

Value Added Tax (Fiscalised Recording of Taxable Transactions)  
(Amendment) Regulations, 2012 (No. 6)

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IT is hereby notified that the Minister of Finance, in terms of section 78 of the Value Added Tax Act [*Chapter 23:12*], has made the following regulations:—

1. These regulations may be cited as the Value Added Tax (Fiscalised Recording of Taxable Transactions) (Amendment) Regulations, 2012 (No. 6).

2. Section 3 of the Value Added Tax (Fiscalised Recording of Taxable Transactions) Regulations, 2010, published in Statutory Instrument 104 of 2010 (hereinafter referred to as the “principal regulations”), is amended by the deletion of section 3(1) and the substitution of the following—

“3. (1) Every registered operator in Category C as defined in section 27 of the Act and every registered operator in Categories A, B and D whose turnover exceeds US\$240 000,00, *per annum*, shall for the purposes of recording his or her taxable transactions, use—

- (a) a fiscalised electronic register; or
- (b) a non-fiscalised electronic register together with a fiscal memory device:

Provided that every registered operator in Categories A, B and D shall fiscalise within ninety days, after the publication of these regulations.”.

3. Section 10 of the principle regulations is amended by the insertion of subsection (4) as follows—

“(4) Any approved supplier, who fails to supply an electronic signature device or a fiscalised electronic register or a non-fiscalised electronic register together with a fiscal memory device to a registered operator within six weeks of receiving an order and full payment for the device shall—

- (a) be liable for a civil penalty of US\$25,00, per device ordered and fully paid for, for each day the approved

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supplier remains in default, not exceeding a period of one hundred and eighty-one days:

Provided that the Commissioner-General shall have power to waive the payment or refund the whole or part of any penalty prescribed under this paragraph if it is satisfied that the contravention was not wilful, or not due to the want of reasonable care; and

- (b) if the approved supplier continues to be in default after the period specified in paragraph (a), he or she shall be guilty of an offence and liable on conviction to a fine not exceeding level seven or to imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment.”.