

GOVERNMENT OF ZAMBIA

ACT

No. 15 of 2018

Date of Assent: 23rd December, 2018

An Act to amend the Value Added Tax Act.

[26th December, 2018

ENACTED by the Parliament of Zambia.

Enactment

1. (1) This Act may be cited as the Value Added Tax (Amendment) Act, 2018, and shall be read as one with the Value Added Tax Act, in this Act referred to as the principal Act.

Short title
and
Commence-
ment

(2) This Act shall come into operation on 1st January, 2019.

Cap. 331

2. Section 2 of the principal Act is amended by the—

Amendment
of section 2

(a) deletion of the definition of “fiscal cash register”; and

(b) insertion of the following definitions in the appropriate places:

“electronic fiscal device” means an electronic device, approved by the Commissioner-General, which has a fiscal memory capable of generating and storing fiscal information and has the capacity to generate or record tax invoices and other reports and is capable of transmitting invoice data in real time to the tax invoice management system of the Authority, and includes a fiscalised electronic register, an electronic fiscal printer and an electronic signature device;

“electronic fiscal printer” means an electronic device, approved by the Commissioner-General, which is capable of being connected to a point of sale device to enable it to capture information for tax purposes and printing invoices or other fiscal information and allow the transmission of the transaction data to the Authority;

“electronic signature device” means an electronic device, approved by the Commissioner-General, which assigns a unique electronic signature and invoice number to a transaction issued by a point of sale or related system and is capable of transmitting the transactions to the Authority in real time;

“fiscal memory” means a programmable read-only memory permanently built into a fiscalised electronic register or device to store tax information at the time of sale and is only accessed by the Authority or an authorised person; and

“fiscalised electronic register” means an electronic device, approved by the Commissioner-General, which has a fiscal memory to record and calculate transactions for purposes of tax at a point of sale and secures the transactions against unauthorised manipulation and deletion and is capable of transmitting the transactions in real time or, where transactions cannot be transmitted in real time, in batches to the invoice management system of the Authority;

Amendment
of section 10

3. Section 10 of the principal Act is amended by the insertion of the following new subsection immediately after subsection (7):

(8) For the purposes of this Act, the taxable value—

(a) where a cash discount is granted, means the value of the tax ascertainable based on the undiscounted cash value; and

(b) where a trade discount is granted, means the value of the tax ascertainable based on the discounted price.

Insertion of
new section
46A

4. The principal Act is amended by the insertion of the following new section immediately after section 46:

Offences by
principal
officers,
partners or
shareholders
of bodies
corporate or
bodies
unincorporate

46A. Where an offence under this Act is committed by a body corporate or a body unincorporate, with the knowledge, consent or connivance of the director, manager, partner or shareholder of that body corporate or unincorporate body, that director, manager, partner or shareholder commits an offence and is liable, on conviction, to the penalty or term of imprisonment specified for that offence.