

GOODS AND SERVICES TAX (AMENDMENT) BILL 2021

Short title and commencement

1. This Act is the Goods and Services Tax (Amendment) Act 2018 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

Interpretation

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

...

“customs territory” has the meaning given by section 3(1) of the Customs Act;

“distantly taxable goods” means items of goods where —

(a) at their point of sale or at such other time as may be agreed between the Comptroller and the supplier of the goods —

(i) the goods are —

(A) not dutiable goods; or

(B) dutiable goods, but payment or recovery of payment of the whole of customs duty or excise duty chargeable on the goods is waived under section 11 of the Customs Act;

(ii) the supply of the goods are not exempt supplies under section 22 and the Fourth Schedule;

(iii) the goods are located outside the customs territory; and

(iv) each item of the goods has an entry value (determined in accordance with section 18A) that does not exceed the entry value threshold; and

(b) the goods are to be delivered to a place in the customs territory by postal services or following an importation by air,

and includes goods treated as distantly taxable goods under paragraph 4C of the Seventh Schedule;

...

“dutiable goods” has the meaning given by section 3(1) of the Customs Act;

...

“entry value threshold” means the entry value threshold provided under subsection (1A);

...

“point of sale”, in relation to any goods, means the time at which an order confirmation for their supply is issued by the supplier of those goods;

“postal service” has the meaning given by section 2(1) of the Postal Services Act;

...

“reverse charge supply” means a supply of ~~services~~ **distantly taxable goods or services** treated as having been made by the recipient of those ~~services~~ **distantly taxable goods or services** under section 14(2);

“Seventh Schedule supply” means any supply of ~~services~~ **goods or services** of a type, and made (whether or not in Singapore) in the circumstances, described in the Seventh Schedule;

....

(1A) For the purposes of this Act, the entry value threshold is \$400, or such other higher or lower amount as the Minister may, by order in the *Gazette* prescribe in substitution.

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Scope of tax

8.—(1) Tax shall be charged on any supply of goods or services made in Singapore where it is a taxable supply made by a taxable person in the course or furtherance of any business carried on by him.

(1A) Without affecting subsection (1), tax shall be charged on any Seventh Schedule supply where it is a taxable supply made by a taxable person in the course or furtherance of any business carried on by him.

(2) A person is a taxable person for the purposes of this Act while he is or is required to be registered under this Act.

(2A) A taxable supply is —

- (a) for subsection (1), a supply of goods or services made in Singapore other than an exempt supply; and
- (b) for subsection (1A), a Seventh Schedule supply ~~other than an exempt supply~~.

(3) Tax on any supply of goods or services is a liability of the person making the supply and (subject to provisions on accounting and payment) becomes due at the time of supply.

(4) Tax shall be charged, levied and payable on any importation of goods (other than an exempt import) as if it were customs duty or excise duty and as if all goods imported into Singapore are dutiable and liable to customs duty or excise duty.

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Time of supply: reverse charge supplies

11C.—(1) This section applies to determine when a reverse charge supply of a recipient mentioned in section 14 takes place for the purposes of this Act (including for the purposes of paragraph 1B of the First Schedule).

(2) Subject to ~~subsections (3)~~ subsections (2A), (3), (3A), (4), (6) and (7), the reverse charge supply takes place when —

(a) the person or branch mentioned in section 14(1) that in fact supplies the ~~services~~ **distantly taxable goods or services** to the recipient issues an invoice, or the recipient pays any consideration for those ~~services~~ **distantly taxable goods or services**; or

(b) where both events occur, the first of the 2 events occurs,

to the extent that the supply of ~~services~~ **distantly taxable goods or services** is covered by the invoice or consideration.

(2A) Subject to subsection (3A), where the recipient is registered under this Act and —

(a) the recipient receives a supply of **distantly taxable goods or services that give rise to a reverse charge supply**;

(b) the recipient pays an amount to the supplier as tax chargeable on the supply of the **distantly taxable goods or services in fact made to the recipient, even though the supply is not chargeable to tax under section 8(1A)**; and

(c) the supplier reimburses the recipient for that amount,

then the recipient may treat the reverse charge supply arising from that supply as taking place at the earlier of —

(d) the date on which a revised invoice in respect of the supply in fact made is issued by the supplier; and

(e) the date on which the recipient has received the reimbursement of that amount,

to the extent that the supply is covered by the revised invoice or consideration paid for that supply as reduced by the reimbursement.

(3) ~~Where~~ Subject to subsection (3A), where the recipient is registered under this Act, the recipient may, for any period during which the recipient receives ~~services~~ **distantly taxable goods or services** that are the subject of the recipient's reverse charge supplies, treat each of those reverse charge supplies as taking place at the earlier of —

(a) the date on which the supply in fact made to the recipient and giving rise to that reverse charge supply is entered into the books of account or other records of the recipient; and

(b) the date on which the recipient pays any consideration for that supply,

to the extent that the supply of **services** **distantly taxable goods or services** is covered by the entry or consideration.

(3A) If the recipient applies subsection (3) to its reverse charge supplies, the recipient may, for a reverse charge supply in the circumstances described in subsection (2A), treat the reverse charge supply instead as taking place at the earlier of —

(a) the date on which the supply for which reimbursement of the amount was received is entered into the books of account or other records of the recipient; and

(b) the date on which the recipient received reimbursement of the amount,

to the extent that the supply is covered by the entry or consideration paid for that supply as reduced by the reimbursement.

~~(4) Where the reverse charge supply arises from —~~

~~(a) a supply of services mentioned in section 14(1)(a)(i) that is between connected persons within the meaning of paragraph 3 of the Third Schedule;~~

~~(b) a supply of services mentioned in section 14(1)(a)(ii); or~~

~~(c) a supply of services mentioned in section 30(1A);~~

~~then the reverse charge supply takes place at the end of 12 months after the services have been performed, to the extent that it is not covered by any invoice already issued or consideration already paid.~~

(4) Where the reverse charge supply arises from —

(a) a supply of distantly taxable goods mentioned in section 14(1)(a)(i), or a supply of services mentioned in section 14(1)(b)(i), that is between connected persons within the meaning of paragraph 3 of the Third Schedule;

(b) a supply of distantly taxable goods mentioned in section 14(1)(a)(ii) or a supply of services mentioned in section 14(1)(b)(ii); or

(c) a supply of distantly taxable goods or a supply of services mentioned in section 30(1A),

then the reverse charge supply takes place at the end of 12 months after the distantly taxable goods are delivered to a place in the customs territory or the services are performed (as the case may be), to the extent that it is not covered by any invoice already issued or consideration already paid.

(5) The Minister may by regulations prescribe **services** **distantly taxable goods or services** that are excluded from subsection (4).

~~(6) Where~~

~~(a) the recipient is a taxable person receiving services mentioned in section 14(1);~~

~~(b) but for this subsection, the reverse charge supply would be treated under this section as taking place after the date on which he becomes a taxable person; and~~

~~(c) the Comptroller is satisfied that the services had been performed prior to that date;~~

~~then the recipient may treat the reverse charge supply as taking place when the services in paragraph (a) were performed (to the extent of the performance), and the reverse charge supply is so treated for the purposes of this Act.~~

(6) Where —

(a) the recipient is a taxable person receiving distantly taxable goods or services mentioned in section 14(1);

(b) but for this subsection, the reverse charge supply would be treated under this section as taking place after the date on which the recipient becomes a taxable person; and

(c) the Comptroller is satisfied that the distantly taxable goods have been delivered to a place in the customs territory or that the services have been performed (as the case may be) prior to that date,

then the recipient may treat the reverse charge supply as taking place when the distantly taxable goods in paragraph (a) were so delivered (to the extent of the delivery) or the services in paragraph (a) were performed (to the extent of the performance).

(7) Where —

~~(a) services are in fact performed by the person or branch mentioned in section 14(1)(a), whether on a single occasion or on different occasions;~~

(a) distantly taxable goods are delivered to a place in the customs territory to the person or branch mentioned in section 14(1)(a) or services are in fact performed by the person or branch mentioned in section 14(1)(b), whether on a single occasion or on different occasions;

(b) the recipient then ceases to be a taxable person; and

(c) no invoice or consideration covering the whole of the supply has been issued or paid (as the case may be) before the recipient ceases to be a taxable person,

the reverse charge supply is treated as taking place on the day immediately before the day the recipient ceases to be a taxable person, to the extent that it is not covered by any invoice already issued or consideration already paid.

(8) Despite ~~subsections (2), (3)~~ subsections (2), (2A), (3), (3A), (4), (6) and (7), where —

(a) a longer period (mentioned in section 20(4) for the purposes of the adjustment of input tax claims of the recipient) is applicable under this Act to a recipient; and

(b) the recipient satisfies such other criteria as the Comptroller may specify,

then —

(c) the recipient may elect to treat its reverse charge supplies that would (but for this subsection) take place in the longer period, as taking place on the day immediately after the last day of the longer period; and

(d) if the recipient makes such an election and ceases on any day in a longer period to be a taxable person (called in this paragraph the day of cessation), the reverse charge supplies of the recipient that would (but for this subsection) take place in the longer period but before the day of cessation, are treated as taking place on the day immediately before the day of cessation.

(9) An election under subsection (8)(c) must be made in the form and manner, and within the time, required by the Comptroller.

(10) Where an employee pays the consideration for a reverse charge supply at an earlier date and is reimbursed by the employer as the recipient at a later date, the date on which the recipient is regarded as having paid the consideration for the purposes of this section is the later date.

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Time of supply: directions and regulations

12.—(1) Notwithstanding sections 11, 11A, 11B and 11C, the Comptroller may, at the request of a taxable person, by direction in writing alter the time at which supplies made or received by the taxable person (or such supplies made or received by him as may be specified in the direction) are to be treated as taking place, either —

(a) by directing that those supplies be treated as taking place —

(i) at times or on dates determined by or by reference to the occurrence of some event described in the direction; or

(ii) at times or on dates determined by or by reference to the time when some event so described would in the ordinary course of events occur, the resulting times or dates being in every case earlier than would otherwise apply; or

(b) by directing that those supplies shall (to the extent that they are not treated as taking place at the time any invoice is issued or any consideration is received or paid in respect thereof) be treated as taking place —

(i) at the beginning of the relevant working period (as defined in his case in and for the purposes of the direction); or

(ii) at the end of the relevant working period (as so defined).

(1A) Despite sections 11, 11A and 11B, the Comptroller may, at the request of a registered (Seventh Schedule — pay only) person, by direction in writing alter the time at which any specified supply (whether or not a Seventh Schedule supply) is to be treated as taking place, by directing that that supply be treated as taking place at the time or on the date —

(a) determined by or by reference to the occurrence of some event described in the direction; and

(b) whether the resulting time or date is earlier or later than the time or date that would otherwise apply.

(1B) The event described in the direction must not result in a time or date where —

(a) the resulting time or date is later than the time or date that would otherwise apply; and

(b) the period between —

(i) the time or date that would otherwise apply; and

(ii) the resulting time or date, is more than that of a single prescribed accounting period applicable to the registered (Seventh Schedule — pay only) person.

(2) Notwithstanding sections 11, 11A, 11B and 11C, the Minister may by regulations —

(a) make provision with respect to the time at which (notwithstanding sections 11, 11A, 11B, 11C and 38(4)) a supply is to be treated as taking place in cases where —

(i) it is a supply of goods or services for a consideration the whole or part of which is determined or payable periodically, or from time to time, or at the end of any period;

(ii) it is a supply of goods for consideration the whole or part of which is determined at the time when the goods are appropriated for any purpose; or

(iii) there is a supply to which sections 27, 37A, 38 and 38A apply; and

(b) prescribe when consideration for a supply of goods or services of a specified type, or provided in a specified manner, is to be regarded as having been received or paid.

(3) Regulations made under subsection (2)(a) may provide for goods or services to be treated as separately and successively supplied at prescribed times or intervals.

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Reverse charge on supplies received from abroad

14. (1) This section applies where —

(a) services are —

(i) supplied by a person who belongs in a country other than Singapore, and received by a person (called in this section the recipient) who —

(A) belongs in Singapore;

(B) is a registered person, or is not a registered person but is liable to be registered under paragraph 1 or 1B of the First Schedule; and

(C) is not receiving the services as an individual in the private or personal capacity of the individual; or

(ii) supplied by a branch of a person in a country other than Singapore through which the person carries on any business, and received by a branch of the person in Singapore through which the person (called in this section the recipient) carries on any business; and

(b) the recipient is not entitled to credit for the full amount of his input tax under sections 19 and 20 for the prescribed accounting period or longer period mentioned in section 20(4)(b) in which the services are received.

(1) This section applies where —

(a) a supply of distantly taxable goods is —

(i) made to a person (called in this section the recipient) who —

(A) belongs in Singapore;

(B) is a registered person, or is not a registered person but is liable to be registered under paragraph 1 or 1B of the First Schedule; and

(C) is not receiving the goods as an individual in the private or personal capacity of the individual; or

(ii) made by a branch of a person in a country other than Singapore through which the person carries on any business, and made to a branch of the person in Singapore through which the person (also called in this section the recipient) carries on any business; or

(b) a supply of services is —

(i) made by a person who belongs in a country other than Singapore, and made to a person (also called in this section the recipient) who —

(A) belongs in Singapore;

(B) is a registered person, or is not a registered person but is liable to be registered under paragraph 1 or 1B of the First Schedule; and

(C) is not receiving the services as an individual in the private or personal capacity of the individual; or

(ii) made by a branch of a person in a country other than Singapore through which the person carries on any business, and made to a branch of the

person in Singapore through which the person (also called in this section the recipient) carries on any business,

and the recipient is not entitled to credit for the full amount of the recipient's input tax under sections 19 and 20 for the prescribed accounting period or longer period mentioned in section 20(4)(b) in which the distantly taxable goods or services are received.

(1AA) In addition, where any one or more persons (each *Y*) other than the recipient (*X*) in subsection (1) to whom the supply is made directly benefits from the distantly taxable goods or services, and any *Y* —

(a) satisfies the requirements of sub-paragraphs (A), (B) and (C) of subsection (1)(a)(i) or (b)(i), as the case may be; and

(b) is not entitled to credit for the full amount of the input tax under sections 19 and 20 for the prescribed accounting period or longer period mentioned in section 20(4)(b) in which the distantly taxable goods or services are received,

then —

(c) that *Y* is treated as a recipient to whom the supply of distantly taxable goods or service is made for the purpose of this section, to the extent of the consideration paid by that *Y* for the supply; and

(d) *X* is the recipient only to the extent of the consideration not paid by any *Y*.

(1A) ~~Subsection (1)(b)~~ The requirement in subsections (1) and (1AA) that the recipient is not entitled to credit for the full of amount of the recipient's input tax does not apply in relation to any input tax excluded by regulations made under section 19(14) from any credit under section 19.

(1B) For the purposes of this section, in determining whether goods are distantly taxable goods, if the recipient is unable to verify the location of the goods at the point of sale of the goods, or the manner or mode of transport by which the goods will be delivered to a place in the customs territory, the recipient may rely on the best available information to do so.

(2) Subject to subsections (3) ~~and (4)~~, (3A) and (4), all the same consequences follow under this Act (and particularly so much as charges tax on a supply and entitles a taxable person to credit for input tax) as if the recipient had himself supplied the ~~service~~ goods or services in Singapore in the course or furtherance of a business for that supply, and that supply were a taxable supply.

~~(3) Subsection (2) applies to the extent that the services are not excluded under the Eighth Schedule (for the purposes of subsection (1)(a)(i) and (ii), or (1)(a)(i), or (1)(a)(ii), as the case may be).~~

(3) Subsection (2) applies —

(a) in the case of distantly taxable goods — only to the extent that the goods are not excluded under the Eighth Schedule (for the purposes of subsection (1)(a)(i) and (ii), or (1)(a)(i), or (1)(a)(ii), as the case may be); and

(b) in the case of services — only to the extent that the services are not excluded under the Eighth Schedule (for the purposes of subsection (1)(b)(i) and (ii), or (1)(b)(i), or (1)(b)(ii), as the case may be).

(3A) Subsection (2) does not apply to the extent that the recipient pays an amount as tax or as reimbursement for tax—

(a) on the supply of the goods or services in fact made to the recipient even though the supply was not chargeable to tax under section 8(1A); or

(b) on the importation of the goods pursuant to section 8(4) as if they were not distantly taxable goods,

as the case may be.

(4) Reverse charge supplies are not to be taken into account as supplies made by the recipient when determining the allowance of input tax in his case under section 20(1).

~~(5) Where a recipient who is a registered person is not within subsection (1)(b), the recipient may elect for all supplies to the recipient made in the circumstances under subsection (1)(a) to be treated as supplies of services to which subsection (2) applies (despite subsection (1)(b) not applying).~~

~~(6) Where a recipient who is a registered person receives any supply of services excluded or to any extent excluded under the Eighth Schedule that is made by a person mentioned in subsection (1)(a), the recipient may elect for all such supplies of services to be received by the recipient to be treated as supplies of services to which subsection (2) applies (and not supplies to which subsection (2) does not apply by reason of subsection (3)).~~

(5) Despite a recipient being entitled to credit for the full amount of the recipient's input tax under sections 19 and 20 for the prescribed accounting period or longer period mentioned in section 20(4)(b) in which distantly taxable goods or services are received, the recipient may elect for all supplies made to the recipient in the circumstances under subsection (1)(a) or (b) in that period to be treated as supplies of distantly taxable goods or services to which subsection (2) applies.

(6) Where a recipient who is a registered person receives any supply of distantly taxable goods or services excluded or to any extent excluded under the Eighth Schedule that is made by a person mentioned in subsection (1)(a) or (b) (as the case may be), the recipient may elect for all such supplies of distantly taxable goods or services to be made to the recipient to be treated as supplies of distantly taxable goods or services to which subsection (2) applies (and not distantly taxable goods or supplies to which subsection (2) does not apply by reason of subsection (3)).

(7) An election under subsection (5) or (6) must be made in the form and manner, and within the time, required by the Comptroller.

(8) For the purposes of this section, a head office of a taxable person is treated as a branch of that taxable person.

(9) The Minister may make regulations to provide for the circumstances in which subsection (2) does not apply ~~despite subsection (1)(a)(ii) and (b) being satisfied to any~~

supply made in circumstances in subsection (1)(a)(ii) or (b)(ii) (as the case may be) where the recipient is not entitled to credit for the full amount of the recipient's input tax as mentioned in subsection (1).

(10) The Minister may by order amend the Eighth Schedule.

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Place where supplier or recipient of services or supplier of Seventh Schedule supplies belongs

15.—(1) Subsection (3) shall apply for determining, in relation to any supply of services or any Seventh Schedule supply, whether the supplier belongs in one country or another.

(2) Subsections (4) and (5) shall apply for determining, in relation to any supply of services, whether the recipient (including a recipient mentioned in section 14(1) or a recipient who has elected to have section 14(2) applied to him) belongs in one country or another.

(3) The supplier of services shall be treated as belonging in a country if —

- (a) he has in that country a business establishment or some other fixed establishment and no such establishment elsewhere;
- (b) he has no such establishment in any country but his usual place of residence is in that country; or
- (c) he has such establishments both in that country and elsewhere and the establishment of his which is most directly concerned with the supply is in that country.

(4) If the supply of services is made to an individual and received by him otherwise than for the purposes of any business carried on by him, he shall be treated as belonging in whatever country he has his usual place of residence.

(5) Where subsection (4) does not apply, the person to whom the supply is made shall be treated as belonging in a country if —

- (a) either of the conditions mentioned in subsection (3)(a) or (b) is satisfied; or
- (b) he has such establishments as are mentioned in subsection (3) both in that country and elsewhere and the establishment of his at which, or for the purposes of which, the services are most directly used or to be used is in that country.

(6) For the purposes of this section (but not for any other purpose) —

- (a) a person carrying on a business through a branch or agency in any country shall be treated as having a business establishment there; and
- (b) “usual place of residence”, in relation to a body corporate, means the place where it is incorporated or otherwise legally constituted.

(7) The Minister may make regulations to provide for the matters by which a supplier may determine whether a customer receiving a Seventh Schedule supply belongs in Singapore.

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Value of supply of goods or services

17.—(1) For the purposes of this Act and subject to the Third Schedule, the value of any supply of goods or services shall be determined in accordance with this section.

(2) If the supply (~~other than one from which a reverse charge supply arises~~) is for a consideration in money, its value shall be taken to be such amount as, with the addition of the tax chargeable, is equal to the consideration.

(2A) Subsection (2) does not apply to the following:

- (a) a supply from which a reverse charge supply arises;
- (b) a supply which a redeliverer is treated as making under the Seventh Schedule.

(3) If the supply (including ~~one from which a reverse charge supply arises~~ a supply mentioned in paragraph (a) or (b) of subsection (2A)) is not for a consideration or is for a consideration not consisting or not wholly consisting of money, the value of the supply shall be taken to be its open market value.

(3A) A reverse charge supply has a value that is of an amount equal to the consideration for the ~~services~~ ~~distantly taxable goods or services~~ in fact supplied that gave rise to the reverse charge supply.

(3AA) Where a reverse charge supply arises from ~~services supplied by a person or branch mentioned in section 14(1)(a)~~ ~~distantly taxable goods or services supplied by a person or branch mentioned in section 14(1)(a) or (b)~~ or member of the group mentioned in section 30(1A), then, for the purpose of determining the value of the reverse charge supply, any amount required to be withheld as tax under the Income Tax Act must not, if included in the consideration for the supply in fact made, be deducted.

(3B) Where the reverse charge supply of a recipient arises from —

- (a) a supply of services mentioned in ~~section 14(1)(a)(ii)~~ section 14(1)(b)(ii); or
- (b) a supply of services mentioned in section 30(1A),

then, for the purpose of determining the value of the reverse charge supply, any of the following that is included as part of the consideration for the services in fact supplied may be deducted:

- (c) any salary or wages relating to the employees of (as the case may be) the branch or member of the group outside Singapore making the supply of services;
- (d) interest;

- (e) any proportionate amount of mark-up in respect of such salary or wages and interest in paragraphs (c) and (d), respectively.

(3C) For the purposes of the application of the Third Schedule, where the reverse charge supply arises from ~~a supply of services mentioned in section 14(1)(a)(ii), the branches mentioned in section 14(1)(a)(ii)~~ a supply of distantly taxable goods mentioned in section 14(1)(a)(ii) or a supply of services mentioned in section 14(1)(b)(ii), the branches mentioned in section 14(1)(a)(ii) or (b)(ii) (as the case may be) are treated as persons connected with each other.

(3D) A Seventh Schedule supply of goods treated as made by a redeliverer has a value that is of an amount equal to the consideration paid for the goods by the customer.

(4) Where a supply of any goods or services (including one from which a reverse charge supply arises) is not the only matter to which a consideration in money relates, the supply shall be deemed to be for such part of the consideration as is properly attributable to it.

(4A) Where a person that makes a Seventh Schedule supply of goods to a customer also makes a supply of related services to the customer, the consideration for the related services is to be included as part of the consideration for the Seventh Schedule supply of goods if —

- (a) the consideration for the supply of the related services is determined by reference to those goods;
- (b) the supply of the related services is made, arranged or assisted by the supplier or underlying supplier of those goods;
- (c) the supply of the related services is directly in connection with those goods;
- (d) the supply of the related services would be zero-rated under section 21 in the absence of this subsection; and
- (e) the supply of the related services and those goods do not form a single supply.

(4B) Subsection (4A) does not apply to a redeliverer that is treated as making a supply of goods under the Seventh Schedule.

(5) For the purposes of this Act, the open market value of a supply of goods or services shall be taken to be the amount that would fall to be taken as its value under subsection (2) if the supply were for such consideration in money as would be payable by a person who has no relationship with any person which would affect that consideration.

(6) The Minister may by order amend the Third Schedule and provide for the determination of the value of a supply of goods or services otherwise than in accordance with this section.

(7) In this section —

“redeliverer” and “underlying supplier” have the meanings given by paragraph 1(1) of the Seventh Schedule;

“related services”, in relation to a Seventh Schedule supply of goods, means the services provided by the supplier or underlying supplier of the goods for the purposes of —

- (a) processing and preparing the goods for transportation and delivery; and
- (b) delivering the goods, or arranging or assisting in the delivery of the goods, including insurance and transportation.

.....

Entry value for items of goods

18A.—(1) This section applies for the purpose of determining the entry value of any item of goods.

(2) Subject to subsection (3), where the supply of any item of goods does not give rise to a reverse charge supply, the entry value of the item is the consideration for the supply of the item, less all of the following amounts that are included in that consideration:

- (a) transport and insurance charges for the item for the period beginning when the item leaves the country or territory from which it is supplied and ending when it is delivered to a place in the customs territory;
- (b) any tax chargeable on the supply of the item under section 8; and
- (c) any customs duty or excise duty.

(3) The supplier of the goods may use a reasonable estimate of any of the amounts mentioned in paragraphs (a), (b) and (c) of subsection (2), based on the information available to the supplier at the point of sale of the goods.

(4) Instead of applying subsections (2) and (3), the supplier may elect for the entry value of any item of goods to be the value determined in accordance with section 18 for the item.

(5) An election made under subsection (4) must be made by notifying the Comptroller in such form and manner and within such time as the Comptroller may require.

(6) Where a supply of any item of goods gives rise to a reverse charge supply under section 14, the entry value of the item is the value determined in accordance with section 18 for the item.

Credit for input tax against output tax

19.—(1) A taxable person shall, in respect of supplies made by him, account for and pay tax by reference to such accounting periods as the Minister may by regulations prescribe (referred to in this Act as a prescribed accounting period) at such time and in such manner as may be determined by the regulations and such regulations may make different provisions for different circumstances.

.....

(4) Where —

- (a) goods or services supplied to a taxable person;
- (b) **services distantly taxable goods or services** that are the subject of a reverse charge supply of a taxable person; or
- (c) goods imported by a taxable person,

are used or to be used partly for the purposes of a business carried on or to be carried on by him and partly for other purposes, tax on supplies and importations must be apportioned so that only so much as is referable to his business purposes is counted as his input tax.

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Zero-rating for exports and international services

21.—(1) Subject to this section and sections 21A, 21B and 21C, a supply of goods is zero-rated only if the goods are exported and a supply of services is zero-rated only if the services are international services.

(2) Where a taxable person supplies goods or services and the supply is zero-rated, then, whether or not tax would be chargeable on the supply apart from this section —

- (a) no tax shall be charged on the supply; but
- (b) it shall in all other respects be treated as a taxable supply,

and accordingly the rate at which tax is treated as charged on the supply shall be nil.

(3) A supply of services shall be treated as a supply of international services where the services or the supply are for the time being of any of the following descriptions:

.....

- (i) **services of any of the following descriptions which are performed wholly outside Singapore:**
 - (i) **cultural, artistic, sporting, educational or entertainment services;**
 - (ii) **exhibition or convention services;**
 - (iii) **services ancillary to the services in sub-paragraph (i) or (ii), including that of organising the performance outside Singapore of those services,**

except where, at the time of the performance of those services, there is no necessary connection between —

(iv) the place where the services are physically performed; and

(v) the location of the customer of the services (as defined in paragraph 2 of the Seventh Schedule);

.....

(u) subject to subsection (4D), services supplied before 1 January 2022 comprising either of or both —

(i) the supply of a right to promulgate an advertisement by means of any medium of communication; and

(ii) the promulgation of an advertisement by means of any medium of communication,

where the Comptroller is satisfied that the advertisement is intended to be substantially promulgated outside Singapore;

...

.....

(4A) For the purposes of subsection (3)(j), (k), (s) and (y), the person with whom the contract is made and the person who directly benefits from the services may be the same person or different persons.

(4AA) The services mentioned in subsection (3)(a), (b) and (c) do not include any services comprising the transport by a taxable person who is a redeliverer (as defined in paragraph 1(1) of the Seventh Schedule) of goods comprised in a Seventh Schedule supply, the insuring or the arranging of the insurance of the goods, or the arranging of the transport of the goods.

~~(4B) The services referred to in subsection (3)(e), (f), (g) and (j) shall not include any services comprising either of or both —~~

~~(a) the supply of a right to promulgate an advertisement by means of any medium of communication; and~~

~~(b) the promulgation of an advertisement by means of any medium of communication.~~

(4B) The services referred to in —

(a) subsection 3(e), (f), and (g); and

(b) subsection 3(j), if supplied before 1 January 2022,

do not include any services comprising either of or both of the following:

(c) the supply of a right to promulgate an advertisement by means of any medium of communication; and

(d) the promulgation of an advertisement by means of any medium of communication.

(4C) The services referred to in subsection (3)(j) shall not include any services which are supplied directly in connection with —

(a) land or any improvement thereto situated inside Singapore; or

(b) goods situated inside Singapore at the time the services are performed, other than goods referred to in subsection (3)(g).

(4D) The services referred to in subsection (3)(u) shall not include any services comprising only of the promulgation of an advertisement by means of the transmission, emission or reception of signs, signals, writing, images, sounds or intelligence by any nature of wire, radio, optical or other electro-magnetic systems whether or not such signs, signals, writing, images, sounds or intelligence have been subjected to rearrangement, computation or other processes by any means in the course of their transmission, emission or reception.

.....

.....

Zero-rating of supply of certain tools, machinery and prototypes

21A.—(1) Subject to such conditions as the Minister may prescribe, the supply by any taxable person of —

(a) any prescribed tool or prescribed machinery used in the manufacture of goods;

(b) any services directly in connection with such tool or machinery; or

(c) any prototype of such tool or machinery,

to a person who belongs in a country outside Singapore and who is not a registered person or is a registered (Seventh Schedule — pay only) person, shall be zero-rated where such tool or machinery is used in Singapore for the manufacture of goods for the person who belongs in a country outside Singapore.

(2) Where a supply of goods or services by a taxable person is zero-rated under subsection (1), then, whether or not tax would be chargeable on the supply apart from this section —

(a) no tax shall be charged on the supply; but

(b) it shall in all other respects be treated as a taxable supply,

and accordingly the rate at which tax is treated as charged on the supply shall be nil.

~~(3) This section does not apply to Seventh Schedule supplies.~~

Zero-rating of sale or letting on hire of goods to approved taxable person in shipping or marine industry

21B.—(1) The Minister may by regulations, in relation to a sale or letting on hire of goods for a prescribed purpose made by any taxable person to a taxable person in the shipping or marine industry who is approved by the Comptroller, permit the supply to be zero-rated.

(2) Where a supply by a taxable person is zero-rated under subsection (1), then, whether or not tax would be chargeable on the supply apart from this section —

- (a) no tax shall be charged on the supply; but
- (b) it shall in all other respects be treated as a taxable supply,

and accordingly the rate at which tax is treated as charged on the supply shall be nil.

(3) Regulations made under subsection (1) may —

- (a) require the taxable person approved by the Comptroller and to whom a supply referred to in subsection (1) has been made to account for the tax on the supply that would, but for regulations made under subsection (1), be chargeable on the supply, in such circumstances, and in such form and manner and within such time, as may be prescribed; and
- (b) where any requirement of the regulations is not complied with or in such other circumstances as may be prescribed, require an amount equivalent to the tax that would, but for subsection (1), be chargeable on the supply to be accounted for.

(4) The Comptroller may, for the protection of revenue, impose conditions or restrictions in relation to any supply referred to in subsection (1).

~~(5) This section does not apply to Seventh Schedule supplies.~~

.....

Persons treated as a group

30.—(1) Subject to subsection (1A), where, under the provisions of any regulations made under subsection (3), any 2 or more persons are treated as members of a group and registered in the name of a representative member —

- (a) any supply of goods or services by a member of the group to another member of the group shall be disregarded;
- (b) any business carried on by a member of the group shall be treated as carried on by the representative member;
- (c) any other supply of goods or services by or to a member of the group shall be treated as a supply by or to the representative member; and

- (d) any tax paid or payable by a member of the group on the importation of any goods shall be treated as paid or payable by the representative member and the goods to be treated for the purposes of sections 26 and 45(6) and (6A) as imported by the representative member.

(1A) Where a supply made by one member of the group to another member of the group is a supply of **services distantly taxable goods or services** that would, but for subsection (1)(a), give rise to a reverse charge supply under section 14(2), the supply —

- (a) is not disregarded; and
- (b) is treated as made to the representative member as the recipient mentioned in section 14.

(2) All members of the group shall be liable jointly and severally for any tax due from the representative member.

(3) Where the Comptroller, in accordance with regulations made by the Minister, approves an application for 2 or more persons to be treated as members of a group, then, with effect from the beginning of a prescribed accounting period they shall be so treated, and one of them shall be the representative member.

(4) Notwithstanding subsection (1), any regulations made under subsection (3) may provide —

- (a) for the circumstances in which 2 or more persons are eligible to make an application to be treated as members of a group;
- (b) for the manner and time within which any application to be treated as members of a group is to be made;
- (c) for the Comptroller, if he thinks it necessary for the protection of the revenue, to refuse an application to be treated as members of a group;
- (d) for the Comptroller to impose such conditions as he may think fit including, where all members of the group are taxable persons registered under paragraph 1B of the First Schedule, a condition that no claim may be made for any credit for any input tax of the representative member (including any amount treated as such under this section);
- (e) for the Comptroller, if he thinks it necessary for the protection of the revenue, to reduce or disallow credit for any amount of input tax where that amount of input tax would otherwise have been attributable to exempt supplies if the application under subsection (3) had not been approved;
- (f) for the circumstances in which the Comptroller may terminate the registration of a group; and
- (g) for the application of the provisions of this section, with such exceptions, modifications and adaptations as may be prescribed, where a business, or part of a business, carried on by a taxable person is transferred to another taxable person who is treated as a member of a group under this section.

.....

Umbrella VCCs

33AA.—(1) For the purposes of this Act, an umbrella VCC making or receiving a supply for the purpose of one of its sub-funds is taken to be a separate person from the same VCC making or receiving a supply for the purpose of another of its sub-funds.

(2) Accordingly —

- (a) a supply that is made by an umbrella VCC for the purpose of one of its sub-funds, and received by the same VCC for the purpose of another of its sub-funds, is taken to be a supply made by one person to another person;
- (b) supplies made or received by an umbrella VCC for the purpose of different sub-funds are taken to have been made or received by different persons; and
- (c) an umbrella VCC making taxable supplies for the purpose of one of its sub-funds is to be registered as a person separately from the same umbrella VCC making taxable supplies for the purpose of another of its sub-funds and each is taken to be a separate taxable or registered person.

(3) For the purposes of this Act, a reference to a business carried on by a taxable person is, where the taxable person is an umbrella VCC in relation to any of its sub-funds, to its business in relation to that sub-fund.

(4) Where —

- (a) the person who receives, is supplied or is the customer of the goods or services mentioned in section 14(1)(a)(i) or (b)(i), 38(1) or (2) or 38A(2) is an umbrella VCC; and
- (b) the goods or services are supplied for the purpose of or in connection with the VCC's business in relation to any of its sub-funds,

then, for the purpose of section 14(2), 38(1) or (2) or 38A(2) (as the case may be), the recipient, person supplied or customer of those goods or services is taken to be the umbrella VCC for the purpose of that sub-fund.

(5) Any liability of an umbrella VCC for tax in relation to a supply made by it for the purpose of a sub-fund, together with any penalty or other amounts payable to the Comptroller in relation to the supply, is considered (for the purposes of section 29 of the VCC Act) liability incurred by the umbrella VCC for the purpose of the sub-fund.

(6) Any fine or penalty imposed on, or composition sum that may be paid by, an umbrella VCC for an offence under this Act that is committed in connection with any of its sub-funds, including but not limited to —

- (a) a supply received or made by it for the purpose of the sub-fund; and
- (b) any return, document, information or other matter concerning the sub-fund,

is considered (for the purpose of section 29 of the VCC Act) liability incurred by the umbrella VCC for the purpose of the sub-fund.

.....

Supplies spanning change of rate, etc.

~~39.—(1) This section shall apply where there is a change in the tax rate in force under section 16 or a change in the descriptions of exempt or zero rated supplies, notwithstanding any different result that may arise by virtue of the application of sections 11, 11A, 11B and 12.~~

~~(2) Subject to subsections (3) and (7), where, pursuant to a supply of goods or services —~~

~~(a) before the change —~~

~~(i) in the case of a supply of goods —~~

~~(A) if the goods are to be removed, they are removed; or~~

~~(B) if the goods are not to be removed, they are made available to the person to whom they are supplied; or~~

~~(ii) in the case of a supply of services, the services are performed,~~

~~and, after the change, the invoice is issued or any consideration is received; or~~

~~(b) before the change, the invoice is issued or any consideration is received before the change, and, after the change —~~

~~(i) in the case of a supply of goods —~~

~~(A) if the goods are to be removed, they are removed; or~~

~~(B) if the goods are not to be removed, they are made available to the person to whom they are supplied; or~~

~~(ii) in the case of a supply of services, the services are performed,~~

~~then the rate at which tax is chargeable on the supply, or any question whether it is zero rated or exempt, shall, if the person making it so elects, be determined at the time when the goods are removed or made available, or the services are performed, as the case may be.~~

(1) This section applies where —

(a) there is a change in the tax rate in force under section 16; or

(b) there is a change in the description of zero-rated, exempt or Seventh Schedule supplies; or

(c) there is a change in the description of circumstances in section 14(1), or in the Eighth Schedule, under which a supply gives rise to a reverse charge supply,

and applies despite any different result that may arise by virtue of the application of sections 11, 11A, 11B, 11C and 12.

(2) Subject to subsections (3) and (7), a person who makes a supply to which a change in subsection (1) relates or (in the case of a reverse charge supply) the recipient of such supply, may elect for tax to be chargeable on the supply in accordance with subsection (2B) or (2C) (as the case may be), if —

(a) for any supply of goods or services —

(i) the supply is performed in part or in whole before the date of the change; and

(ii) the invoice is issued or any consideration is received for the supply on or after the date of the change;

(b) for any supply of goods or services —

(i) the invoice is issued or any consideration is received for the supply before the date of the change; and

(ii) the supply is performed in part or in whole on or after the date of the change; or

(c) for a supply of services by virtue only of paragraph 5(3) of the Second Schedule —

(i) some or all of the goods are, without consideration, put to private use or used, or made available to any person for use, for any purpose other than a purpose of the business concerned, before the date of the change; and

(ii) the supply of services is treated as taking place under section 11A(5)(a) on or after the date of the change.

(2A) For the purpose of subsection (2)(a) and (b), the supply is performed in part or in whole if —

(a) for a supply of goods —

(i) where the goods are to be removed — a part or all (as the case may be) of the goods are removed; or

(ii) where the goods are not to be removed — a part or all (as the case may be) of the goods are made available to the person to whom they are supplied; and

(b) for a supply of services — a part or all (as the case may be) of the services are performed.

(2B) For the purpose of subsection (2)(a) and (c), the tax that may be elected to be chargeable is as follows:

(a) at the old tax rate on the higher of the following amounts:

(i) the value of the supply for which any part consideration is received before the date of the change;

- (ii) the value of, as the case may be —
 - (A) the goods removed or made available before the date of the change;
 - (B) the services performed before the date of the change; or
 - (C) the supply in putting the goods to private use or using the goods, or making the goods available to any person for use, for any purpose other than a purpose of the business concerned, before the date of the change; and

(b) at the new tax rate —

- (i) in relation to subsection (2)(a) — on the value of the supply less the amount on which tax is charged at the old tax rate under paragraph (a); and
- (ii) in relation to subsection (2)(c) — on the value of the supply in putting the goods to private use or using the goods, or making the goods available to any person for use, for any purpose other than a purpose of the business concerned, on or after the date of the change.

(2C) For the purpose of subsection (2)(b), the tax that may be elected to be chargeable is as follows:

(a) at the old tax rate on the value of the supply less the amount on which tax is charged at the new tax rate under paragraph (b); and

(b) at the new tax rate on the higher of the following amounts:

- (i) the value of the supply for which any part consideration is received on or after the date of the change;
- (ii) the value of, as the case may be —
 - (A) the goods removed or made available on or after the date of the change; or
 - (B) the services performed on or after the date of the change.”;

(3) Where, in relation to an invoice issued before the date an increase in tax rate comes into operation —

(a) before that date, no consideration or only a part of the consideration was received; or

(b) before that date —

- (i) in the case of a supply of goods —
 - (A) if the goods are to be removed, no goods were removed or only a part of the goods were removed; or
 - (B) if the goods are not to be removed, no goods are made available or only a part of the goods were made available to the person to whom they are supplied; or

- (ii) in the case of a supply of services, no services were performed or only a part of the services were performed,

then the rate at which tax is chargeable on the supply shall be as follows:

- (c) tax shall be charged at the old tax rate on the higher of the following amounts:
 - ~~(i) any part consideration received before the date of change; or~~
 - (i) the value of the supply for which any consideration is received before the date of the change; or
 - (ii) the value of any goods removed or made available, or any services performed, as the case may be, before that date; and
- (d) tax shall be charged at the new tax rate on the ~~amount of the invoice value of the supply~~ less the amount on which tax is charged at the old tax rate under paragraph (c).

(4) For the purpose of subsection (3), an invoice referred to in that subsection shall, on the date the increase in tax rate comes into operation, cease to have effect to the extent of the amount on which tax is chargeable at the new tax rate under subsection (3)(d).

(5) Where an invoice that ceases to have effect under subsection (4) is a tax invoice, the person making the supply shall, within 14 days after the date the increase in tax rate comes into operation or within such longer period as the Comptroller may allow, issue a new tax invoice specifying —

- (a) the new tax rate; and
- (b) the amount on which tax is chargeable at the new tax rate under subsection (3)(d),

and tax shall be chargeable on the supply to which the new tax invoice relates as if it were a separate supply.

(6) Nothing in subsection (2), (3), (4) or (5) shall affect any tax which (apart from those subsections) is chargeable on a supply to which an invoice referred to in subsection (3) relates, and such tax shall be accounted for and paid to the Comptroller as if those subsections had not been enacted.

(7) Where, in relation to an invoice issued before the date a supply ~~ceases to be a zero-rated or an exempt supply~~ becomes a standard-rated supply —

- (a) before that date, no consideration or only a part of the consideration was received; or
- (b) before that date —
 - (i) in the case of a supply of goods —
 - (A) if the goods are to be removed, no goods were removed or only a part of the goods were removed; or

- (B) if the goods are not to be removed, no goods are made available or only a part of the goods were made available to the person to whom they are supplied; or
- (ii) in the case of a supply of services, no services were performed or only a part of the services were performed,

tax shall be chargeable at the ~~rate applicable on that date on the amount of the invoice~~ new tax rate on the value of the supply less the higher of the following amounts:

- (c) ~~any part consideration~~ the value of the supply for which any consideration is received before that date; or
- (d) the value of any goods removed or made available, or any services performed, as the case may be, before that date.

(8) For the purpose of subsection (7), an invoice referred to in that subsection shall, on the date the supply ~~ceases to be a zero-rated or an exempt supply~~ becomes a standard-rated supply, cease to have effect to the extent of the amount on which tax is chargeable under subsection (7).

(9) Where an invoice that ceases to have effect under subsection (8) is a tax invoice, the person making the supply shall, within 14 days after the date of the change or such longer period as the Comptroller may allow, issue a new tax invoice specifying —

- (a) the tax rate applicable on the ~~date the supply ceases to be a zero-rated or an exempt supply~~ date of the change; and
- (b) the amount on which tax is chargeable at that tax rate under subsection (7),

and tax shall be chargeable on the supply to which the new invoice relates as if it were a separate supply.

(9A) Any tax chargeable on a supply under subsection (3)(d) or (7) must be accounted for in the prescribed accounting period in which the earliest of the following falls:

- (a) the date of any new invoice for the amount on which the tax is charged;
- (b) the date any consideration is received towards the amount on which the tax is charged;
- (c) the last day of the period of 14 days or such longer period as the Comptroller may allow, after the date of the change.

(9B) Despite subsection (9A), where a recipient applies section 11C(3) to its reverse charge supplies, the recipient must account for any tax chargeable on each supply under subsection (3)(d) or (7) as follows:

- (a) if the earlier date in relation to the supply is the date of its entry into the books of account or other records of the recipient —
 - (i) where the date of entry is on or after the date of the change —
 - (A) in the prescribed accounting period in which the date of entry falls; and

(B) at the new rate (less any tax on the supply already accounted for);
(ii) where the date of entry is before the date of the change —

(A) in the prescribed accounting period in which the earlier of the following falls:

(AA) the date on which the recipient pays any consideration for the supply in fact made;

(AB) the last day of the period of 14 days or such longer period as the Comptroller may allow, after the date of the change; and

(B) at the new rate (less any tax on the supply already accounted for); and

(b) if the earlier date in relation to the supply is the date the recipient pays any consideration for the supply in fact made —

(i) in the prescribed accounting period in which the date of payment falls; and

(ii) at the rate applicable on that date.

(9C) Despite subsection (9A), where a recipient makes an election under section 11C(8) in relation to its reverse charge supplies, then the recipient must account for the tax chargeable on each reverse charge supply under subsection (3)(d) or (7) as follows:

(a) if the day immediately after the end of the longer period is on or after the date of the change —

(i) in the prescribed accounting period in which that date falls; and

(ii) at the new rate (less any tax on the supply already accounted for);

(b) if the day immediately after the end of the longer period is before the date of the change —

(i) in the prescribed accounting period in which the last day of the period of 14 days or such longer period as the Comptroller may allow, after the date of the change, falls; and

(ii) at the new rate (less any tax on the supply already accounted for).

(10) Regulations made under section 41 may, in relation to any tax invoice which —

(a) relates to a supply in respect of which an election is made under this section and which was issued before the election was made; or

(b) ceases to have effect under subsection (4) or (8), provide for the replacement or correction of that invoice (including the issue of a credit note).⁽¹¹⁾ No election may be made under this section in respect of a supply to which paragraph 6 of the Second Schedule applies.⁽¹²⁾ For the purposes of this section, where only a part of the goods are removed or made available, or only a part of the services are performed, as the case may be, the value of the

supply so partly made shall be such value as is, in the opinion of the Comptroller, reasonably attributable to the supply so partly made.

~~(13) In this section —~~

~~“new tax rate” means the tax rate applicable on the date an increase in tax rate comes into operation;~~

~~“old tax rate” means the tax rate applicable immediately before the date an increase in tax rate comes into operation.~~

(13) In this section —

“new tax rate” —

(a) in relation to a change in tax rate or a change that results in the supply becoming a standard-rated supply, means the tax rate applicable to the supply on the date of the change; and

(b) in relation to a change that results in the supply ceasing to be a standard-rated supply — is zero;

“old tax rate” —

(a) in relation to a change that results in the supply becoming a standard-rated supply, is zero; and

(b) in relation to a change in tax rate or a change that results in the supply ceasing to be a standard-rated supply — means the tax rate applicable to the supply immediately before the date of the change.

(14) For the purposes of this section, a supply becomes a standard-rated supply if —

(a) as a result of a change in description of supplies —

(i) the supply ceases to fall within the description of a zero-rated supply;

(ii) the supply ceases to fall within the description of an exempt supply;

(iii) the supply falls within the description of a Seventh Schedule supply, as the case may be; or

(b) as a result of a change in the description of circumstances in section 14(1), or in the Eighth Schedule, the supply falls within the description of a supply that gives rise to a reverse charge supply,

and the reference to a supply ceasing to be a standard-rated supply is to be construed accordingly.

(15) In applying this section to a reverse charge supply —

(a) a reference to consideration received is a reference to consideration paid by the recipient of the reverse charge supply; and

(b) a reference to an invoice is a reference to an invoice issued by the person or branch mentioned in section 14(1) that in fact makes the supply to the recipient.

.....

Duty to keep records

46.—(1) Every taxable person shall keep the following records:

- (a) his business and accounting records;
- (b) his accounts as required by regulations made under section 41;
- (c) copies of all invoices and receipts issued by him;
- (d) invoices received by him;
- (e) documentation relating to importations and exportations by him;
- (f) all credit notes, debit notes or other documents which evidence an increase or decrease in consideration that are received, and copies of all such documents issued by him;
- (fa) where applicable, records of the reasonable steps taken by the taxable person to determine whether or not the supply made to the taxable person was a part of an arrangement mentioned in section 20(2A);
- (g) such other records as may be prescribed.

(1AA) Any person who is required to account for tax on a reverse charge supply must, in addition to the records mentioned in subsection (1), maintain the following:

- (a) sufficient records of the reverse charge supply to enable the following particulars to be ascertained:
 - (i) the name and address of the person or branch mentioned in ~~section 14(1)(a)~~ section 14(1) or member of the group mentioned in section 30(1A) whose supply gave rise to the reverse charge supply (called in this section the ~~overseas-supplier~~ supplier);
 - (ii) the date on which, or the period during which, the ~~services~~ ~~taxable goods or services~~ under the supply made by the ~~overseas supplier~~ supplier were in fact received;
 - (iii) a description of the ~~services~~ ~~distantly taxable goods or services~~ in fact supplied;
 - (iv) the consideration for the supply made by the ~~overseas-supplier~~ supplier;
 - (v) the time by which payment of the consideration for the supply made by the ~~overseas-supplier~~ supplier is required;
 - (vi) the reference number of any invoice relating to the supply made by the ~~overseas-supplier~~ supplier;
 - (vii) any contract, agreement or arrangement entered into in respect of the supply made by the ~~overseas-supplier~~ supplier;

- (viii) where any invoice, contract, agreement or arrangement is in a foreign language, a translation of the same into English, if the Comptroller requires;
- (ix) such other records as may be prescribed;
- (b) where an election under section 11C(8)(c) or 14(5) or (6) has been made, a record of the election and such information and supporting documents relating to the election, in such form and manner, as required by the Comptroller.

(1A) Without affecting subsection (1) or (1AA), the Comptroller may, for the protection of revenue, direct in writing any taxable person to keep records of the models and serial numbers of any goods supplied to or by the taxable person; and the taxable person must comply with the direction.

(1B) Where the taxable person is an operator of an electronic marketplace mentioned in the Seventh Schedule, the duty of the operator to keep records under this section includes records relating to —

- (a) where paragraph 3(2)(b)(ii) of the Seventh Schedule applies, all supplies of ~~digital services~~ services of the relevant overseas underlying supplier made to any person belonging in Singapore; ~~and~~
 - (aa) where paragraph 3(3A)(b)(i)(B) of the Seventh Schedule applies —
 - (i) if the operator has not made an election under paragraph 4A of the Seventh Schedule — all supplies of distantly taxable goods that the operator is treated as making instead of any underlying supplier; and
 - (ii) if the operator has made an election under paragraph 4A of the Seventh Schedule — all supplies mentioned in sub-paragraph (i), and supplies of goods that are treated as not being supplies of distantly taxable goods under that paragraph;
- (b) where the operator makes an election under paragraph 5 of the Seventh Schedule, all supplies of ~~digital services~~ services of any local underlying supplier (that are treated as made to the operator) in fact made to any person belonging in Singapore; and
- (c) where the operator belongs in Singapore and has been granted approval under paragraph 6 of the Seventh Schedule —
 - (i) if the operator has not made an election under paragraph 5 of the Seventh Schedule — all supplies of services of any overseas underlying supplier (that are treated as made to the operator) in fact made to a registered person; and
 - (ii) if the operator has made an election under paragraph 5 of the Seventh Schedule — all suppliers of services of any overseas underlying supplier and any local underlying supplier (that are treated as made to the operator) in fact made to a registered person.

(1C) Despite subsection (1), a registered (Seventh Schedule — pay only) person need not keep records of supplies of goods or services made to the person or imports of goods by the person.

(1D) Where the taxable person is a redeliverer mentioned in the Seventh Schedule that is treated as making supplies of goods under the Seventh Schedule, the duty of the redeliverer to keep records under this section includes records relating to —

(a) the receipt issued by the supplier, underlying supplier or operator of the electronic marketplace of the goods or other confirmation by the supplier, underlying supplier or operator of the value of the consideration for the supply; and

(b) if the receipt mentioned in paragraph (a) is not available, the value of the consideration for the supply disclosed to the redeliverer by the person (X) arranging with the redeliverer for the delivery of the goods or a person acting on X's behalf,

being distantly taxable goods and goods the supplies of which are treated as not being supplies of distantly taxable goods under paragraph 4A of the Seventh Schedule.

(2) Any records kept in pursuance of this section shall be preserved —

(a) in the case of records relating to a prescribed accounting period ending before 1st January 2007, for a period of not less than 7 years after the end of the prescribed accounting period; and

(b) in the case of records relating to a prescribed accounting period ending on or after 1st January 2007, for a period of not less than 5 years after the end of the prescribed accounting period.

(3) The duty under this section to preserve records may be discharged by the preservation of the information contained therein by such means as the Comptroller may approve.

(3AA) Without affecting subsection (3), the Comptroller may direct in writing any taxable person to keep or preserve, or both keep and preserve, by any electronic means specified in the direction, any records under subsection (1), (1AA), (1A) ~~or (1B)~~, (1B) or (1D) of the taxable person as the Minister may prescribe; and the taxable person must comply with the direction.

(3A) Where the information is preserved in accordance with subsection (3) or (3AA), a copy of any document forming part of the records shall, subject to subsections (4) and (5), be admissible in evidence in any proceedings, whether civil or criminal, to the same extent as the records themselves.

(4) The Comptroller may, as a condition of approving under subsection (3) any means of preserving information contained in any records, impose such reasonable requirements as appear to him necessary for securing that the information will be as readily available to him as if the records themselves had been preserved.

(5) A statement contained in a document produced by a computer shall not by virtue of subsection (3A) be admissible in evidence in civil or criminal proceedings except in accordance with the Evidence Act (Cap. 97).

(6) Any person who without reasonable excuse fails to comply with this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both and, in the case of a second or subsequent conviction, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both.

.....

Penalty for misrepresenting status of person

62A.—(1) A person who receives a Seventh Schedule supply of services (X) commits an offence if —

- (a) X belongs in Singapore under section 15 and is not a registered person; and
- (b) X provides (whether or not to the person making the supply) any information for the purpose of the supply that is false as to —
 - (i) whether X belongs in Singapore under section 15; or
 - (ii) whether X is a registered person.

(1A) A person who receives a Seventh Schedule supply of goods (Y) commits an offence if —

- (a) Y is not a registered person; and
- (b) Y provides (whether or not to the person making the supply) any information for the purpose of the supply that is false as to whether Y is a registered person.

(2) A person who is guilty of an offence under subsection (1) or (1A) shall on conviction —

- (a) be punished with a fine of an amount equal to the amount of tax undercharged on the supply in consequence of the false information, or which would have been undercharged if the person making the supply had accepted the information as true; and
- (b) also be liable to a further fine of an amount not exceeding \$10,000.

Penalty for wilfully misrepresenting status of person

62B.—(1) A person who receives a Seventh Schedule supply (X) commits an offence if —

- ~~(a) X belongs in Singapore under section 15 and is not a registered person;~~

(a) where the supply is a supply of services, X belongs in Singapore under section 15;

(aa) X is not a registered person;

(b) X provides (whether or not to the person making the supply) any information for the purpose of the supply; and

(c) X wilfully provides the information with intent to induce the person making the supply into making a determination that —

(i) where the supply is a supply of services, X does not belong in Singapore for purposes of the supply; or

(ii) X is a registered person.

(2) For the purpose of subsection (1), where —

(a) X purchases the supply using a device; and

(b) a mobile country code, an IP address or other information identifies the physical location of the device at the time X makes the purchase,

then X, in using the device, is treated as providing information as to that physical location.

(3) A person who is guilty of an offence under subsection (1) shall on conviction —

(a) be punished with a fine equal to 3 times the amount of the tax undercharged on the supply in consequence of the person making the supply having been induced as mentioned in subsection (1)(c), or which would have been undercharged if the person making the supply had been so induced; and

(b) also be liable to —

(i) a further fine not exceeding \$10,000; or

(ii) imprisonment for a term not exceeding 7 years,

or to both.

.....

Temporary arrangements for Seventh Schedule supplies and reverse charge supplies: registration

91.—(1) Where, on or before 22 October 2019, a person has reasonable grounds for believing that he will be liable on 1 January 2020 to be registered —

(a) by virtue of paragraph 1A(1)(b) of the First Schedule; or

(b) by virtue of paragraph 1B(1)(b) of the First Schedule,

the person must notify the Comptroller of that fact within the period between 1 October 2019 and 1 November 2019 (both dates inclusive), or within such longer time as the

Comptroller may allow, and the Comptroller must register the person with effect from 1 January 2020.

(1A) Where, on or before 23 September 2022, as a result of the inclusion in the total value of a person's taxable supplies of the values of the following supplies of the person:

- (a) Seventh Schedule supplies of goods;
- (b) new Seventh Schedule supplies of services;
- (c) supplies of distantly taxable goods that give rise to reverse charge supplies,

the person has reasonable grounds for believing that the person will be liable on 1 January 2023 to be registered —

- (d) by virtue of paragraph 1(1)(b) of the First Schedule;
- (e) by virtue of paragraph 1A(1)(b) of the First Schedule; or
- (f) by virtue of paragraph 1B(1)(b) of the First Schedule,

the person must notify the Comptroller of that fact within the period between 1 September 2022 and 1 October 2022 (both dates inclusive), or within such longer time as the Comptroller may allow, and the Comptroller must register the person with effect from 1 January 2023.

(2) Where, during the period from 23 October 2019 to 31 December 2019 (both dates inclusive), a person has reasonable grounds for believing that he will be liable on 1 January 2020 to be registered —

- (a) by virtue of paragraph 1A(1)(b) of the First Schedule; or
- (b) by virtue of paragraph 1B(1)(b) of the First Schedule,

the person must notify the Comptroller of that fact no later than 31 January 2020, or within such longer time as the Comptroller may allow, and the Comptroller must register the person with effect from 1 February 2020 or from such earlier date as may be agreed between the Comptroller and that person.

(3) Where, during the period from 24 September 2022 to 31 December 2022 (both dates inclusive), as a result of the inclusion in the total value of a person's taxable supplies of the values of the following supplies of the person:

- (a) Seventh Schedule supplies of goods;
- (b) new Seventh Schedule supplies of services;
- (c) supplies of distantly taxable goods that give rise to reverse charge supplies,

the person has reasonable grounds for believing that the person will be liable on 1 January 2023 to be registered —

- (d) by virtue of paragraph 1(1)(b) of the First Schedule;
- (e) by virtue of paragraph 1A(1)(b) of the First Schedule; or
- (f) by virtue of paragraph 1B(1)(b) of the First Schedule,

the person must notify the Comptroller of that fact no later than 31 January 2023, or within such longer time as the Comptroller may allow, and the Comptroller must register the person with effect from 1 February 2023 or from such earlier date as may be agreed between the Comptroller and that person.

(4) In this section, “new Seventh Schedule supply of services” means a Seventh Schedule supply of services other than the following:

- (a) services that are supplied over the Internet or other electronic network and the nature of which renders the supply essentially automated with minimal or no human intervention, and impossible without the use of information technology, including —
 - (i) any digital product;
 - (ii) any software or software update;
 - (iii) any image, text or information, or the making available of any database;
 - (iv) any music, film or game;
 - (v) any distance teaching through any pre-recorded medium or electronic learning;
 - (vi) any website supply, web hosting, or automated or digital maintenance of any programme;
 - (vii) any service providing or supporting a business or personal presence on any electronic network;
 - (viii) any search engine or automated helpdesk service;
 - (ix) any listing service for the right to put goods or services for sale on any online market or auction house;
 - (x) any live streaming service;
 - (xi) any advertising service on any intangible media platform (whether or not the advertisement is intended to be substantially promulgated in Singapore);
 - (xii) any support service performed, through electronic means, for arranging or facilitating the completion of underlying transactions; and
- (b) services (the firstmentioned services), not being services mentioned in paragraph (a), that are supplied in the following circumstances:
 - (i) a person makes or is treated under the Seventh Schedule as making a supply of services mentioned in paragraph (a);
 - (ii) the supply of the firstmentioned services is made in the course of making the supply of the services mentioned in sub-paragraph (i);
 - (iii) the supply of the firstmentioned services is ancillary to the supply of the services mentioned in sub-paragraph (i); and

- (iv) the Comptroller has, upon an application by the person, notified the person that the Comptroller is satisfied that the supply of the first-mentioned services is within sub-paragraphs (ii) and (iii).

.....

Temporary arrangements for new Seventh Schedule supplies: distantly taxable goods and new services

92A.—(1) Where an agreement provides (expressly or impliedly) for a new Seventh Schedule supply of services to be performed progressively and continuously over a period, then —

- (a) if the agreement was made before 16 February 2021 for the supply — tax is not chargeable on the supply;
- (b) if the agreement was or is made on or after 16 February 2021 but before 1 January 2023 for the supply — tax is chargeable on the supply to the extent that the services are performed on or after 1 January 2023.

(2) Subject to subsection (1), where an invoice for a new Seventh Schedule supply of services was or is issued on or after 16 February 2021 but before 1 January 2023, tax is chargeable on the supply to the extent of —

- (a) the amount of the invoice received on or after 1 January 2023; or
- (b) the value of the services to which the invoice relates that are performed on or after 1 January 2023, if lower.

(3) Subsection (2) does not apply if the whole amount of the invoice is received, or the whole of the services is performed, before 1 January 2023.

(4) Where an invoice for a Seventh Schedule supply of goods was or is issued on or after 16 February 2021 but before 1 January 2023, tax is chargeable on the supply to the extent of —

- (a) the amount of the invoice received on or after 1 January 2023; or
- (b) the value of the goods to which the invoice relates that were removed or made available to the person whom they are supplied on after 1 January 2023, if lower.

(5) Subsection (4) does not apply if the whole amount of the invoice is received, or the whole of the goods is removed or made available to the person whom they are supplied, before 1 January 2023.

(6) Subject to subsection (1), where an invoice for a new Seventh Schedule supply of services is issued on or after 1 January 2023 —

- (a) tax is chargeable on the supply to the extent of the amount of the invoice received on or after that date; but
- (b) the taxable person may elect for the tax to be chargeable only to the extent of the value of the services that are performed on or after that date, if lower.

(7) Subject to subsection (1) and despite subsection (6), where an invoice for a new Seventh Schedule supply of services is issued on or after 1 January 2023 but before the day on which the person making the supply is registered in accordance with the First Schedule —

(a) tax is chargeable on the supply to the extent of the amount of the invoice received on or after the day on which the person making the supply is registered in accordance with the First Schedule; but

(b) the person may elect for the tax to be chargeable only to the extent of the value of the services that are performed on or after 1 January 2023, if lower.

(8) Subsections (6) and (7) do not apply if the whole amount of the invoice is received, and the whole of the services is performed, on or after 1 January 2023. (9) Where an invoice for a Seventh Schedule supply of goods is issued on or after 1 January 2023 —

(a) tax is chargeable on the supply to the extent of the amount of the invoice received on or after that date; but

(b) the taxable person may elect for the tax to be chargeable only to the extent of the value of the goods that are removed or made available to the person to whom they are supplied on or after that date, if lower.

(10) Despite subsection (9), where an invoice for a Seventh Schedule supply of goods is issued on or after 1 January 2023 but before the day on which the person making the supply is registered in accordance with the First Schedule —

(a) tax is chargeable on the supply to the extent of the amount of the invoice received on or after the day on which the person making the supply is registered in accordance with the First Schedule; but

(b) the person may elect for the tax to be chargeable only to the extent of the value of the goods that are removed or made available to the person to whom they are supplied on or after 1 January 2023, if lower.

(11) Subsections (9) and (10) do not apply if the whole amount of the invoice is received, and the whole of the goods is removed or made available to the person to whom they are supplied, on or after 1 January 2023.

(12) Tax chargeable —

(a) under subsection (1) for any services under subsection (1)(b) are covered by an invoice issued or consideration received before 1 January 2023; or

(b) under subsections (2) or (4),

must be accounted for in the return for the accounting period in which the later of the following falls:

(c) 1 January 2023;

(d) the day on which the person making the supply is registered in accordance with the First Schedule.

(13) Tax chargeable under subsections (6) and (9) must be accounted for in the return for the accounting period in which the earlier of the following falls:

(a) the invoice for a new Seventh Schedule supply of services or Seventh Schedule supply of goods (as the case may be) is issued;

(b) the consideration for the amount of the invoice is received by the supplier.

(14) Tax chargeable under subsections (7) or (10) must be accounted for in the return for the accounting period in which the consideration for the amount of the invoice is received on or after the day on which the person making the supply is registered in accordance with the First Schedule.

(15) For the purposes of this section, where (as the case may be) —

(a) only a part of the services under a new Seventh Schedule supply of services is performed; or

(b) only a part of the goods under a Seventh Schedule supply of goods is removed or made available to the person to whom they are supplied,

then the value of the part is a value that is, in the opinion of the Comptroller, reasonably attributable to the part.

(16) This section applies despite anything in —

(a) section 11, 11A, 11B or 12; or

(b) section 39 (to the extent the section provides for changes in the description of Seventh Schedule supplies).

(17) For the purposes of paragraphs 1 and 1A of the First Schedule, references to taxable supplies and Seventh Schedule supplies of a person do not include any Seventh Schedule supplies of goods or new Seventh Schedule supplies of services of the person that take place before 1 January 2023.

(18) In this section, “new Seventh Schedule supply of services” has the same meaning as in section 91(4).

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Temporary arrangements for reverse charge supplies: distantly taxable goods

94.—(1) Where an invoice for a supply in fact made that gives rise to a reverse charge supply of distantly taxable goods was or is issued on or after 16 February 2021 but before 1 January 2023, tax is chargeable on the reverse charge supply to the extent of —

(a) the amount of the invoice paid on or after 1 January 2023; or

(b) the value of the distantly taxable goods that are delivered to the recipient on or after 1 January 2023, if lower.

(2) Subsection (1) does not apply if the whole amount of the invoice is paid, or the whole of the goods to which the invoice relates is delivered to the recipient, before 1 January 2023.

(3) Where an invoice for a supply in fact made that gives rise to a reverse charge supply of distantly taxable goods is issued on or after 1 January 2023 —

- (a) tax is chargeable on the reverse charge supply to the extent of the amount of the invoice paid on or after that date; but
- (b) the recipient may elect for the tax to be chargeable only to the extent of the value of the goods that are delivered to the recipient on or after that date, if lower.

(4) Despite subsection (3), where an invoice for a supply in fact made that gives rise to a reverse charge supply of distantly taxable goods is issued on or after 1 January 2023 but before the day on which the person receiving the supply is registered in accordance with the First Schedule —

- (a) tax is chargeable on the reverse charge supply to the extent of the amount of the invoice paid on or after the day on which the person receiving the supply is registered in accordance with the First Schedule; but
- (b) the person may elect for the tax to be chargeable only to the extent of the value of the goods that are delivered to the recipient on or after 1 January 2023, if lower.

(5) Subsections (3) and (4) do not apply if the whole amount of the invoice is paid, and all of the distantly taxable goods are delivered to the recipient, on or after 1 January 2023.

(6) Tax chargeable under subsection (1) must be accounted for in the return for the accounting period in which the later of the following falls:

- (a) 1 January 2023;
- (b) the day on which the recipient is registered in accordance with the First Schedule.

(7) Tax chargeable under subsection (3) must be accounted for in the return for the accounting period in which the earlier of the following falls:

- (a) the invoice for the reverse charge supply of distantly taxable goods is issued;
- (b) the consideration for the amount of the invoice is paid by the recipient.

(8) Tax chargeable under subsection (4) must be accounted for in the return for the accounting period in which the consideration for the amount of the invoice is paid on or after the day on which the person receiving the supply is registered in accordance with the First Schedule.

(9) For the purposes of this section, where only a part of the distantly taxable goods is delivered to the person to whom they are supplied, the value of the part is a value that is, in the opinion of the Comptroller, reasonably attributable to the part.

(10) This section applies despite anything in —

(a) section 11C; or

(b) section 39 (to the extent that the section provides for changes in the description of circumstances in section 14(1), or in the Eighth Schedule, under which a supply gives rise to a reverse charge supply).

(11) For the purposes of paragraph 1B of the First Schedule, references to supplies of distantly taxable goods received by a person do not include any supplies of distantly taxable goods received by the person in Singapore before 1 January 2023.

Sections 9, 38, 49(1)(f), 51(9) and 61 REGISTRATION

Liability to be registered

1.—(1) A person who makes taxable supplies but is not registered is liable to be registered in accordance with any of the following:

(a) either —

(i) at the end of any quarter the last day of which is a day before 1 January 2019, if the total value of all his taxable supplies made in Singapore in that quarter and the 3 quarters immediately preceding that quarter has exceeded \$1 million; or

~~(ii) at the end of the year 2019 or a subsequent calendar year, if the total value of all his taxable supplies made in Singapore in that calendar year has exceeded \$1 million;~~

(ii) at the end of the year 2019 or a subsequent calendar year, if the total value of all of the following in that calendar year has exceeded \$1 million:

(A) the person's taxable supplies made in Singapore;

(B) if the person belongs in Singapore, the person's taxable supplies under paragraph 3(2)(b)(ii) and 3(3A) of the Seventh Schedule;

~~(b) at any time, if there are reasonable grounds for believing that the total value of his taxable supplies made in Singapore in the period of 12 months then beginning will exceed \$1 million.~~

(b) at any time, if there are reasonable grounds for believing that the total value of all of the following in the period of 12 months then beginning will exceed \$1 million:

(i) the person's taxable supplies made in Singapore;

(ii) if the person belongs in Singapore, the person's taxable supplies under paragraph 3(2)(b)(ii) and 3(3A) of the Seventh Schedule.

(2) Where a business carried on by a taxable person is transferred to another person as a going concern and the transferee is not registered at the time of the transfer, then the transferee becomes liable to be registered at that time —

(a) if —

(i) for a business transferred before 1 January 2019, the total value of all the transferee's taxable supplies made in Singapore in the quarter in which the time of the transfer falls and the 3 quarters immediately preceding that quarter exceeds \$1 million; or

~~(ii) for a business transferred on or after 1 January 2019, the total value of all the transferee's taxable supplies made in Singapore in the calendar year immediately preceding the calendar year in which the time of transfer falls exceeds \$1 million; or~~

(ii) for a business transferred on or after 1 January 2019, the total value of all of the following in the calendar year immediately preceding the calendar year in which the time of transfer falls exceeds \$1 million:

(A) the transferee's taxable supplies made in Singapore; and

(B) if the transferee belongs in Singapore, the transferee's taxable supplies under paragraph 3(2)(b)(ii) and 3(3A) of the Seventh Schedule; or

~~(b) if there are reasonable grounds for believing that the total value of his taxable supplies made in Singapore in the period of 12 months then beginning will exceed \$1 million.~~

(b) if there are reasonable grounds for believing that the total value of all of the following in the period of 12 months then beginning will exceed \$1 million:

(i) the transferee's taxable supplies made in Singapore;

(ii) if the transferee belongs in Singapore, the transferee's taxable supplies under paragraph 3(2)(b)(ii) and 3(3A) of the Seventh Schedule.

(3) A person is not liable to be registered, as the case may be —

(a) by virtue of sub-paragraph (1)(a)(i) or (2)(a)(i) at the end of any quarter if the Comptroller is satisfied that the value of his taxable supplies made in Singapore in the next 4 quarters will not exceed \$1 million; or

~~(b) by virtue of sub-paragraph (1)(a)(ii) or (2)(a)(ii) at the end of any calendar year if the Comptroller is satisfied that the value of his taxable supplies made in Singapore in the next calendar year will not exceed \$1 million.~~

(b) by virtue of sub-paragraph (1)(a)(ii) or (2)(a)(ii) at the end of any calendar year if the Comptroller is satisfied that the value of all of the following in the next calendar year will not exceed \$1 million:

(i) the person's taxable supplies made in Singapore;

(ii) if the person belongs in Singapore, the person's taxable supplies under paragraph 3(2)(b)(ii) and 3(3A) of the Seventh Schedule.

(3A) Where a sub-fund (called A) is merged with another sub-fund (called B) (whether of the same umbrella VCC or of another umbrella VCC) and either —

- (a) all of the following conditions are satisfied:
 - (i) B is the surviving sub-fund following the merger;
 - (ii) the umbrella VCC of A was a taxable person in relation to A immediately before the merger;
 - (iii) the umbrella VCC of B is not a registered person in relation to B at the time of the merger; or
- (b) all of the following conditions are satisfied:
 - (i) a new sub-fund (called C) is formed following the merger;
 - (ii) either —
 - (A) the umbrella VCC of A was a taxable person in relation to A; or
 - (B) the umbrella VCC of B was a taxable person in relation to B, immediately before the merger, or both;
 - (iii) the umbrella VCC of C is not a registered person in relation to C at the time of the merger,

then the umbrella VCC of B or C (as the case may be) becomes liable to be registered in relation to it at the time of the merger if —

- (c) in the case of paragraph (a), the total value of all of its taxable supplies made in Singapore for the purpose of B in the calendar year immediately preceding the calendar year in which the time of merger falls exceeds \$1 million; or
- (d) in the case of either paragraph (a) or (b), there are reasonable grounds for believing that the total value of all of its taxable supplies made in Singapore for the purpose of B or C in the period of 12 months then beginning will exceed \$1 million.

(4) In determining the liability of a person to register by virtue of this paragraph, the taxable supplies mentioned in this paragraph exclude any reverse charge supplies of the person.

1A.—(1) A person who belongs in a country other than Singapore and makes any Seventh Schedule supply is liable to be registered —

- (a) at the end of the year 2019 or any subsequent calendar year, if in that year —
 - (i) the total value of all his taxable supplies, and supplies outside Singapore which would have been taxable supplies if made in Singapore, has exceeded \$1 million; and
 - (ii) the total value of his Seventh Schedule supplies, ~~other than exempt supplies,~~ has exceeded \$100,000; or

- (b) at any time on or after 1 January 2020, if there are reasonable grounds for believing that, in the period of 12 months then beginning —
 - (i) the total value of all his taxable supplies, and supplies outside Singapore which would have been taxable supplies if made in Singapore, will exceed \$1 million; and
 - (ii) the total value of his Seventh Schedule supplies, ~~other than exempt supplies,~~ will exceed \$100,000.

(2) Where a business carried on by a taxable person who belongs in a country other than Singapore and who makes any Seventh Schedule supply, is transferred on or after 1 January 2020 as a going concern to another person who belongs in a country other than Singapore and the transferee is not registered at the time of the transfer, then the transferee becomes liable to be registered at that time if —

- (a) in the calendar year immediately preceding the calendar year in which the time of transfer falls —
 - (i) the total value of all his taxable supplies, and supplies outside Singapore which would have been taxable supplies if made in Singapore, has exceeded \$1 million; and
 - (ii) the total value of his Seventh Schedule supplies, ~~other than exempt supplies,~~ has exceeded \$100,000; or
- (b) there are reasonable grounds for believing that, in the period of 12 months then beginning —
 - (i) the total value of all his taxable supplies, and supplies outside Singapore which would have been taxable supplies if made in Singapore, will exceed \$1 million; and
 - (ii) the total value of his Seventh Schedule supplies, ~~other than exempt supplies,~~ will exceed \$100,000.

(3) A person is not liable to be registered by virtue of sub-paragraph (1)(a)(i) or (2)(a)(i) at the end of any calendar year if the Comptroller is satisfied that, in the next calendar year —

- (a) the total value of his taxable supplies, and supplies outside Singapore which would be taxable supplies if made in Singapore, will not exceed \$1 million; or
- (b) the value of his Seventh Schedule supplies, ~~other than exempt supplies,~~ will not exceed \$100,000.

(4) Where a person is liable to be registered by virtue of this paragraph and paragraph 1, the Comptroller must register the person in accordance with paragraph 1 rather than this paragraph.

(5) If a person registered by virtue of this paragraph subsequently becomes liable to be registered by virtue of paragraph 1, the person must inform the Comptroller —

- (a) within 30 days after the date on which the person becomes so liable; or

- (b) if no particular day is identifiable as the day on which the person becomes so liable, within 30 days after the end of the quarter in which the person becomes so liable.

1B.—(1) A person who receives ~~services mentioned in section 14(1)(a)~~ **services mentioned in section 14(1)** but is not registered is liable to be registered —

- (a) at the end of the year 2019 or any subsequent calendar year, if in that year the total value of ~~the supply of all such services~~ **all supplies of such goods and services** received by him in Singapore has exceeded \$1 million, and the person is not entitled to credit for the full amount of input tax as mentioned in ~~section 14(1)(b)~~ **section 14(1)** (read with section 14(1A)) in that calendar year; or
- (b) at any time on or after 1 January 2020, if there are reasonable grounds for believing that the total value of ~~the supply of such services~~ **all supplies of such goods and services** received by him in Singapore in the period of 12 months then beginning will exceed \$1 million, and the person is not entitled to credit for the full amount of input tax as mentioned in ~~section 14(1)(b)~~ **section 14(1)** (read with section 14(1A)) in that period of 12 months.

(2) Where a business carried on by a taxable person who received ~~services mentioned in section 14(1)(a)~~ **services mentioned in section 14(1)** is transferred on or after 1 January 2020 as a going concern to another person and the transferee is not registered at the time of the transfer, the transferee becomes liable to be registered at that time if —

- (a) the total value of all supplies of ~~services~~ **such goods and services** received by him in Singapore in the calendar year immediately preceding the year of the time of transfer has exceeded \$1 million, and the person is not entitled to credit for the full amount of input tax as mentioned in ~~section 14(1)(b)~~ **section 14(1)** (read with section 14(1A)) in that calendar year; or
 - (b) there are reasonable grounds for believing that the total value of all supplies of ~~services~~ **such goods and services** received by him in Singapore in the period of 12 months then beginning will exceed \$1 million, and the person is not entitled to credit for the full amount of input tax as mentioned in ~~section 14(1)(b)~~ **section 14(1)** (read with section 14(1A)) in that period of 12 months.
- 1C.—(1) In determining the value of a person's supplies for the purposes of paragraph 1(1)(a) or (2)(a), 1A(1)(a) or (2)(a) or 1B(1)(a) or (2)(a), supplies made at a time when he was previously registered must be disregarded if —
- (a) his registration was cancelled otherwise than under paragraph 14; and
 - (b) the Comptroller is satisfied that before his registration was cancelled he had given the Comptroller all the information the Comptroller needed in order to determine whether to cancel the registration.

(2) In determining the value of a person's supplies for the purpose of paragraphs 1 and 1A, supplies of goods or services that are capital assets of the business in the course or furtherance of which they are supplied must be disregarded.

2.—(1) Without prejudice to section 47 and to paragraphs 1, 1A and 1B, if the Comptroller makes a direction under this paragraph, the persons named in the direction shall be treated as a single taxable person carrying on the activities of a business described in the direction and that taxable person shall be liable to be registered with effect from the date of the direction or, if the direction so provides, from such later date as may be specified therein.

(2) The Comptroller may make a direction under this paragraph naming any person where the Comptroller is satisfied —

(a) that he —

(i) is making or has made taxable supplies; or

(ii) is a recipient within section 14(1);

(b) that the activities in the course of which he makes or made those taxable supplies or receives ~~services mentioned in section 14(1)(a)~~ **distantly taxable goods or services mentioned in section 14(1)** (as the case may be) form only part of certain activities which should properly be regarded as those of the business described in the direction, the other activities being carried on concurrently or previously (or both) by one or more other persons;

(c) that, if all the taxable supplies of or the ~~services mentioned in section 14(1)(a)~~ **distantly taxable goods or services mentioned in section 14(1)** received for (as the case may be) that business were taken into account, a person carrying on that business would, at the time of the direction, be liable to be registered by virtue of paragraph 1, 1A or 1B; and

(d) that the main reason or one of the main reasons for the person concerned carrying on the activities first referred to in sub-paragraph (b) in the way he does is the avoidance of a liability to be registered (whether that liability would be his, another person's or that of 2 or more persons jointly).

(3) A direction made under this paragraph shall be served on each of the persons named in it.

(4) Where, after a direction has been given under this paragraph specifying a description of business, it appears to the Comptroller that a person who has not been named in that direction is making taxable supplies or receiving ~~services mentioned in section 14(1)(a)~~ **distantly taxable goods or services mentioned in section 14(1)** (as the case may be) in the course of activities which should properly be regarded as part of the activities of that business, the Comptroller may make and serve on him a supplementary direction referring to the earlier direction and the description of business specified in it and adding that person's name to those of the persons named in the earlier direction with effect from —

(a) the date on which he began to make those taxable supplies or receives the ~~services mentioned in section 14(1)(a)~~ **distantly taxable goods or services mentioned in section 14(1)** (as the case may be); or

(b) if it was later, the date on which the single taxable person referred to in the earlier direction became liable to be registered.

(5) If, immediately before a direction (including a supplementary direction) is made under this paragraph, any person named in the direction is registered in respect of the taxable supplies made or ~~services mentioned in section 14(1)(a)~~ **distantly taxable goods or services mentioned in section 14(1)** received (as the case may be) by him as mentioned in sub-paragraph (2) or (4), he shall cease to be liable to be so registered with effect from whichever is the later of —

(a) the date with effect from which the single taxable person concerned became liable to be registered; and

(b) the date of the direction.

(6) In relation to a business specified in a direction under this paragraph, the persons named in the direction, together with any person named in a supplementary direction relating to that business (being the persons who together are to be treated as the taxable person), are in sub-paragraphs (7) and (8) referred to as “the constituent members”.

(7) Where a direction is made under this paragraph, then, for the purposes of this Act —

(a) the taxable person carrying on the business specified in the direction shall be registrable in such name as the persons named in the direction may jointly nominate by notice in writing given to the Comptroller not later than 14 days after the date of the direction or, in default of such a nomination, in such name as may be specified in the direction;

(b) any supply of goods or services by or to one of the constituent members in the course of the activities of the taxable person shall be treated as a supply by or to that person;

(c) each of the constituent members shall be jointly and severally liable for any tax due from the taxable person;

(d) without prejudice to sub-paragraph (c), any failure by the taxable person to comply with any requirement imposed by or under this Act shall be treated as a failure by each of the constituent members severally; and

(e) subject to sub-paragraphs (a) to (d), the constituent members shall be treated as a partnership carrying on the business of the taxable person and any question as to the scope of the activities of that business at any time shall be determined accordingly.

(8) If it appears to the Comptroller that any person who is one of the constituent members should no longer be regarded as such for the purposes of sub-paragraph (7)(c) and (d) and the Comptroller gives notice to that effect, that person shall not have any liability by virtue of those sub-paragraphs for anything done after the date specified in

that notice and, accordingly, on that date he shall be treated as having ceased to be a member of the partnership referred to in sub-paragraph (7)(e).

End of liability to be registered

3. A person that is registered by virtue of paragraph 1 ceases to be liable to be so registered at any time if the Comptroller is satisfied that —

- (a) in the period of 12 months then beginning, the value of the person's taxable supplies will not exceed \$1 million; and
- (b) sub-paragraph (a) applies for a reason other than that the person will cease making taxable supplies, or will suspend making them for a period of 30 days or more.

3A. A person that is registered by virtue of paragraph 1A ceases to be liable to be so registered at any time if the Comptroller is satisfied that —

- (a) in the period of 12 months then beginning —
 - (i) the total value of his taxable supplies, and supplies outside Singapore which would be taxable supplies if made in Singapore, will not exceed \$1 million; or
 - (ii) the value of his Seventh Schedule supplies, ~~other than exempt supplies,~~ will not exceed \$100,000; and
- (b) sub-paragraph (a) applies for a reason other than that the person will cease making taxable supplies or supplies which would be taxable supplies if made in Singapore, or will suspend making them for a period of 30 days or more.

3B. A person that is registered under paragraph 1B ceases to be liable to be so registered at any time if —

- (a) the Comptroller is satisfied that the value of his supplies mentioned in section 14(1) that will be so received in the period of 12 months then beginning will not exceed \$1 million; or
- (b) the person is entitled to claim the full amount of input tax credit under sections 19 and 20 in the period of 12 months mentioned in sub-paragraph (a).

3C. In determining the value of a person's supplies for the purposes of paragraphs 3 and 3A, supplies of goods or services that are capital assets of the business in the course or furtherance of which they are supplied must be disregarded.

Notification of liability and registration

4.—(1) A person who by virtue of paragraph 1(1)(a)(i) is liable to be registered at the end of any quarter must notify the Comptroller in such form as the Comptroller may determine of that liability within 30 days after the end of that quarter.

(1A) A person who by virtue of paragraph 1(1)(a)(ii), 1A(1)(a) or 1B(1)(a) is liable to be registered at the end of any calendar year must notify the Comptroller in such form as the Comptroller may determine of that liability within 30 days after the end of that calendar year.

(2) The Comptroller must register any such person (whether or not the person so notifies the Comptroller) with effect from —

(a) the day immediately after the end of the month that follows the month in which the 30th day falls; or

(b) such earlier date as may be agreed between the Comptroller and the person.

(3) Despite paragraphs 1(1), 1A(1) and 1B(1), the Comptroller may, if the Comptroller thinks fit, refuse the registration of any person for the protection of revenue.

(4) The Comptroller may, if the Comptroller thinks fit, subsequently register the person mentioned in sub-paragraph (3) with effect from such date as the Comptroller may determine if the person is liable to be registered under paragraph 1, 1A or 1B on that date.

(5) If the Comptroller registers any person under sub-paragraph (4) —

(a) the Comptroller must notify the person; and

(b) the effective date of the registration must not be earlier than 30 days after the Comptroller has notified the person of the registration.

5.—(1) Subject to ~~section 91(1) or (2) (as applicable)~~ section 91, a person who by virtue of paragraph 1(1)(b), 1A(1)(b) or 1B(1)(b) is liable to be registered by reason of his supplies in any period shall notify the Comptroller in such form as the Comptroller may determine of that liability within 30 days after the first day of that period..

(2) Subject to sub-paragraph (3), the Comptroller must register any such person (whether or not the person so notifies the Comptroller) with effect from —

(a) the day immediately after the end of the 30 days; or

(b) such earlier date as may be agreed between the Comptroller and the person.

(2A) Despite paragraphs 1(1), 1A(1) and 1B(1), the Comptroller may, if the Comptroller thinks fit, refuse the registration of the person for the protection of revenue.

(2B) The Comptroller may, if the Comptroller thinks fit, subsequently register the person mentioned in sub-paragraph (2A) with effect from such date as the Comptroller may determine if the person is liable to be registered under paragraph 1, 1A or 1B on that date.

(2C) If the Comptroller registers any person under sub-paragraph (2B) —

(a) the Comptroller must notify the person; and

(b) the effective date of the registration must not be earlier than 30 days after the Comptroller has notified the person of the registration.

(3) Where there are reasonable grounds for believing that, in the first 30 days of the period —

- (a) for a person liable to be registered by virtue of paragraph 1(1)(b), the value of such a person's taxable supplies will exceed \$1 million;
- (b) for a person liable to be registered by virtue of paragraph 1A(1)(b) —
 - (i) the total value of all his taxable supplies, and supplies outside Singapore which would have been taxable supplies if made in Singapore, will exceed \$1 million; and
 - (ii) the total value of his Seventh Schedule supplies, ~~other than exempt supplies,~~ will exceed \$100,000; or
- (c) for a person liable to be registered by virtue of paragraph 1B(1)(b), the total value of ~~services mentioned in section 14(1)(a)~~ ~~distantly taxable goods or services mentioned in section 14(1)~~ received by him in Singapore will exceed \$1 million,

the Comptroller may, if he thinks fit, register the person with effect from the beginning of the period.

6.—(1) A person who becomes liable to be registered by virtue of paragraph 1(2), 1A(2) or 1B(2) shall notify the Comptroller of the liability within 30 days after the day on which the business is transferred.

(2) The Comptroller shall register any such person (whether or not that person so notifies the Comptroller) with effect from the day on which the business is transferred.

(3) Despite paragraphs 1(2), 1A(2) and 1B(2), the Comptroller may, if the Comptroller thinks fit, refuse the registration of the person for the protection of revenue.

(4) The Comptroller may, if the Comptroller thinks fit, subsequently register the person mentioned in sub-paragraph (3) with effect from such date as the Comptroller may determine if the person is liable to be registered under paragraph 1, 1A or 1B on that date.

(5) If the Comptroller registers any person under sub-paragraph (4) —

- (a) the Comptroller must notify the person; and
- (b) the effective date of the registration must not be earlier than 30 days after the Comptroller has notified the person of the registration.

7. Where a person becomes liable to be registered at the same time, as the case may be —

- (a) by virtue of sub-paragraphs (1)(a)(i) and (2)(a)(i) of paragraph 1;
- (b) by virtue of sub-paragraphs (1)(a)(ii) and (2)(a)(ii) of paragraph 1;
- (c) by virtue of sub-paragraphs (1)(a) and (2)(a) of paragraph 1A; or
- (d) by virtue of sub-paragraphs (1)(a) and (2)(a) of paragraph 1B,

the Comptroller must register the person in accordance with paragraph 6(2) rather than paragraph 4(2).

7A.—(1) The Comptroller may at any time, if the Comptroller thinks fit —

- (a) impose any condition on any registration of a person under paragraph 1, 1A or 1B for the protection of revenue; and
- (b) vary, add to or remove any condition so imposed.

(2) Any condition under sub-paragraph (1) may be imposed wholly or partly by reference to, or without reference to, any condition prescribed for the purposes of paragraph 1, 1A or 1B, as the case may be.

(3) The Comptroller may cancel the registration of the person if the person is in breach of any condition imposed under sub-paragraph (1).

Voluntary registration

8.—(1) Where a person who is not liable to be registered satisfies the Comptroller that he —

- (a) makes supplies which are —
 - (i) taxable supplies; or
 - (ii) exempt supplies of —
 - (A) financial services specified in paragraph 1 of Part I of the Fourth Schedule, where the financial services are international services under section 21(3);
 - (B) investment precious metals referred to in paragraph 1A of Part I of the Fourth Schedule, where the supplies of the investment precious metals are supplies referred to in section 21(6), (6AA), (6A) or (7); or
 - (C) digital payment tokens specified in paragraph 1B of Part I of the Fourth Schedule, where the supplies of the digital payment tokens are supplies of international services under section 21(3);
- (b) is carrying on a business and intends to make such supplies in the course or furtherance of that business;
- (c) is a person not belonging in Singapore and makes or is treated as making Seventh Schedule supplies, ~~other than exempt supplies~~; or
- (d) is a recipient within section 14(1),

the Comptroller may, subject to such conditions as the Comptroller may think fit to impose, and if that person so requests, register him with effect from such date as may be agreed between the Comptroller and him.

(2) Subject to paragraph 12(2), a person registered under sub-paragraph (1) shall remain registered for a period of not less than 2 years or such other shorter period as the Comptroller may determine.

(3) The Comptroller may at any time, if the Comptroller thinks fit —

- (a) impose any condition on the registration of the person; and
- (b) vary, add to or remove any condition so imposed.

(3A) Any condition under sub-paragraph (3) may be imposed wholly or partly by reference to, or without reference to, any condition prescribed for the purposes of this paragraph.

(4) The Comptroller may cancel the registration of a person under this paragraph if he does not begin to make taxable supplies or receive ~~services mentioned in section 14(1)(a)~~ **distantly taxable goods or services mentioned in section 14(1)** (as the case may be) by the date specified in his request or if he is in breach of any condition imposed under sub-paragraph (3).

9.—(1) Where a person who is not liable to be registered under this Act and is not already so registered satisfies the Comptroller that he —

- (a) makes supplies within paragraph (b), (c) or (d) of section 20(2); or
- (b) is carrying on a business and intends to make such supplies in the course or furtherance of that business,

and (in either case) is within sub-paragraph (2), the Comptroller may, subject to such conditions as the Comptroller may think fit to impose, and if that person so requests, register him with effect from such date as may be agreed between the Comptroller and him.

(2) A person is within this sub-paragraph if —

- (a) he has a business establishment in Singapore or his usual place of residence is in Singapore; and
- (b) he does not make and does not intend to make taxable supplies.

(3) The Comptroller may at any time, if the Comptroller thinks fit —

- (a) impose any condition on the registration of the person; and
- (b) vary, add to or remove any condition so imposed.

(3A) Any condition under sub-paragraph (3) may be imposed wholly or partly by reference to, or without reference to, any condition prescribed for the purposes of this paragraph.

(4) The Comptroller may cancel the registration of a person under this paragraph if he does not begin to make supplies referred to in sub-paragraph (1)(a) by the date specified in his request or if he is in breach of any condition imposed under sub-paragraph (3).

(5) For the purposes of this paragraph —

- (a) a person carrying on a business through a branch or an agency in Singapore shall be treated as having a business establishment in Singapore; and
- (b) “usual place of residence”, in relation to a body corporate, means the place where it is incorporated or otherwise legally constituted.

Notification of end of liability, etc.

10. A person registered under paragraph 4, 5, 6 or 8 who (as the case may be) —
- (a) ceases to make or have the intention of making taxable supplies; or
 - (b) ceases to receive or have the intention of receiving ~~services mentioned in section 14(1)(a)~~ **distantly taxable goods or services mentioned in section 14(1)**,

must notify the Comptroller in writing of that fact and the date of the cessation, within 30 days after that date.

11. A person registered under paragraph 9 who —
- (a) ceases to make or have the intention of making supplies within paragraph 9(1)(a); or
 - (b) makes or forms the intention of making taxable supplies,

shall notify the Comptroller of that fact within 30 days after the day on which he does so unless, in the case of a person ceasing as mentioned in sub-paragraph (a), he would, when he so ceases, be otherwise liable or entitled to be registered under this Act if his registration and any provision preventing a person from being liable to be registered under different provisions at the same time were disregarded.

Cancellation of registration

12.—(1) Subject to sub-paragraph (2), where a registered person satisfies the Comptroller that he is not liable to be registered, the Comptroller shall, if that person so requests, cancel his registration with effect from the day on which the request is made or from such later date as may be agreed between the Comptroller and him.

(2) The Comptroller may refuse to cancel the registration of any person registered under paragraph 8 where the Comptroller is not satisfied that that person has ceased to make taxable supplies or receive ~~services mentioned in section 14(1)(a)~~ **distantly taxable goods or services mentioned in section 14(1)** (as the case may be) and if he thinks it necessary for the protection of the revenue.

13.—(1) Where the Comptroller is satisfied that a registered person has ceased to be registrable, the Comptroller may cancel his registration with effect from the day on which he so ceased or from such later date as may be agreed between the Comptroller and him.

(2) In this paragraph and paragraph 14, “registrable” means liable or eligible to be registered under paragraph 8(1).

14. Where the Comptroller is satisfied that on the day on which a registered person was registered he was not registrable, the Comptroller may cancel his registration with effect from that day.

14A. The Comptroller may cancel the registration of a person if any supply made to or by the person is a part of an arrangement mentioned in section 20(2A).

Exemption from registration

15.—(1) Notwithstanding the preceding provisions of this Schedule, where a person who makes or intends to make taxable supplies satisfies the Comptroller that any such supply is zero-rated or would be zero-rated if he were a taxable person, the Comptroller may, if he thinks fit and on that person's request, exempt him from registration until it appears to the Comptroller that the request should no longer be acted upon or is withdrawn.

(1A) Despite the preceding provisions of this Schedule, where a person who is or intends to be a recipient under section 14(2), satisfies the Comptroller that the person makes substantial zero-rated supplies out of his total taxable supplies (excluding any reverse charge supplies), the Comptroller may, if the Comptroller thinks fit and on that person's request, exempt that person from registration until it appears to the Comptroller that the request should no longer be acted upon or is withdrawn.

(2) Where there is a material change in the nature of the supplies made by a person exempted from registration under this paragraph, he shall notify the Comptroller of the change —

- (a) within 30 days after the date on which it occurred; or
- (b) if no particular day is identifiable as the day on which it occurred, within 30 days after the end of the quarter in which it occurred.

(3) Where there is a material alteration in any quarter in the proportion of taxable supplies of such a person that are zero-rated, he shall notify the Comptroller of the alteration within 30 days after the end of the quarter.

Supplementary

16. The value of a supply of goods or services shall be determined for the purposes of this Schedule on the basis that no tax is chargeable on the supply.

17.—(1) Any notification required or request made under this Schedule shall be made in such form and shall contain such particulars as the Comptroller may determine.

(2) Any person who is required under this Schedule to notify the Comptroller of his liability to be registered or who requests to be registered shall include in his notification or request a declaration to the effect that all the information entered in or accompanying it is true and complete.

(3) Where the notification or request referred to in sub-paragraph (2) is made by a partnership, it shall include, on such form as the Comptroller may determine, the name, address and signature of each partner.

(4) Every registered person except one to whom paragraph 10, 11, 12, 13 or 14 applies shall, within 30 days after any change has been made in the name, constitution

or ownership of his business, or after any other event has occurred which may necessitate the variation of the register or cancellation of his registration, notify the Comptroller in writing of such change or event and furnish him with the full particulars thereof.

18.—(1) References in this Schedule to registration are references to registration in a register kept with the Comptroller in such form as he may determine for the purposes of this Act and references in this Schedule to supplies are references to supplies made in the course or furtherance of a business, or of ~~services mentioned in section 14(1)(a)~~ **distantly taxable goods or services mentioned in section 14(1)**, as the case may be.

(2) The Comptroller may allow inspection of the register referred to in sub-paragraph (1) under such circumstances and on such terms as he may impose.

19. References in this Schedule to a person making taxable supplies or receiving ~~services mentioned in section 14(1)(a)~~ **distantly taxable goods or services mentioned in section 14(1)** (as the case may be) shall include a reference to all the members of a partnership where such persons are carrying on business in partnership.

...

THIRD SCHEDULE

Sections 17(1) and (6), 18(1) and 49(1)(g)

VALUATION — SPECIAL CASES

Open market value

1.—(1) Where —

- (a) the value of a supply made by a taxable person for a consideration in money is (apart from this paragraph) less than its open market value;
- (b) the person making the supply is connected with the person to whom it is made; and
- (c) if the supply is a taxable supply the person to whom the supply is made is not entitled under sections 19 and 20 to credit for all the tax on the supply (the tax not being excluded by regulations made under section 19(14) from the credit),

the Comptroller may direct that the value of the supply shall be taken to be its open market value.

(1A) Without affecting sub-paragraph (1), where —

- (a) a supply mentioned in ~~section 14(1)(a)~~ **section 14(1)** or 30(1A) is made for a consideration in money;

- (b) the value of the supply is (apart from this paragraph) less than its open market value; and
- (c) the person, branch of the person or member of the group (as the case may be) in fact making the supply is connected with the recipient of the supply,

the Comptroller may direct that the value of the supply is to be taken to be its open market value.

(2) A direction under this paragraph shall be given by notice in writing to the person making the supply, but no direction may be given more than 3 years after the time of the supply.

(3) A direction given to a person under this paragraph in respect of a supply made by him may include a direction that the value of any supply —

- (a) which is made by him after giving of the notice, or after such later date as may be specified in the notice; and
- (b) as to which the conditions in sub-paragraph (1)(a) to (c) are satisfied,

shall be taken to be its open market value.

(4) This paragraph shall not apply to a supply to which paragraph 10 applies.

.....

Foreign exchange

11.—(1) Subject to this paragraph, where any sum relevant for determining value is expressed in a currency other than Singapore currency or in digital payment tokens, it is to be converted into Singapore currency at the selling rate of exchange prevailing in Singapore at the time when the supply takes place.

(1AA) Subject to this paragraph and for the purposes section 18A, where any sum relevant for determining the entry value for any item of goods is expressed in a currency other than Singapore currency or in digital payment tokens, it is to be converted into Singapore currency at the selling rate of exchange prevailing in Singapore at the point of sale of the item.

(1A) Where any sum relevant for determining the value of a Seventh Schedule supply is expressed in a currency other than Singapore currency or in digital payment tokens, it is to be converted into Singapore currency at the selling rate of exchange prevailing in Singapore at one of the following times at the option of the taxable person:

- (a) the time of the supply;
- (b) the last day of the prescribed accounting period applicable to the supply;
- (c) the time of the filing of the return in relation to the supply.

(1B) An option chosen by the taxable person under sub-paragraph (1A) must be applied —

- (a) in relation to all Seventh Schedule supplies made by the taxable person; and
- (b) unless the Comptroller otherwise allows, for at least one year after the first time the option is used.

(2) Where the Comptroller has issued a notice in writing which, for the purposes of this paragraph, specifies —

- (a) rates of exchange; or
- (b) methods of determining rates of exchange,

a rate specified in or determined in accordance with the notice, as for the time being in force, shall apply (instead of the rate for which sub-paragraph (1) or (1A) provides) in the case of any supply by a person who opts, in such manner as may be allowed by the Comptroller, for the use of that rate in relation to that supply.

(3) An option for the purposes of sub-paragraph (2) for the use of a particular rate or method of determining a rate —

- (a) shall not be exercised by any person except in relation to all such supplies by him as are of such description or after such date as may be specified in the notice under sub-paragraph (2); and
- (b) shall not be withdrawn or varied except with the consent of the Comptroller and in such manner as he may require.

(4) The Comptroller may, by a notice in writing issued under sub-paragraph (2), allow a person to apply to the Comptroller for the use, for the purpose of valuing some or all of his supplies, of a rate or method of determining rates of exchange which is different from any which would otherwise apply.

(5) On an application made in accordance with any notice under sub-paragraph (4), the Comptroller may authorise the use with respect to the applicant of such a rate or method of determining rates of exchange, in such circumstances, in relation to such supplies and subject to such conditions as he thinks fit.

.....

Reverse charge on supplies received from abroad

15.—(1) This paragraph applies in relation to services mentioned in ~~section 14(1)(a)(i) or (ii)~~ section 14(1)(b)(i) or (ii) where —

- (a) the services were previously supplied by a taxable person who belongs in Singapore to the overseas supplier who subsequently supplied those services to the recipient; and
- (b) the previous supply of those services to the overseas supplier is a taxable supply that is not treated as a supply of international services under section 21(3).

(2) Despite section 17(3A), the recipient may elect for the value of the reverse charge supply (A) by the overseas supplier to the recipient to be reduced (as may be applicable) —

- (a) by the value of the services previously supplied that is subject to tax (B); or
- (b) if B exceeds A, to nil.

(3) To avoid doubt, section 17(3AA) and (3B) applies in determining A.

...

SEVENTH SCHEDULE

Sections 2(1) and 46(1B)

SUPPLIES FOR THE PURPOSES OF SECTION 8(1A)

General

Definitions

1.—(1) In this Schedule —

~~“customer”, in relation to a supply of digital services, means a person who receives the supply other than —~~

~~(a) as a person registered under this Act; and~~

~~(b) in the course or furtherance of any business carried on by the person;~~

“electronic marketplace” means a medium that —

(a) allows suppliers to make supplies available to customers by electronic means; and

(b) is operated by electronic means,

but not any medium that is solely for processing any payment for any supply;

~~“local underlying supplier”, in relation to a supply of digital services, means a supplier of any digital service that belongs in Singapore and makes the supply through an electronic marketplace;~~

~~“overseas underlying supplier”, in relation to a supply of digital services, means a supplier of any digital service that belongs in a country other than Singapore and makes the supply through an electronic marketplace.~~

“local underlying supplier”, in relation to a supply of distantly taxable goods or remote services, means a supplier of the goods or services that belongs in Singapore and makes the supply through an electronic marketplace;

“overseas underlying supplier”, in relation to a supply of distantly taxable goods or remote services, means a supplier of the goods or services that belongs in a country other than Singapore and makes the supply through an electronic marketplace;

“redeliverer”, in relation to a supply of goods, means a person who, under an arrangement with the person (X) to whom the supply is made or any person acting on X’s behalf, delivers the goods from outside the customs territory to a place in the customs territory, or arranges or assists in such delivery, and does one or more of the following:

- (a) provides the use of an address outside the customs territory to which the goods are delivered;
- (b) arranges or assists in the use of an address outside the customs territory to which the goods are delivered;
- (c) purchases the goods outside the customs territory as an agent of X or a person acting on X’s behalf;
- (d) arranges or assists in the purchase of the goods outside the customs territory;

“underlying supplier”, in relation to a supply of distantly taxable goods or remote services, means a supplier of the goods or services that makes the supply through an electronic marketplace.

(2) To avoid doubt, in this Schedule, a person that is only the Internet service provider for an electronic marketplace, is not an operator of the electronic marketplace.

Meaning of “digital services”

~~2.—(1) For the purposes of this Schedule, “digital services” means any service supplied over the Internet or other electronic network and the nature of which renders its supply essentially automated with minimal or no human intervention, and impossible without the use of information technology, and~~

- ~~(a) includes any of the following:~~
 - ~~(i) any digital product;~~
 - ~~(ii) any software or software update;~~
 - ~~(iii) any image, text or information, or the making available of any database;~~
 - ~~(iv) any music, film or game;~~
 - ~~(v) any distance teaching through any pre recorded medium or e learning;~~
 - ~~(vi) any website supply, web hosting, or automated or digital maintenance of any programme;~~
 - ~~(vii) any service providing or supporting a business or personal presence on any electronic network;~~
 - ~~(viii) any search engine or automated helpdesk service;~~

- ~~(ix) any listing service for the right to put goods or services for sale on any online market or auction house;~~
 - ~~(x) any live streaming service;~~
 - ~~(xi) any advertising service on any intangible media platform, where the Comptroller is satisfied that the advertisement is intended to be substantially promulgated in Singapore;~~
 - ~~(xii) any support service performed, through electronic means, for arranging or facilitating the completion of underlying transactions; but~~
 - ~~(b) does not include any of the following (except to the extent included under sub-paragraph (a)):~~
 - ~~(i) any telecommunication service as defined in the Fifth Schedule to the Goods and Services Tax (International Services) Order (O 1) that would be treated as a supply of international services under section 21(3)(g) if the supply had been made in Singapore;~~
 - ~~(ii) any advertising service on any intangible media platform, where the Comptroller is satisfied that the advertisement is intended to be substantially promulgated outside Singapore.~~
- ~~(2) The Minister may by order in the *Gazette* amend sub-paragraph (1).~~

Meaning of customer

2.—(1) Subject to sub-paragraph (2), for the purposes of this Schedule, where a supply of goods or services is a Seventh Schedule supply, then the person to whom the supply is made is the customer in relation to the supply, but not if the person —

- ~~(a) is registered under this Act; and~~
- ~~(b) receives the supply in the course or furtherance of any business carried on by the person.~~

(2) In addition, where the supplier knows that any one or more persons (each *Y*) other than the person (*X*) described as the customer in sub-paragraph (1) directly benefits from the goods or services, and that any *Y* —

- ~~(a) is not registered under this Act; or~~
- ~~(b) does not receive the supply in the course or furtherance of any business carried on by that *Y*,~~

then the supplier must treat that *Y* as if *Y* is a customer for the purposes of this Act to the extent of the consideration paid to the supplier by that *Y* for the goods or services, and *X* is the customer only to the extent of the consideration not paid to the supplier by any *Y*.

(3) For the purposes of sub-paragraph (2), a supplier is not taken to know that the goods or services directly benefit any person by virtue only of the fact that any part of the consideration for the supply is paid by that person to the supplier.

Meaning of “remote services”

2A. For the purposes of this Schedule, “remote services” means any services where, at the time of the performance of the services, there is no necessary connection between —

- (a) the place where the services are physically performed; and
- (b) the location of the customer of the services,

but does not include —

- (c) any services the supply of which, if made by a taxable person in Singapore, would be an exempt supply under section 22 and the Fourth Schedule;
- (d) any services the supply of which, if made by a taxable person in Singapore, would be a supply of international services which is zero-rated under section 21(1);
- (e) any services supplied by a government of a country other than Singapore, which, if made by the Government, would be a supply prescribed under section 28(1).

Supplies for purposes of section 8(1A)

3.—(1) For the purpose of section 8(1A), the supply of goods or services is any of the following:

- (a) a supply of ~~digital services~~ remote services made or treated as made in the circumstances in sub-paragraph (2);
- ~~(b) a supply of services other than digital services (called in this paragraph non-digital services), made in the circumstances in sub-paragraph (3).~~
- (b) a supply of services other than remote services (called in this paragraph non-remote services), made in the circumstances in sub-paragraph (3);
- (c) subject to paragraph 4A, a supply of distantly taxable goods made or treated as made in the circumstances in sub-paragraph (3A);
- (d) subject to paragraph 4A, a supply of goods made in the circumstances in sub-paragraph (3A), where the goods are allowed to be treated as distantly taxable goods under paragraph 4C.

(2) The circumstances for a supply of ~~digital services~~ remote services are any of the following:

- (a) the supply is made to a customer who belongs in Singapore, and the taxable person belongs in a country other than Singapore;
- (b) the supply is made to a customer who belongs in Singapore, and the taxable person is —
 - (i) an overseas underlying supplier; or

- (ii) the operator of an electronic marketplace treated under paragraph 4 as making the supply instead of an overseas underlying supplier;
 - (c) the supply is a supply mentioned in paragraph 5(3)(b) or 6(2)(b).
- (3) The circumstances for a supply of ~~non-digital services~~ non-remote services are —
- (a) the supplier makes or is treated as making a supply of ~~digital services~~ remote services in any of the circumstances in sub-paragraph (2);
 - (b) in the course of making the supply of ~~digital services~~ remote services, the supplier makes a separate supply of ~~non-digital services~~ non-remote services and that would, but for this sub-paragraph, not be chargeable to tax;
 - (c) the supply of ~~non-digital services~~ non-remote services is ancillary to the supply of ~~digital services~~ remote services; and
 - (d) upon an application by the supplier, the Comptroller notifies the supplier that the Comptroller is satisfied that the supply of ~~non-digital services~~ non-remote services is within sub-paragraphs (b) and (c).
- (3A) The circumstances for a supply of distantly taxable goods are any of the following:
- (a) the supply is made to a customer, and the taxable person delivers the goods to a place in the customs territory, or arranges or assists in such delivery;
 - (b) the supply is made to a customer, and the taxable person —
 - (i) is any of the following:
 - (A) an underlying supplier;
 - (B) the operator of an electronic marketplace treated under paragraph 4 as making the supply instead of an underlying supplier;
 - (C) the redeliverer treated under paragraph 4B as making the supply instead of the supplier, underlying supplier or operator of an electronic marketplace; and
 - (ii) delivers the goods to a place in the customs territory, or arranges or assists in such delivery.
- (4) A supplier of ~~digital services or non-digital services under this paragraph~~ must treat a person to whom any such service is supplied as being a customer; distantly taxable goods, remote services or non-remote services under this paragraph must treat a person to whom any such goods or services are supplied as not being registered under this Act, unless the person provides to the supplier the registration number allocated by the Comptroller to the person upon the registration of the person under this Act.
- (5) If distantly taxable goods are part of a supply that includes goods that are not distantly taxable goods, the distantly taxable goods and those other goods are treated as separately supplied.

Supply treated as that of operator of electronic marketplace

4.—(1) ~~For the purpose of paragraph 3(2)(b)(ii), an operator of an electronic marketplace is treated as making the supply of digital services to a customer instead of the overseas underlying supplier~~ For the purpose of paragraph 3(2)(b)(ii) and (3A)(b)(i)(B), an operator of an electronic marketplace is treated as making the supply of ~~distantly taxable goods or remote services to a customer instead of the underlying supplier~~ making the supply through the electronic marketplace of the operator, if any of the following conditions is satisfied:

- (a) the operator authorises the consideration for the supply to be charged to the customer;
- (b) the operator authorises the delivery of the supply to the customer;
- (c) the operator sets the terms and conditions under which the supply is made;
- (d) the documentation provided to the customer identifies the supply as being made by the operator;
- (e) the operator and the ~~overseas underlying supplier~~ ~~underlying supplier~~ have agreed in writing that the operator is chargeable to tax on such supply.

(2) If more than one operator of an electronic marketplace is treated under sub-paragraph (1) as making the supply of ~~digital services~~ ~~distantly taxable goods or remote services~~ —

- (a) the first operator that authorises the charging of or receives consideration for the supply is treated as making the supply; and
- (b) if no operator exists that meets the requirement in sub-paragraph (a), then the first operator that authorises delivery of the supply is treated as making the supply.

(3) For the purposes of this paragraph —

- (a) an operator authorises the charging of consideration for a supply of ~~digital services~~ ~~distantly taxable goods or remote services~~ where it influences whether, at what time, or under which preconditions the customer can make payment for the supply of ~~digital services~~ ~~distantly taxable goods or remote services~~; ~~and~~
- (b) an operator authorises the delivery of a supply of ~~digital services~~ ~~distantly taxable goods or remote services~~ where it influences whether, at what time, or under which preconditions the delivery is made; ~~and~~
- (c) an operator sets the terms and conditions under which the supply is made where it influences —
 - (i) any rights and obligations linked to the supply; or
 - (ii) the preconditions under which the medium through which supplies are made available to customers, is used.

(4) This paragraph applies whether or not the operator of the electronic marketplace is a supplier of ~~digital services~~ **distantly taxable goods or remote services** that belongs in Singapore.

(5) Where, under this paragraph, an operator of an electronic marketplace is treated as making a supply of **distantly taxable goods** to a customer instead of the underlying supplier making the supply through the electronic marketplace of the operator, then the supply by the underlying supplier to the customer is treated as being 2 supplies, namely —

- (a) a supply of goods from the underlying supplier to the operator of the electronic marketplace; and
- (b) a supply of **distantly taxable goods** by the operator of the electronic marketplace to the customer.

Distantly taxable goods

Elected supplies of supplier as not being supplies of distantly taxable goods

4A.—(1) A taxable person may elect to treat its supplies of 2 or more items of goods that would (but for the election) each be a supply of **distantly taxable goods**, as supplies of goods that are not **distantly taxable goods**, if 2 or more items of the goods are delivered to any place in the customs territory as a single consignment having a value that exceeds the entry value threshold.

(2) For the purpose of sub-paragraph (1), the value of the single consignment is the aggregate of the values of each of those items in the consignment, the value for each item being determined at the point of sale for the item.

(3) An election under sub-paragraph (1) must be made by notifying the Comptroller in such form and manner and within such time as the Comptroller may require.

(4) The taxable person must not make an election under paragraph (1) unless —

- (a) the taxable person makes the delivery to a place in the customs territory as a single consignment as described in that paragraph or the taxable person is able to ensure that the person making the delivery delivers the goods as such single consignment;
- (b) the taxable person's usual business systems and processes allow the taxable person to ensure that the goods that would (but for the election) be **distantly taxable goods**, are shipped and delivered as a single consignment as described in that paragraph;
- (c) the taxable person is able to maintain records of the business systems and processes in sub-paragraph (b);
- (d) the taxable person is able to make the necessary adjustments to the tax accounted for or paid, or to be accounted for or paid, in the form and manner

required by the Comptroller if there are subsequent changes to the supply affecting the value of any single consignment.

(5) Where a taxable person is an operator of an electronic marketplace that is treated as the supplier of the distantly taxable goods, then an election by the taxable person under sub-paragraph (1) must not be made unless the taxable person has obtained the agreement of every underlying supplier of the goods for the operator to ship and deliver the goods as a single consignment.

(6) Where —

(a) a taxable person that has made an election under sub-paragraph (1) ships, as a single consignment, goods that would (but for the election) be distantly taxable goods;

(b) the goods, when they are delivered to a place in the customs territory, are not delivered as such single consignment; and

(c) tax is not chargeable on the importation of the goods,

then, despite the election, the supply of the goods is treated as supplies of distantly taxable goods.

(7) Where a taxable person makes the election when the taxable person does not satisfy the requirements in sub-paragraph (4), the election purportedly made is of no effect.

(8) Where, at any time after a taxable person has made an election under sub-paragraph (1), the taxable person ceases to satisfy any of the requirements in sub-paragraph (4), the election ceases to have effect as from such that time.

(9) An election made under this paragraph does not prevent any repacking of goods that have been shipped so long as the goods whose supply is treated as not being of distantly taxable goods, are (after repacking) delivered as a single consignment having a value that exceeds the entry value threshold.

Supplies treated as that of redeliverer

4B.—(1) For the purpose of paragraph 3(3A)(b)(i)(C), a redeliverer is treated as making the supply of distantly taxable goods to a customer instead of the supplier, underlying supplier or operator of the electronic marketplace through which the underlying supplier makes the supply, if the following conditions are satisfied:

(a) where the supply was not made through an electronic marketplace — the supplier did not deliver the goods to a place in the customs territory, or arrange or assist in such delivery;

(b) where the supply was made through an electronic marketplace —

(i) the underlying supplier did not deliver the goods to a place in the customs territory, or arrange or assist in such delivery; and

(ii) the operator of the electronic marketplace is not treated as the supplier of the goods under paragraph 4(1).

(2) If there is more than one redeliverer for any supply of distantly taxable goods, and more than one such redeliverer would be treated as making the supply of the distantly taxable goods under sub-paragraph (1), then only one such redeliverer is so treated, namely —

- (a) the redeliverer that first entered into an arrangement relating to the supply with the customer; and
- (b) in the absence of any such arrangement, the redeliverer that first entered into an arrangement relating to the supply with a person acting on behalf of the customer.

Goods transported via land or sea allowed to be treated as distantly taxable goods

4C.—(1) Subject to sub-paragraph (2), where goods that are supplied or treated as supplied by —

- (a) a supplier;
- (b) an operator of an electronic marketplace to which paragraph 4 applies; or
- (c) a redeliverer to which paragraph 4B applies,

would (but for their import by sea or land) be distantly taxable goods, the Comptroller may, at the request of the supplier, operator or redeliverer, made in the form and manner specified by the Comptroller, grant approval for the supplier, operator or redeliverer to treat the goods as distantly taxable goods for the purposes of this Act.

(2) The Comptroller must not grant the request unless the Comptroller is satisfied of the following:

- (a) at the time of the request, there are reasonable grounds for believing that the supplier, operator or redeliverer is not able at, the point of sale of the goods, to identify the mode of transport of the goods from outside the customs territory to a place in the customs territory;
- (b) the supplier, operator or redeliverer has a history of previous compliance with the requirements of the taxation laws of Singapore and of countries and territories outside Singapore;
- (c) the supplier, operator or redeliverer satisfies any other condition that the Comptroller thinks necessary.

Determining whether goods are located outside customs territory

4D.—(1) In determining whether goods are distantly taxable goods, the operator of an electronic marketplace to which paragraph 4 applies may rely on any information which the Comptroller specifies for the purpose of determining the location of the goods at their point of sale.

(2) Where the operator in sub-paragraph (1) has information that indicates that the goods could be located both in and outside the customs territory at their point of sale, the location of the goods is to be taken as being outside the customs territory.

Reimbursement of tax by supplier if tax charged on both supply and importation

4E.—(1) This paragraph applies if a taxable person makes a supply of goods that was subject to tax under section 8(1A) and (4), and the taxable person receives consideration for the supply that includes an amount as tax charged under section 8(1A) on the supply.

(2) The taxable person must reimburse the customer for the amount received as tax charged under section 8(1A) if —

- (a) the customer requests the taxable person for the reimbursement; and
- (b) the customer provides the taxable person with such documentation that the Comptroller allows, evidencing that the amount of tax charged under section 8(4) on the importation was paid when the goods were imported.

Remote services

Elected supplies of operator of electronic marketplace

5.—(1) Subject to such conditions as the Comptroller may impose, an operator of an electronic marketplace to which paragraph 4 applies may elect to also be chargeable to tax on all supplies of ~~digital services~~ remote services made by local underlying suppliers through the electronic marketplace to customers who belong in Singapore.

(2) An election made under sub-paragraph (1) must be made by notifying the Comptroller in such form and manner and within such time as the Comptroller may require.

(3) Where an election under sub-paragraph (1) has been made in accordance with sub-paragraph (2), then a supply of ~~digital services~~ remote services made by a local underlying supplier through the electronic marketplace to a customer who belongs in Singapore is treated as being 2 supplies, namely —

- (a) a supply of services from the local underlying supplier to the operator of the electronic marketplace; and
- (b) a supply of ~~digital services~~ remote services by the operator of the electronic marketplace to the customer who belongs in Singapore.

(4) Where the operator of an electronic marketplace belongs in a country other than Singapore, then the supply of services mentioned in sub-paragraph (3)(a) is treated as a supply of services that are international services under section 21.

Supplies to registered persons allowed to be treated as that of operator of electronic marketplace

6.—(1) Subject to any conditions imposed by the Comptroller, the Comptroller may, at the request of an operator of an electronic marketplace that belongs in Singapore, grant approval for the operator to be chargeable to tax on the following supplies:

- (a) for an operator without an election made under paragraph 5(1) — supplies of ~~digital services~~ remote services made by any overseas underlying supplier through the electronic marketplace to a registered person;
- (b) for an operator with an election made under paragraph 5(1) — supplies of ~~digital services~~ remote services made by any overseas underlying supplier or any local underlying supplier through the electronic marketplace to a registered person.

(2) Where the operator is granted approval under sub-paragraph (1), then a supply mentioned in that sub-paragraph of ~~digital services~~ remote services made by an overseas underlying supplier or a local underlying supplier (as the case may be) through the electronic marketplace to a registered person is treated as being 2 supplies, namely —

- (a) a supply of services from the overseas underlying supplier or local underlying supplier to the operator of the electronic marketplace; and
- (b) a supply of ~~digital services~~ remote services by the operator of the electronic marketplace to the registered person.

EIGHTH SCHEDULE

Section 14(3), (6) and (9)

~~DISTANTLY TAXABLE GOODS AND SERVICES EXCLUDED~~ FOR PURPOSES OF SECTION 14

~~Distantly taxable goods~~

1. The following ~~distantly taxable goods~~ are excluded for the purpose of ~~section 14(1)(a)(i) and (ii)~~:

- (a) ~~any distantly taxable goods used or to be used exclusively in the making of taxable supplies under regulations made under section 20, unless the taxable person claiming input tax in respect of the firstmentioned supply is able to apply a fixed input tax recovery rate or formula for all input tax claimed by the taxable person.~~

~~Services~~

1. The following services are excluded for the purpose of ~~section 14(1)(a)(i) and (ii)~~ section 14(1)(b)(i) and (ii):

- (a) any services the supply of which would, if the supply of the services were made by a taxable person in Singapore, be an exempt supply under section 22 and the Fourth Schedule;
- (b) any services the supply of which would, if the supply of the services were made by a taxable person in Singapore, be a supply of international services which is zero-rated under section 21(1);
- (c) any services ~~the supply of which is attributable to~~ used or to be used exclusively in the making of taxable supplies under regulations made under section 20, unless the taxable person claiming input tax in respect of the firstmentioned supply ~~may~~ is able to apply a fixed input tax recovery rate or formula for all input tax claimed by him;
- (d) any services the supply of which is provided by a government of a country other than Singapore, where the supply of those services would, if made by the Government, be a supply prescribed under section 28(1).