GOVERNMENT OF FIJI

VALUE ADDED TAX (BUDGET AMENDMENT) DECREE 2010
(DEGREE NO 66 OF 2010)

In exercise of the powers vested in me as President of the Republic of Fiji and Commander in Chief of the Republic of Fiji Military Forces by virtue of the Executive Authority of Fiji Decree 2009, I hereby make the following Decree—

TO AMEND THE VALUE ADDED TAX DECREE 1991

Short title and commencement

1. This Decree may be cited as the Value Added Tax (Budget Amendment) Decree 2010 and shall come into force on 1st January 2011.

Section 14 amended

2. Section 14 of the Value Added Tax Decree 1991 is amended by—

(a) deleting in subsection (1) “twelve and a half percent” and inserting “fifteen percent”; and

(b) inserting in subsection (4A) subparagraph (b)—

“and including items falling under tariff heading of 03.02(fish, fresh or chilled excluding fish fillets and other fish meat of 03.04), 03.03 (fish frozen excluding fish fillets and other fish meat of 03.04), as are listed in Part III of Schedule 2 to the Customs Tariff Act 1986.”

Section 15 amended

3. Section 15 of the Value Added Tax Decree 1991 is amended by deleting in subsection (1) “twelve and a half percent” and inserting “fifteen percent”.

Fourth Schedule amended

4. Fourth Schedule of the Value Added Tax Decree 1991 is amended—

(a) in 7 sub paragraph (1) by deleting “(e)” and inserting a new (e)—

“(e) if goods have been acquired from an approved registered person or from different approved registered persons in a day or in different days on each trip to Fiji, the purchase price paid by the tourist must be at least $500 (including VAT),”
(b) by deleting Form 7 and substituting a new Form 7 —

REPUBLIC OF FIJI

Value Added Tax Decree 1991
[Section 70B]

Form 7

<table>
<thead>
<tr>
<th>TOURIST'S APPLICATION FOR VALUE ADDED TAX (VAT) REFUND</th>
<th>SERIAL NO:</th>
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<td>Receipt/Invoice Number</td>
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IMPORTANT Information for Tourists

NO GOODS, NO REFUND

You MUST meet the conditions of the Tourist VAT Refund Scheme to be entitled for refund.

You MUST complete all required information under Part B of this form at the time of purchase.

You MUST take the goods out of Nadi International Airport or Suva Wharf within 2 months from the date of purchase.

TOURISTS PARTICULARS & DECLARATION

Name (as in passport):

Passport No:

Nationality:

Date of Birth:

Arrival Date:

Departure Date:

Residential Address:

For Official Use Only

Total Amount (incl. VAT):

Net VAT refundable:

Retailer's Declaration

I declare that:
(a) I meet all conditions of the Tourist VAT Refund Scheme;
(b) The information on this application is true and correct;
(c) I will allow FIRCA to inspect any goods.

Signature | Date

FIRCA remarks

FIRCA Endorsement
TOURIST VAT REFUND SCHEME CONDITIONS

Goods to which VAT refund applies
1.—(1) The refund applies to goods, the supply of which is a taxable supply, except any of the following goods—
(a) goods that have been partly consumed at the time at which the tourist leaves Fiji;
(b) goods exported for business or commercial purposes; and
(c) goods that will be exported by freight as unaccompanied baggage.

Eligibility for tourist VAT refund
2.—(1) Subject to sub-section (2) a tourist is eligible to receive a refund of the tax on the goods from the financial institution under the scheme if he is—
(a) a resident of a country other than Fiji;
(b) a holder of a foreign passport;
(c) 13 years of age or above at the date of purchase of the goods; and
(d) if employed, is employed in a country other than Fiji. Tourists that are unemployed or retirees are eligible subject to subparagraphs (a) to (c).
(e) The tourist shall fulfill all the conditions stipulated in (a)-(d) above

(2) The holder of a student's permit shall only be eligible to receive a refund under paragraph (a) if he purchases the goods less than 4 months before the expiry of the student permit.

Conditions for tourist VAT refund scheme
3.—(1) A tourist shall only be entitled to the refund of the tax under the scheme if he satisfies the following conditions—
(a) the goods must have been purchased from an approved licensed person;
(b) the goods must be purchased no earlier than 2 months before the goods are taken out of Fiji to another country;
(c) the tourist makes and duly completes, at the time of the purchase of the goods to which the refund relates, an application for a refund of the tax on such application Form 7 as approved and prescribed by the Commissioner;
(d) the application form for refund shall be supported by tax invoices showing the amount (including the amount of VAT) paid by the tourist for the goods;
(e) if goods have been acquired from an approved registered person or from different approved registered person in a day or in different days, the purchase price paid by the tourist must be at least $500 (including amount of VAT);
(f) the goods are taken out of Fiji to another country as the tourist's hand or accompanied luggage on the same flight or cruise ship voyage on which he is travelling;
(g) the tourist shall submit the application form for refund together with the goods and the supporting tax invoices to the proper officer of customs at the Tourist VAT Refund Counter at the Nadi International Airport or Suva Wharf only, as the case may be, for inspection and endorsement of the application form before the goods are checked in or brought into the aircraft or cruise ship as hand luggage;
(h) the tourist shall furnish such information and documents as the proper officer of Customs may require for the purpose of ascertaining whether the tourist will depart from Fiji in accordance with sub-paragraph (1);
(i) the tourist shall depart from Fiji within 4 hours from the time of endorsement of the application form for refund by the proper officer of Customs;
(j) the goods shall not be taken out of the premises of the Nadi International Departure Check-in Counter or the Suva Wharf, as the case may be, after the application form has been endorsed by the proper officer of Customs; and
(k) after the application form for refund has been endorsed, the tourist shall not part with possession of the goods or give it to any other person except to the counter staff for checking in.

Offences relating to tourist VAT refund
4.—(1) Any person who receives any goods from a tourist after the application form in respect of such goods has been submitted to the proper officer of Customs at the Tourist VAT Refund Counter at the Nadi International Airport or Suva Wharf, as the case may be, shall be guilty of an offence and is liable for a fine not exceeding $5,000 or to imprisonment for a term not exceeding 6 months or to both a fine and imprisonment.

(2) Any person who brings any goods out of the premises of the Nadi International Airport Departure Check-in Counter or the Suva Wharf, as the case may be, after the application form in respect of such goods has been submitted to the proper officer of Customs at the VAT Refund Counter at the Airport or Suva Wharf concerned, shall be guilty of an offence and is liable upon conviction for a fine not exceeding $5,000 or to imprisonment for a term not exceeding 6 months or to both a fine and imprisonment.

(3) Sub-sections (1) and (2) shall not apply to the circumstances where—
(a) a ticketing or luggage officer or other employee, who is authorized by the Air Terminal Services Limited of Fiji or the airline or air terminal operator concerned, longshoreman authorized by Fiji Ports Corporation Limited, receives luggage for checking in or handles the luggage for the purpose of loading it into the aircraft or cruise ship or the tourist carries the goods in his hand luggage for boarding on the departing aircraft or cruise ship.

(Extracted from the Value Added Tax Decree 1991 – Fourth Schedule (Section 70B))

CHECKLIST:
Are you eligible to apply under the Tourist VAT Refund Scheme?
(See Eligibility criteria in paragraph 2 above)

Do you have the following?
☐ Unconsumed goods for verification
☐ Passport
☐ Form(s) issued by the approved licensed retailer(s)
☐ Original Tax invoices for goods

Please ensure that you visit our TVRS counters at Nadi Airport/ Suva Wharf 30 minutes BEFORE your scheduled departure time.”
Consequential amendments

5. At the commencement of this Decree, any tax, impost, duty, fee, charge or other amount prescribed in any written law, which includes the 12.5% rate of value added tax is amended and to be calculated at the 15% rate.

TRANSITIONAL

Supplies prior to 1st January 2010

6. Notwithstanding anything in section 18 of the Value Added Tax Decree 1991 ("the Decree"), where, and to the extent that, the time of performance of any supply of those goods and services as specified in section 87 subsection (1)—

(a) is before the 1st day of January, 2011 and that supply would, but for this section, be deemed by section 18 of the Decree to take place on or after the 1st of January 2011 and the value of that supply is ascertainable, the time of performance shall be the time when the supply of those goods, and services is deemed to take place;

(b) is on or after the 1st day of January, 2011 and that supply would, but for this section, be deemed by section 18 of the Decree to take place before the 1st day of January 2011—

(i) that time of performance shall for the purpose of section 15 of the Decree, be the time when the supply of those goods and services is deemed to take place; and

(ii) the time when the supply of those goods and services is made shall, for the purposes of section 39 of the Decree, be deemed to be the 1st day of January, 2011.

Given under my hand this 31st day of December 2010.

EPELI NAILATIKAU
President of the Republic of Fiji