

**GOODS AND SERVICES TAX ACT  
(CHAPTER 117A, SECTION 91 (4))**

**GOODS AND SERVICES TAX  
(TRANSITIONAL PROVISIONS)  
REGULATIONS**

**ARRANGEMENT OF REGULATIONS**

**Regulation**

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[20th December 1993]

**Citation**

**1.** These Regulations may be cited as the Goods and Services Tax (Transitional Provisions) Regulations.

**Definitions**

**2.—(1)** For the purposes of these Regulations —

“exempt supply” means any supply of goods or services of a description or of a class for the time being specified in the Fourth Schedule to the Act;

“non-reviewable contract”, in relation to any supply, means any written contract or any agreement entered into pursuant to an Act, for the supply of goods and services where —

- (a) those goods and services are specifically identified in the contract or, as the case may be, agreement;
- (b) the consideration in money for that supply is specified in the contract or, as the case may be, agreement either by reference to an amount of money or by way of a formula; and
- (c) the contract or, as the case may be, agreement contains no provision for, and does not otherwise contemplate, any change to that consideration arising either directly or indirectly from the imposition of the goods and services tax; but does not include any contract that provides for or otherwise contemplates a general review of the consideration in money for that supply;

“review” includes re-negotiation, adjustment or alteration;

“reviewable contract”, in relation to any supply, means any written contract, not being a non-reviewable contract, for the supply of goods and services where the consideration in money for that supply is specified in the contract either by reference to an amount of money or by way of a formula;

“written contract” includes a contract evidenced in writing.

(2) Any reference in these Regulations to the date on which the written contract is entered into shall be read —

- (a) in the case of a contract, other than a contract entered into by way of tender, as a reference to the date on which the written contract is signed or concluded or the date of the document which is evidence in writing of the contract as the Comptroller may in his discretion accept; and
- (b) in the case of a contract entered into by way of a tender, as a reference to the final date for the submission of tenders as specified in the written invitation to tender.

(3) Where any adjustment, alteration or other variation is made after 7th April 1993 to a reviewable contract, such adjustment, alteration or variation shall be disregarded if it would change the character of the contract to a non-reviewable contract.

(4) Where any adjustment, alteration or other variation is made after 7th April 1993 to a contract which is a non-reviewable contract and such adjustment, alteration or variation would change the character of the contract to a reviewable contract, then that contract shall, for the purposes of regulation 4, be regarded as a reviewable contract.

### **Non-reviewable contract**

3. Notwithstanding section 21 of the Act and subject to regulation 10, where any supply is made pursuant to any non-reviewable contract entered into on or before 7th April 1993 and that supply would, but for this regulation, be charged with tax under the Act or be an exempt supply, that supply shall be zero-rated.

### **Reviewable contract**

4. Notwithstanding section 21 of the Act and subject to regulation 10, where any supply is made pursuant to any reviewable contract entered into on or before 7th April 1993 and that supply would, but for this regulation, be charged with tax under the Act or be an exempt supply, that supply shall to the extent that supply is made prior to the first opportunity after 7th April 1993 for the review by the supplier of the consideration in money for that supply, be zero-rated.

### **Powers of Comptroller**

5.—(1) The Comptroller may disregard any contract or agreement for the purposes of regulation 3 or 4 if the taxable person fails to preserve all documents in relation to the contract or agreement and the records of all supplies made pursuant to that contract or agreement.

(2) The Comptroller may apportion the input tax attributable to the supplies zero-rated under regulation 3 or 4 in such manner as he may think fit.

### **Time of supply before 1st April 1994**

6.—(1) Notwithstanding section 11 or 12 of the Act, if any of the following events take place before 1st April 1994, then the supply of

goods or services shall be treated as taking place before that date and, subject to paragraph (3), no tax shall be chargeable on the supply:

- (a) in the case of a supply of goods, the goods are removed;
- (b) in the case of a supply of goods where the goods are not to be removed, the goods are made available to the person to whom they are supplied;
- (c) in the case of a supply of services, the services are performed; or
- (d) the person making the supply receives a payment in respect of the supply of goods or services.

(2) Notwithstanding section 12 of the Act, if none of the events referred to in paragraph (1) take place before 1st April 1994 but the invoice for a taxable supply of goods or services is issued before that date, that supply shall be treated as taking place after 1st April 1994 and accordingly tax shall be chargeable on the supply.

(3) Paragraph (1) (b) shall not, unless the Comptroller in his discretion otherwise allows, apply to the grant, assignment or surrender of any interest in or right over land or of any licence to occupy land which is treated as a supply of goods by virtue of paragraph 4 of the Second Schedule to the Act.

(4) Where a supply of goods or services is treated as taking place before 1st April 1994 under paragraph (1) (d), then the reference to tax not being chargeable on the supply in this regulation shall be construed as a reference to tax not being chargeable on that part of the consideration for the supply for which payment has been made.

### **Value of supply of services**

**7.** Where a supply of services is treated as having taken place after 1st April 1994, the value of the supply shall be such amount determined by section 17 of the Act as is, in the opinion of the Comptroller, not reasonably attributable to any part of the services performed before 1st April 1994.

### **Estimation of output tax**

**8.** The Comptroller may allow a person to estimate the whole or any part of his output tax for any prescribed accounting period beginning on a date not later than 6 months from 1st April 1994

where he is satisfied that the person is not able to account for the exact amount of output tax chargeable in that period.

**Tax invoice before 1st April 1994**

9. A registered taxable person making a taxable supply taking place after 1st April 1994 may, without prejudice to regulation 6, provide a tax invoice in respect of that supply before 1st April 1994 and such tax invoice shall contain such particulars as are required under the Act.

**Application**

10.—(1) Regulations 3 and 4 shall not apply to any supply made after 1st April 1999.

(2) Notwithstanding regulation 6, the time when any supply referred to in regulation 3 or 4 is made shall be determined solely by reference to section 11 (2) or (3) of the Act.

(3) Sections 11 (2) and (3), 12 and 91 (2) (a) of the Act shall not apply to any supply of goods or services to which regulation 6 applies.

[G.N. Nos. S 510/93; S 144/94]

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