component parts, accessories, and navigational instruments for installation in aeroplanes and ships used in international commercial services;

(b) goods exported, other than for the purposes of repair, renovation or improvement, and subsequently re-imported,

the tax shall not be charged under this Act on the entry of the goods so imported.

Reliefs of Diplomats and other.

50.–(1) Where goods or services are supplied or rendered to a diplomatic mission, consulate, or an international or regional organization or agency, or to a member of the diplomatic or consular service or a member of his family forming part of his household, such mission, consulate, organization, agency, or member of the diplomatic or consular service may apply to the Commissioner for a refund of the money paid on the supply of goods or services in accordance with sub-section (2).

(2) An application made under sub-section (1) shall be made in writing on such form as the Commissioner approves and shall be accompanied by tax invoice and such other documents as the Commissioner may require.

(3) Notwithstanding sub-section (1), the Minister may by Order publish from time to time a list of the missions, consulates, organizations, agencies, and persons who are

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entitled to a refund and the categories of supplies in respect of which the tax is refundable.

PART VI

Appointment, Powers, Functions, etc., of the Officers of the Department of General Sales Tax

51. *Repealed.* 8 of 2019.

52. *Repealed.* 8 of 2019.

53. *Repealed*. 8 of 2019.

54. *Repealed.* 8 of 2019.

55. *Repealed.* 8 of 2019.

56. *Repealed*. 8 of 2019.

Security for Commissioner.

57.–(1) The Commissioner may, in any circumstances in which he considers it appropriate security for the protection of the revenue to do so, require a person to give to the Commissioner such security as he considers appropriate.

(2) For the purposes of sub-section (1), the Commissioner shall, by regulation made under this Act, prescribe the circumstances in which a person may be required to give a security.

Interest and penalty. CAP. 51. 8 of 2019.

58.–(1) Where any amount that a person is required to pay to the Commissioner is not paid by the due date, the amount outstanding shall bear a penalty of ten per cent and in addition there shall be levied interest at the rate specified in section 59 of the Tax Administration and Procedure Act.

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(2) The Commissioner may, where he is satisfied that the circumstances of the case justify the reduction or waiver of a penalty arising under sub-section (1), reduce or waive the penalty accordingly.

(3) In this section "due date" is the date specified in section 30(3) as the date when the GST return for the period in question should be filed, save that where tax is assessed under section 39(l)*(a)* or (3), the due date is twenty-one days after the end of the tax period to which the assessment relates or in which the supply to which the assessment relates was made.

CAP. 51.
8 of 2019.

(4) The provisions of the Tax Administration and Procedure Act relating to the collection and recovery of tax shall apply to the collection and recovery of the amount of penalty and interest referred to in sub-section (1).

8 of 2019.

59. *Repealed.*

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PART VII

Recovery of Due General Sales Tax

8 of 2019.

60. *Repealed.*

8 of 2019.

61. *Repealed.*

8 of 2019.

62. *Repealed.*

8 of 2019.

63. *Repealed.*

8 of 2019.

64. *Repealed.*

8 of 2019.

65. *Repealed.*

8 of 2019.

66. *Repealed.*

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67. *Repealed.* 8 of 2019.

68. *Repealed.* 8 of 2019.

69. *Repealed.* 8 of 2019.

70. *Repealed.* 8 of 2019.

71. *Repealed.* 8 of 2019.

72. *Repealed.* 8 of 2019.

73. *Repealed.* 8 of 2019.

74. *Repealed.* 8 of 2019.

75. *Repealed.* 8 of 2019.

76. *Repealed.* 8 of 2019.

77. *Repealed.* 8 of 2019.

78. *Repealed.* 8 of 2019.

79. *Repealed.* 8 of 2019.

80. *Repealed.* 8 of 2019.

81. *Repealed.* 8 of 2019.

Limitation of legal proceedings under this Act.

82.–(1) Any prosecution instituted against any person for the commission of any offence against this Act shall be commenced within six years from the time of the offence committed and not afterwards.

(2) Any legal proceedings for the recovery of tax under this Act shall be commenced within six years from the date on which the cause of action accrued.

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83. *Repealed.*

8 of 2019.

8 of 2019. **84.** *Repealed.*

Recovery of taxes in certain cases.

85.–(1) If in any particular case the Commissioner has reason to believe that a person who has been assessed to tax may leave Belize before the tax becomes payable under this Act without having paid such tax, he may by notice in writing to such person demand payment of the tax within the time to be limit specified in the notice.

8 of 2019.

(2) Such tax shall thereupon be payable at the expiration of the time so specified and shall in default of payment, unless security for payment thereof be given to the satisfaction of the Commissioner, be recoverable forthwith and the person in default of payment shall be considered as in default under section 53 of the Tax Administration and Procedure Act.

CAP. 51.

(3) If in any particular case the Commissioner has reason to believe that tax may not be recovered, he may at any time and as the case requires, may–

(a) forthwith by notice in writing require any person to make a GST return and to furnish particulars of any such liability within the time to be specified in such notice;

(b) make an assessment upon such person on the amount mentioned in the GST return, or if default is made in making such return or the Commissioner is dissatisfied with such return, in such amount as the Commissioner may consider reasonable;

(c) by notice in writing to the person assessed require that security for the payment of the tax assessed be forthwith given to his satisfaction.

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(4) If in any particular case the Commissioner has reason to believe that the tax may become payable by any person, and may not be recovered, he may at any time–

(a) by notice in writing to the person by whom the tax would be payable determine a period for which tax shall be charged and require such person to render within the time specified therein returns and particulars of such tax liability for that period;

(b) make an assessment upon such person in the amount mentioned in the GST return or, if default is made in making a return or the Commissioner is dissatisfied with such return, in such amount as the Commissioner may consider reasonable, and such assessment shall be made at the rate of tax imposed.

(5) Notice of assessment made in accordance with sub-sections (3) and (4) shall be given to the person assessed, and any tax so assessed in accordance with those sub-sections shall be payable on demand made in writing under the hand of the Commissioner and shall in default of payment, unless security for the payment thereof be given to the satisfaction of the Commissioner, be recoverable forthwith and the person in default of payment shall be considered as in default under section 53 of the Tax Administration and Procedure Act. 8 of 2019. CAP. 51.

(6) Any person who has paid the tax in accordance with a demand made by the Commissioner, or who has given security for such payment under sub-sections (3) and (4), shall have the rights of review, objection, and appeal conferred by the Tax Administration and Procedure Act, and the amount paid by him shall be adjusted in accordance with the result of any such review, objection or appeal. 8 of 2019. CAP. 51.

(7) Sub-sections (3) and (4) shall not affect the powers conferred upon the Commissioner by section 39.

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General offences.

86. A person who–

(a) without lawful excuse fails to comply with a requirement made under this Act; or

(b) knowingly provides any information required by or under this Act that is false or misleading in any material particular,

commits an offence and unless a higher penalty is specifically prescribed, is liable on summary conviction to a fine of not less than five thousand dollars and not exceeding ten thousand dollars or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

Power of Commissioner to temporarily close business premises.

35 of 2017.

S.I. 59 of 2006.

86A.–(1) The Commissioner may apply to the court for an order to temporarily close any business premises for a period up to thirty days if, as at the date of the application, the owner of that business has been in repeated violation of any of the following provisions, in the manner specified, namely–

(a) regulation 14 of the General Sales Tax Regulations, by not issuing a tax receipt;

(b) regulation 28 of the General Sales Tax Regulation, by not having a programmable cash register;

(c) section 29, by improperly claiming tax refunds;

(d) section 30, by failing to file returns;

(e) section 35, by failing to pay tax when due;

(f) section 36, in relation to tax invoices;

(g) section 37, in relation to debit notes of credit notes; or

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(h) section 55, by obstructing authorized persons.

(2) For the purpose of sub-section (1), in pursuance of the order of the court, the Commissioner may, with the assistance of authorized persons and such police assistance as is necessary, and using such force as may be reasonably necessary, enter upon and close all or any premises of the person and may bar access to the premises with locks, fencing, boarding or other appropriate methods.

(3) In sub-section (1), a repeated violation is a violation that is committed within one year after receipt by the person of a written warning from the Commissioner stating that–

(a) a violation of the kind has been committed by the person more than once within the period of one year preceding the date of the warning; and

(b) a repetition of the violation may result in closure under this section.

Additional liability for offence by body corporate.

87. Where a person by whom an offence against this Act is committed, is a body corporate, every director or other officer concerned in any capacity in the management of the body corporate is guilty of the like offence unless he adduces evidence to the fact that the offence was committed without his knowledge or consent and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

Recovery of several sums in one complaint etc.

88. All or any of the sums due in respect of tax from any person and payable to the Commissioner (being sums which are by law sums enforceable as a civil debt) may, whether or not they are due under one assessment, be included in the same complaint, summons, order, warrant, or other document required by law to be laid before a Magistrate or to be issued by a Magistrate, and every document as aforesaid shall as respects

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such sum be construed as a separate document and its invalidity as respects any one such sum shall not affect its validity as respects any other such sum.

Execution of warrants.

89. Warrants shall be executed by the respective persons to whom they are directed in any part of Belize.

PART VIII

Miscellaneous

GST- inclusive pricing.

90.–(1) The consideration (referred to herein as "the price") displayed or quoted for a supply must be GST-inclusive but the supplier shall, if so requested by the recipient of the supply, provide the recipient with a breakdown of the price in which the value of the supply and the GST payable thereon are stated separately in addition to the total price.

(2) Despite sub-section (1), a taxable person who quotes an amount for a taxable supply to be made to a recipient who is a taxable person shall, if the recipient so requests, quote on the basis of the GST exclusive value of the supply, provided that the quote states also that GST is payable on the supply and states either the rate of GST or the amount of GST that will be payable.

(3) A person who is not registered for GST may not state that a price quoted or displayed includes GST.

(4) Where a taxable person who makes a taxable supply is not registered at the time the supply is made, the person may not either at that time or at a later time, recover from the recipient of the supply an additional amount stated to be in respect of the person's GST liability.

(5) A person who contravenes the requirements of this section commits an offence and is liable on summary conviction to a fine of not less than five thousand dollars and not exceeding

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ten thousand dollars, or to imprisonment for a term not exceeding two years or to both.

Currency.

91.–(1) An amount taken into account under this Act must be expressed in the currency of Belize.

(2) Where an amount is expressed or paid in a currency other than the currency of Belize–

(a) if the amount relates to an import of goods, it must be converted to the currency of Belize at the selling rate for sight drafts as last declared by order of the Comptroller of Customs and published in the *Gazette* before the time when the goods are entered; and

(b) if no such provisions apply, and in any other case, the amount must be converted to the currency of Belize at the Central Bank of Belize mid-exchange rate applying between the foreign currency and the currency of Belize on the date the amount is taken into account for the purposes of this Act.

Effect of changes in tax on existing contracts.

92.–(1) For the purposes of this section the expression "alteration in the law" means the coming into force of this Act or of any amendment to this Act by which–

(a) a supply of goods or services is charged with, or ceases to be charged with, tax; or

(b) the rate of tax in respect of the supply of goods or services is increased or reduced.

(2) Where an alteration in the law is made and a supplier has, at any time, entered into a contract with a recipient in respect of the supply of goods or services, then, unless–

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(a) express provision for the exclusion of any such alteration in the law is contained in the contract; or

(b) the alteration in the law has been taken into account in entering into the contract, every such contract shall be deemed to be modified so that;

(c) where the alteration in the law renders the supply liable to be charged with tax, or an increased amount of tax, the supplier may add to the amount agreed to be paid to him by the recipient the amount of that tax, or increase in tax, as the case may be;

(d) where the alteration in the law renders the supply no longer liable to be charged with tax, or liable to be charged with a reduced amount of tax, the supplier or the recipient may deduct from the amount agreed to be paid under the contract the amount of that tax, or reduction in tax, as the case may be.

Certain persons required to register two months before appointed day.

93.–(1) Where–

(a) during the period of twelve months ending immediately before the day that is three months before the appointed day a person made taxable register two supplies the value of which was more than seventy-five thousand dollars; or months before;

(b) the average monthly value of the taxable supplies of a person who has been in business, for a period ending immediately before the day that is three months before the appointed day that is less than twelve months was more than six thousand two hundred dollars; or

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(c) there are reasonable grounds for believing that the value of the taxable supplies of a person during the period of twelve months commencing on the day that is three months before the appointed day will be more than seventy-five thousand dollars;

the person commits an offence if, by the day that is two months before the appointed day, he has not applied in accordance with this Act to be registered.

(2) A person who commits an offence against sub-section (1) is liable on summary conviction to a fine of not less than five thousand dollars and not exceeding ten thousand dollars, or to imprisonment for a term not exceeding one year or to both.

Invoices given and payments made on or before appointed day.

94.–(1) Notwithstanding section 18, where on or before the appointed day, an invoice is given or payment is made for a supply of goods or services, tax shall be payable on such supply only to the extent that any part of the supply as is made after the appointed day.

(2) For the purposes of this section, the time of a supply of goods or services referred to in sub-section (1) shall be the time when the goods are made available or the services are rendered, and where the supply is a progressive or periodic supply, section 18(3), shall apply for the purposes of sub-section (1).

Schedules.

95. The Minister may, from time to time, by Order published in the *Gazette*, amend any of the Schedules to this Act and every such Order shall be subject to negative resolution.

Regulations.

96.–(1) The Minister may make regulations for the better carrying out of the provisions of this Act or for prescribing anything that needs to be prescribed.

(2) Without prejudice to the generality of sub-section (1), such regulations may provide for–

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(a) the collection of output tax in respect of taxable supplies made by retailers;

(b) requiring registered persons to indicate in a conspicuous place that the price as shown on goods is inclusive of the tax;

(c) refunding to the registered persons the GST paid on capital purchases made in the course or furtherance and for the purposes of any business;

(d) prescribing the duties and functions of officers and other persons appointed or employed under this Act;

(e) prescribing the form of returns to be made, the particulars to be set forth therein, the persons by whom and the time when or within which such returns are to be made, and the forms of the assessments, notices, and other documents referred to in this Act or necessary in order to give effect thereto;

(f) providing, where there is no provision in this Act or no sufficient provision in respect of any matter or thing necessary to give effect to this Act, in what manner and form the deficiency shall be supplied;

(g) refunding to tourists and visitors the tax paid on gifts and souvenirs the value of which is in excess of five hundred dollars;

(h) providing for such matters as are contemplated by or necessary for giving full effect to the provisions of this Act and for the due administration thereof;

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(i) providing for the recording by the Department of the invoices to be issued by the registered agents.

(3) All regulations made by the Minister under this section, shall be subject to negative resolution.

Resolution of conflict. CAP. 278. CAP. 280. CAP. 54.

97. The provisions of this Act shall apply notwithstanding anything to the contrary contained in the Free Zones Act, the Designated Processing Areas Act, or the Fiscal Incentives Act.

Repeal of Sales Tax Act.

98.–(1) The Sales Tax Act, Revised Edition 2000, is hereby repealed.

(2) Notwithstanding such repeal, any tax due or liability incurred under that Act may be collected or enforced as if the said Act had not been repealed.

Repeal of Entertainment Tax Act. CAP. 51.

99.–(1) The Entertainment Tax Act is hereby repealed.

(2) Notwithstanding such repeal, any tax due or liability incurred under that Act may be collected or enforced as if the said Act had not been repealed.

Amendment of Stamp Duties Act. CAP. 64.

100.–(1) Section 62 of the Stamp Duties Act is hereby repealed.

(2) Notwithstanding such repeal, any duty due or liability incurred under that section may be collected or enforced as if the said section had not been repealed.

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SCHEDULE I

GENERAL SALES TAX ACT

Zero-Rated: Exported Goods

(sections 2 and 9)

1. The following taxable supplies of goods are zero-rated supplies for the purposes of this Act.

CAP. 48. (1) Supply of goods, if the supplier has entered the goods for export under the Customs and Excise Duties Act and the goods have been exported.

(2) A supply of goods, if the Commissioner is satisfied that the goods have been exported from Belize by the supplier.

(3) A supply of goods, if–

(a) the goods are supplied in Belize to a non-resident recipient who is not a taxable person, or to the agent of that recipient;

CAP. 48. *(b)* the supplier has sufficient documentary evidence to establish that the recipient or agent entered the goods for export under the Customs and Excise Duties Act; and

(c) the goods were exported without being altered or used in any way between the time they were delivered or made available to the recipient and the time they were exported, except to the extent, if any, necessary to prepare them for export.

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CAP. 278.
CAP. 280

(4) A supply of goods to a commercial free zone under the Free Zones Act or to an export processing zone under the Export Processing Zone Act.

(5) A supply of aircraft's stores or ship's stores, or of spare parts for an aircraft or ship, if the stores or parts are for use, consumption, or sale on the aircraft or ship during a international flight or voyage.

(6) A supply of goods in the course of repairing, maintaining, cleaning, renovating, modifying, treating, or otherwise physically affecting other goods referred to paragraph 1(3), (4) or (5) of Schedule II, if the goods supplied are–

(a) attached to or become part of those other goods; or

(b) become unusable or worthless as a direct result of being used to repair, renovate, modify or treat the other goods.

(7) A supply of goods if the goods are located outside Belize at the time of supply and will not be imported into Belize by the supplier.

(8) A supply of real property located outside Belize.

2. A supply of goods is not zero-rated under paragraph 1 if the goods have been or will be reimported into Belize by the supplier.

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SCHEDULE II[1]

GENERAL SALES TAX ACT

Zero-Rated: Exported Services

[sections 2 and 91]

1. The following taxable supplies are zero-rated supplies for the purposes of this Act

Services Connected with Exported Goods

(1) A supply of services directly in connection with land, or improvements to land, situated outside Belize.

(2) A supply of services directly in connection with goods situated outside Belize at the time the services are performed.

(3) A supply of services directly in connection with goods temporarily imported into Belize under the special regime for temporary imports specified in the Customs and Excise Duties Act, but only to the extent that the services are consumed outside Belize.

CAP. 48.

(4) A supply of services directly in connection with a container temporarily imported under the special regime for temporary imports specified in the Customs & Excise Duties Act.

(5) A supply of the services of repairing, maintaining, cleaning, renovating, modifying, or treating an aircraft or ship engaged in international transport.

(6) A supply of services that–

[1] This Schedule was amended by Statutory Instrument No. 20 of 2018 and Statutory Instrument No. 84 of 2018.

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(a) consist of the handling, pilotage, salvage, or towage of a ship or aircraft engaged in international transport; or

(b) are provided directly in connection with the operation or management of a ship or aircraft engaged in international transport.

(6A) For the purposes of item (6), the words "operation or management of a ship" shall not include tours contractually supplied by tour operators to cruise line operators. S.I. 84 of 2018.

(7) A supply of services directly in connection with a supply referred to in paragraph 1 (1), (2), (5), or (6) in Schedule I, or sub-paragraphs (5) or (6) of this paragraph, including a supply that consists of arranging for, or is ancillary or incidental to, such supply. Schedule I.

(8) A supply of services to a non-resident who is not a taxable person, if the supply is directly in connection with a supply referred to in paragraph 1(3) of Schedule I, or sub-paragraphs (1), (2), or (3) of this paragraph, including a supply that consists of arranging for, or is ancillary or incidental to, such supply. Schedule I.

Services Consumed Outside Belize

(9) A supply of services that are physically performed outside Belize, if the services are of a kind that are effectively used or enjoyed at the time and place where they are performed.

(10) A supply of services to a non-resident person who is outside Belize at the time the services are supplied, other than a supply of services–

(a) directly in connection with land, or improvements to land, situated in Belize;

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(b) directly in connection with goods situated in Belize at the time the services are performed;

(c) that consist of refraining from or tolerating an activity, a situation, or the doing of an act in Belize, if the restraint or toleration is effectively used or enjoyed in Belize.

(11) A supply of services that consist of–

(a) the filing, prosecution, granting, maintenance, transfer, assignment, licensing, or enforcement of intellectual property rights for use outside Belize;

(b) incidental services necessary for the supply of services referred to in sub-sub-paragraph *(a)* above; or

(c) the acceptance by a person of an obligation to refrain from pursuing or exercising, in whole or part, intellectual property rights for use outside Belize.

(12) A supply of telecommunications services by a resident telecommunications supplier to a non-resident telecommunications supplier, to the extent that the supply is for the use or consumption of a person outside Belize at the time the services are performed.

(13) A supply of services is not zero-rated under sub-paragraphs (10) or (12), if the supply is a supply of a right or option to receive a supply of goods or services in Belize, unless the supply to be received would be zero-rated if it were made in Belize.

(14) Without limiting sub-paragraph 13, a supply of services is not zero-rated under sub-paragraphs (10) or (12), if the services are supplied under an agreement that is entered into,

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whether directly or indirectly, with a person who is a non-resident, if,

(a) the performance of the services is, or it is reasonably foreseeable at the time the agreement is entered into that the performance of the services will be, received in Belize by another person, and

(b) it is reasonably foreseeable, at the time the agreement is entered into, that the other person will not be a taxable person when it receives the performance of the services,

and for the avoidance of doubt, if the supply is a supply of a right or option to receive services, the performance of the services referred to in this paragraph is the performance of the services to be received, rather than the granting of the right or option.

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SCHEDULE III[2]

GENERAL SALES TAX ACT

Zero-Rated: Other Supplies and Imports

[sections 2 and 9]

1. In this Schedule–

"processed", in relation to food, means that the food has been subjected to either cooking, boiling, baking, seasoning, mixing or complemented with other foods, preservatives, extracting, extruding, fermentation, canning or a combination of one or more of the above mentioned processes or other treatments that transform the food from its natural state to a new product.

"unprocessed", in relation to food, means that the food contains no additives, other than vitamins or minerals, and has not been subjected to a process or treatment other than pasteurizing, freezing, chilling or packaging, a mechanical process, or a process that solely employs the elements of weather;

2. Subject to the regulations, a taxable supply or taxable import is zero-rated for the purposes of this Act if it is a supply or import of one of the following items–

FOOD FOR HUMAN CONSUMPTION

(1) Food for human consumption if the food is of a kind itemized in the following table:

[2]This Schedule was substituted by Statutory Instrument 38 of 2010 and amended by Statutory Instrument No. 74 of 2012, Statutory Instrument No. 49 of 2014, Statutory Instrument No. 66 of 2017 and Statutory Instrument No. 20 of 2018.

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ITEM	Description	
	Unprocessed Foods:	
(1)	Rice	
(2)	Flour	
(3)	Corn	
(4)	Fresh Meat from any mammal, bird, or fish (Locally produced)	S.I. 66 of 2017.
(5)	Edible Offal of bovine animals, swine and sheep	
(6)	Eggs	
(7)	Beans	
(8)	Fresh Fruits and Vegetables (locally produced)	
(9)	Salt	
(10)	Fresh Milk (Locally produced)	S.I. 86 of 2006.
(11)	Tea	S.I. 77 of 2008.
	Processed Foods:	
(1)	Bread, Corn and Flour tortilla and locally produced sweet bread and bun	
(2)	Cooking Lard	
(3)	Margarine	
(4)	Baby Formula	
(5)	Sugar	
(6)	Condensed Milk	S.I. 86 of 06.
(7)	Powdered Milk	S.I. 77 of 08.
(8)	Cooking Oil	
(9)	Instant Coffee	
(10)	Chicken Sausages (canned)	
(11)	Corned Beef (in cans)	
(12)	Yeast	
(13)	Oats	
(14)	Luncheon Meat	
(15)	Potted Meat	
(16)	Chocolate Powdered Drinks	
(17)	Macaroni and Cheese	

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(18) Cereals
(19) Percolated coffee
(20) Edible meats of swine animals salted or in brine
(21) Edible meats of bovine animals salted or in brine
(22) Soups and broth in solid or powdered form (including Ramen)
(23) Preparations of malt extract

2. Any live bird, fish, crustacean, mollusc or other animal of a kind generally used as, or producing, food for human consumption.

II. SUPPLIES CONNECTED WITH AGRICULTURE, LIVESTOCK BIRDS AND FISH, CRUSTACEAN, MOLLUSC AND OTHER

1. Hatching eggs.

S.I. 60 of 2006.

2. Animal feeding stuff suitable for any live bird, fish, crustacean, mollusc, or other animal of a kind generally used as, or producing, food for human consumption or of any draught animal.

3. Concentrated feed for bovine animals and swine.

S.I. 60 of 2006.

4. Seeds and other means of propagation of plants and plants that are used for providing either food listed in item 1 of this Schedule or a feeding stuff referred to in item III 1 above.

5. Preparations formulated for agricultural use, namely fertilizers, pesticides, fungicides and herbicides.

6. Land preparation for agriculture, harvesting and crop dusting services.

7. Barbed wire.

8. Irrigation pipes and hoses.

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9. Spare parts for tractors.

10. Cables for Banana Industry.

11. Sugar Cane Loading Machines.

III. UTILITIES

1. A supply of water (other than water supplied in bottles or similar containers) or domestic sewerage services.

IV. MEDICINES AND MEDICAL SUPPLIES FOR HUMAN USE

1. Analgesics in the form of liquids, tablets, capsules, or other solid dosage forms for oral or rectal use. S.I. 77 of 2008.

2. Cough and cold preparations in the form of liquid, tablets, capsules or other solid dosage forms for oral or nasal use.

3. Diagnostic-testing kits and devices for testing glucose in blood and urine.

4. Insulin and insulin syringes with needles and devices of a type not exceeding 100 units (1.0 ML) capacity, for the administration of U-100 insulin.

5. Oral rehydration preparations in the form of salts and solutions of W.H.O./Paramacopoeia standards.

6. Dialysis fluids.

7. Oxygen.

8. Anti-Retroviral Medicines.

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V. ITEMS FOR HOUSEHOLD USE

1. Laundry Washing Soap Powder.

VI. HOUSEHOLD APPLIANCES

1. Stoves and Ranges/Cookers.

2. Refrigerators for Domestic Use.

3. Washing Machines for Domestic Use.

VII ITEMS AND SUPPLIES FOR USE IN EDUCATION

1. Notebooks.

2. Pencils, crayons, lead pencils, erasers, pencil holders for use in schools.

3. School bags.

VIII OTHER

1. Frames for Eye Glasses

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SCHEDULE IV[3]

GENERAL SALES TAX ACT

Exempt Supplies

[sections 2 and 15]

(1) In this Schedule–

"residential premises" means a building occupied or capable of being occupied as a residence, but not including hotel or holiday accommodation.

(2) The following supplies are exempt for the purposes of this Act–

FINANCIAL SERVICES AND OTHER INTERMEDIATION SERVICES

1. A supply of the following "financial services", except where provided in return for an explicit fee of charge–

(a) granting, negotiating, and dealing with loans, credit, credit guarantees, and security for money, including management of loans, credit, or credit guarantees by the grantor;

(b) transactions concerning money, deposit and current accounts, payments, transfers, debts, cheques, or negotiable instruments, other than debt collection and factoring;

[3]This Schedule was substituted by Statutory Instrument 38 of 2010 and amended by Act No. 31 of 2017, Statutory Instrument No. 49 of 2014, Statutory Instrument No. 20 of 2018 and Statutory Instrument No. 84 of 2018.

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(c) transactions relating to financial derivatives, forward contracts, options to acquire financial instruments, and similar arrangements;

(d) transactions relating to shares, stocks, bonds, and other securities, other than custody services;

(e) management of investment funds;

(f) provision, or transfer of ownership, of an insurance contract or the provision of reinsurance in respect of such contract;

(g) provision, or transfer of ownership, of an interest in a scheme whereby provision is made for the payment of granting of benefits by a benefit fund, provident fund, pension fund, retirement annuity fund or preservation fund;

(h) a supply of credit under a finance lease, if the credit for the goods is provided for a separate charge and the charge is disclosed to the recipient of the goods; or

(i) the arranging of any of the services in paragraphs *(a)* to *(h)*.

S.I. 92 of 2007.

2. A gambling supply.

RESIDENTIAL PROPERTY

S.I. 20 of 2018.

3. A sale of real property to the extent that the property relates to residential premises.

4. A supply of residential accommodation.

EDUCATION

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5. A supply of goods or services by an Educational Institution within the meaning of the Education Act in the course of providing training or education to an individual, if that Institution,

(i) in the case of a private school, is registered under that Act; and

(ii) in any other case, is approved for the purposes of this item by the Minister to whom responsibility for education is assigned.

6. A sale, lease, licence or other supply of the use of land, or a supply of goods and services in connection with the construction of buildings or other facilities on land, if,

(i) the supply is provided to an Education Institution within the meaning of the Education Act; and

(ii) the Minister responsible for Education has issued a notice in writing stating that he is satisfied that the land, buildings, or facilities will be used in providing supplies that are exempt under item 5 and the supplier holds an original or certified copy of that notice.

7. Textbooks, school work books, or other educational texts in question-and-answer format with spaces for insertion of answers, children's picture or painting books, other books instalments thereof, or other books. Music printed or in manuscript whether or not bound or illustrated, maps and charts in book form.

8. Equipment or furniture for the use of an Educational Institution within the meaning of the Education Act, provided that the supplier holds a Statutory Declaration from the

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Institution stating that the goods will be used only in the course of providing goods or services that are exempt under items 5, 6 and 7.

MEDICAL SUPPLIES

9. Medical, dental, hospital, optical and paramedical services, other than veterinary services and cosmetic surgery.

ACCOMMODATION SERVICES

10. The supply of accommodation in a hotel, inn, guesthouse, boarding house, lodging house or any other similar establishment.

UTILITIES AND PUBLIC TRANSPORT

11. A supply of electricity to consumers in any particular month whose value of such supply does not exceed $100.

12. A supply of Public Postal services.

13. A supply of the domestic public transport of passengers on any regular scheduled flight, vehicle, or vessel if,

(a) the transport is for use by any person who pays the required fare and is not provided to a particular class of person, such as, without limitation, and employee of the supplier or a guest at a hotel or similar establishment;

S.I. 84 of 2018.

(b) the supply is not provided by a tour operator or as part of a tour or tours contractually supplied by tour operators to cruise line operators; and

(c) the supplier,

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(i) in relation to transport supplied on a domestic flight, is licensed by the Air Transport Licensing Authority;

(ii) in relation to transport supplied in a vehicle, has been issued with a Road Service Permit by the Transport Board established under section 4 of the Motor Vehicles and Road Traffic Act; or CAP. 230.

(iii) in relation to transport supplied in a vessel, is licensed under the Harbour and Merchant Shipping Act. CAP. 234.

14. A lease of aircrafts and maintenance facilities for the upkeep of aircrafts, together with aircraft parts and equipment used for such upkeep, and the provision of operating facilities and terminals in connection with the supply of public air transport S.I. 92 of 2007.

15. Air Cargo Operations.

15A. Butane Gas for domestic use. S.I. 20 of 2018.

EXPORTED SERVICES

16. A supply of the international transport of passengers or goods not including tours contractually supplied by tour operators to cruise line operators. S.I. 123 of 2007. S.I. 84 of 2018.

16A. A supply of Business Processing Outsourcing ("BPO") or Call Centre Services. S.I. 20 of 2018.

CERTAIN SUPPLIES PROVIDED TO DIPLOMATIC MISSIONS, etc.

17. The following supplies provided to diplomatic missions accredited to Belize, or international and regional organizations– S. I. 10 of 2010.

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(a) a supply of security guard services;

(b) a supply of rented office or business accommodation;

(c) a supply of housing repair and maintenance services.

GOODS AND SERVICES SUPPLIED TO THE GOVERNMENT OF BELIZE

18. The following goods and services supplied to or procured by the Government of Belize shall be exempt for the purposes of this Act–

(a) all importations by the Government of Belize; and

S.I. 20 of 2018.

(b) all goods and services supplied to the Government of Belize locally under a written contract between the Government of Belize and any foreign donor agency.

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SCHEDULE V[4]

GENERAL SALES TAX ACT

Exempted Imports

(Section 2)

The following imports of goods are exempt;

1. An import of goods if the supply of those goods by the importer will be exempt under items 5 to 15 in paragraph (2) of Schedule IV. Schedule IV.

2. An import of goods is exempt if it is exempt from customs duty under Item 3(A), 3(B), 3(C), 3(D), 3(E), or 3(F) in the List of Conditional Exemptions in Schedule I to the Customs and Excise Tax Act. CAP. 48.

[4]This Schedule was amended by Statutory Instrument 86 of 2006.

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