GOVERNMENT NOTICE NO. 106

VALUE ADDED TAX ACT

(CAP.42:02)

VALUE ADDED TAX (WITHHOLDING AGENTS) REGULATIONS, 2018

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IN EXERCISE of the powers conferred by section 14A (7) of the Value Added Tax Act, I, GOODALL E. GONDWE, Minister of Finance, Economic Planning and Development, on the advice of the Authority, make the following Regulations—

Citation

1. These Regulations may be cited as the Value Added Tax (Withholding Agents) Regulations, 2018.

Interpretation

2. In these Regulations, unless the context otherwise requires—

"supplier" means a person who receives a payment for taxable goods or services from a withholding agent for Value Added Tax.

Appointment of Value Added Tax Withholding agents

3. The Commissioner General shall—

(*a*) in accordance with section 14A (1) of the Act, appoint a withholding agent for Value Added Tax, without delegation and the appointment shall be made in writing; and

(*b*) within twenty one days from the date of appointment, publish in the *Gazette*, the list of names of withholding agents for Value Added Tax appointed in accordance with paragraph (*a*).

Registration of Value Added Tax Withholding Agents

4.—(1) A person who has been appointed as a withholding agent shall, within twenty one days from the day of appointment, apply to the Commissioner General for registration as a withholding agent for Value Added Tax in the prescribed form contained in the Schedule hereto.

(2) The Commissioner General shall, within seven days from the date of receipt of an application made pursuant to subregulation (1), register the withholding agent for Value Added Tax.

(3) The Commissioner General shall, upon registering a withholding agent for Value Added Tax, notify the person of the registration and shall issue the person with a certificate of registration in the prescribed form contained in the Schedule hereto.

Revocation of Appointment

5.—(1) The Commissioner General may, for good reasons, in writing, revoke the appointment of a withholding agent in accordance with section 14A (1):

Provided that such revocation shall take effect in accordance with section 14A of the Act.

(2) The Commissioner General shall, within twenty-one days from the date of revocation, publish in the *Gazette*, a new list of names of withholding agents for Value Added Tax.

Records, acknowledgement of payment

6. Upon making payment to a supplier and deducting tax therefrom, a withholding agent for Value Added Tax shall—

(*a*) keep such records and in such form and manner as the Commissioner General may direct; and

(*b*) furnish the supplier with a Withholding Value Added Tax Certificate in such form as the Commissioner General may direct.

Where no Value Added Tax is withheld for a period

7. Where no Value Added Tax is withheld with respect to a period for which the withholding agent for Value Added Tax would otherwise remit Value Added Tax to the Commissioner General under section 14A (3) of the Act, the withholding agent for Value Added Tax shall furnish the Commissioner General with a return showing that no Value Added Tax was withheld in that period.

Supplier to issue invoice

8. A supplier who makes taxable supplies in respect of which Value Added Tax is withheld by the withholding agent for Value Added Tax shall issue an invoice showing separately the amount of Value Added Tax chargeable.

9. The withholding of Value Added Tax by a withholding agent for Value Added Tax shall not relieve a supplier of any obligation to file returns in accordance with the Act. Supplier to file returns

10. For the purposes of obtaining full information in respect of accounting for Value Added Tax withheld, the Commissioner General may require any person to— Inspection of records

(*a*) produce for examination, at such time and place as the Commissioner General may specify, records, books of accounts, documents and other records relating to the calculation or withholding of Value Added Tax in respect of any period specified by the Commissioner General; or

(*b*) attend at such time and place as the Commissioner General may specify, for the purpose of being questioned, in respect of any matter or transaction appearing to be relevant to the Value Added Tax liability of any person.

11. Any amount deducted from any payment to a supplier as Value Added Tax Withheld shall be deemed to have been actually received by that person as part of the whole payment. Value Added Tax Withholding deduction

12. A person who has deducted from a payment to a supplier, an amount representing Value Added Tax Withheld under regulation 11, shall remit such amount to the Commissioner General, within twenty-five days from the end of the month in which such deduction was made. Remittance

13.—(1) A remittance to be made to the Commissioner General under regulation 12 shall be accompanied by a copy of the Value Added Tax Withholding Certificate, serially numbered in triplicate, in the form set out in the Schedule. Value Added Tax Withholding Certificate

(2) The Value Added Tax Withholding Certificates referred to in subregulation (1) shall be completed and submitted during the month to which the remittance relates, together with a Value Added Tax Withholding return, summarizing the particulars of all deductions of Value Added Tax Withheld made in that month.

(3) The Value Added Tax Withholding Return shall be in the prescribed form contained in the Schedule hereto.

SCHEDULE

VAT/WTF 1

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MALAWI REVENUE AUTHORITY

APPLICATION FOR REGISTRATION FOR VALUE ADDED TAX WITHHOLDING AGENT

REGULATION—4

The completed form should be sent to:
The Commissioner-General
Malawi Revenue Authority
Private Bag 247
Blantyre

FOR OFFICIAL USE ONLY

Date of receipt .....

Date of verification .....

Date of capture .....

Effective Date of Registration .....

1. Identification of person to be registered:

   Taxpayer Identification Number (TPIN).....

   Name of person to be registered.....

2. Status of person to be registered:

   Limited Company/Sole Proprietor/Partnership/Other .....

   .....

   If partners, provide names, address and signature of partners

   Full name: .....

   Address: .....

   Signature: ..... Date: .....

   Full name: .....

   Address: .....

   Signature: ..... Date: .....

   Full name: .....

   Address: .....

   Signature: ..... Date: .....

3. Full address of principal place of business .....
4. Location of main premises .....
5. Nature of business .....
6. Trading name (if any) .....
7. Name of person making application:

   Surname .....

   Other names .....

   Status: Proprietor Partner Director.....

   Company Secretary Authorized officer .....

Telephone No.: .....

8. Declaration:

I, Mr./Mrs./Miss * (Full name of Signatory in block letters): .....

.....

(*a*) Hereby declare that the information given in this form and any accompanying correspondence is true and complete, and

(*b*) Hereby apply for registration under section 14A (1) of the Value Added Tax Act.

Signature: ..... Date: .....

*Delete as necessary

FOR OFFICIAL USE ONLY

Registration approved/Not approved

Signed: .....

Official Stamp.....

Commissioner General .....

VALUE ADDED TAX ACT

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MALAWI REVENUE AUTHORITY

CERTIFICATE OF REGISTRATION FOR VALUE ADDED TAX WITHHOLDING AGENT

REGULATION—4

Name of Person Registered: .....

.....

.....

.....

.....

Address of Business: .....

.....

.....

.....

.....

Taxpayer Identification Number (TPIN) .....

Effective Date of Registration: .....

Principal Place of Business: .....

.....

.....

.....

I hereby certify that the above-named person has been registered as Value Added Tax Withholding Agent under the Value Added Tax Act.

Date: ....

Commissioner General

VAT/WTF 3

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MALAWI REVENUE AUTHORITY

DOMESTIC TAXES DIVISION

WITHHOLDING VALUE ADDED TAX CERTIFICATE

REGULATION 13.

(USE BLOCK LETTERS)

CERTIFICATE SERIAL NO:

Gross amount due .....

Nature of payment .....

Description of transaction .....

Rate of VAT .....

Value Added Tax (VAT) .....

Net Payable .....

Period Covered .....

PARTICULARS OF RECIPIENT

Due to recipient named below .....

TPIN .....

National Identification Number [NID] .....

Name in Full ....Trading Name:.....

Postal Address .....

Telephone/Mobile : .....

Email Address .....

PARTICULARS OF WITHHOLDING AGENT OF VALUE ADDED TAX (VAT)

TPIN : .....

Name of Operator Withholding VAT : .....

Trading Name: ..... Date of Certificate issuance.....

This Certificate is to be distributed as follows—

Copy A—To accompany remittance to the Commissioner General, Private Bag 247, Blantyre.

Copy B—To be handed to the supplier.

Copy C—To be retained by the Value Added Tax Withholding Agent.

VAT / WTF4

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MALAWI REVENUE AUTHORITY

DOMESTIC TAXES DIVISION

RETURN FOR WITHHOLDING VALUE ADDED TAX (VAT)

REGULATION 13.

(USE BLOCK LETTERS)

PARTICULARS OF WITHHOLDING AGENT OF VALUE ADDED TAX (VAT)

TPIN :.....

NAME OF TAXPAYER :.....

POSTAL ADDRESS :.....

EMAIL ADDRESS :.....

TELEPHONE/MOBILE No :.....

MONTH : ..... YEAR:.....

PARTICULARS OF WITHHOLDING VALUE ADDED TAX (VAT)

TPIN	NID	Name of Recipient	Trading Name (where applicable)	Nature of Payment*	Gross amount due*	VAT Withheld*	Net Payable*	Withholding Value Added Tax Certificate Number*

TOTAL WHT								

DECLARATION

I .....hereby declare that this return contains a full, accurate and true account of the required particulars with regard to Value Added Tax (VAT) withheld.

Signature: ..... Date :.....

Made this 29th day of November, 2018.

GOODALL E. GONDWE
Minister of Finance, Economic Planning and Development

(FILE NO.C/RPD/6/3/3/21)