S.I. 78 of 2018

INCOME AND NON-MONETARY BENEFITS TAX ACT

(Cap 273)

Income and Non-Monetary Benefits Tax (Payroll and Employees Status Report) Regulations, 2018

In exercise of the powers conferred by section 19(1) of the Income and Non-Monetary Benefits Tax Act (Cap 273) the Minister of Finance, Trade, Investment and Economic Planning hereby makes the following Regulations—

Citation

1. These Regulations may be cited as the Income and Non-Monetary Benefits Tax (Payroll and Employees Status Report) Regulations, 2018.

Payroll withholding Statement

2.(1) Subject to regulation 3(d), an employer shall submit a payroll to the Commissioner General within 21 days after the coming into operation of these regulations in the forms provided in Schedule I and II and thereafter on a monthly basis within 21 days after the preceding calendar month.

(2) An employer shall submit to the Commissioner General, the completed employee status report in the form provided under Schedule III within 21days after the coming into operation of these regulations and thereafter within 21 days after the 31st of December of every year.

Forms of Statements

3. An employer—

(a) who employs not less than 10 employees shall submit to the Commissioner General, in electronic form, the payroll provided in Schedule I,

(b) who employs less than 10 employees and who does not pay to any of those employees any

exempt emoluments other than the 13th month pay or overtime allowance shall submit to the Commissioner General, the completed payroll in the form provided in Schedule II;

(c) who employs less than 10 employees and who pays any other emoluments including those exempted from tax under the Income and Non-Monetary Benefits Tax Act shall submit the completed payroll in the form provided in Schedule I;

(d) who employs a domestic worker shall —

(i) where the emolument paid to the domestic worker is SCR8555.50 or below, submit yearly to the Commissioner General, two completed forms provided in Schedule IV; one for the period of January to June, within 21 days after the coming into force of these regulations and thereafter within 21 days after the 30th of June of every year, and the other for the period of July to December within 21 days after the 31st of December.

(ii) where the emoluments paid to the domestic worker is above SCR8555.50, submit monthly to the Commissioner General, the completed form provided in Schedule IV, within 21 days after the end of the preceding calendar month.

(e) who employs not less than 10 employees shall submit a payroll and an employee status report in electronic form as provided in Schedules I, II and III;

(f) who employs less than 10 employees shall submit the payroll and employee status report

either in electronic form or manually as provided in Schedules I, II and III;

(g) who employs a domestic worker shall submit the payroll and employee status report either in electronic form or manually as provided in Schedule IV.

Additional information

4. The Commissioner General may, by notice in writing, require the employer to submit additional information.

Additional tax for failure to file statement

5. An employer who fails to submit a payroll and employees status report as specified in these regulations shall be liable for an amount of additional tax specified under section 42 of the Revenue Administration Act. (Cap 308).

Repeal of S.I. 6 of 2018

6. Income and Non-Monetary Benefits Tax (Payroll Withholding Statement) Regulations, 2010 (S.I. 6 of 2018) is hereby repealed.

SCHEDULE I
"PAYROLL"

Employer Name	
Employer TIN	
Applicable Year	
Applicable Month	

Employee Details					Details of Emoluments				
					Taxable Emoluments				
NIN	Surname	Names	Citizen/Non-Citizen	Applicable Rate	Salary	Allowances	Management /Board /Director fees	Other taxable emoluments	Total Taxable Emoluments
TOTAL									

Details of Emoluments								
Non-Taxable Emolument *(subject to the legal requirements of the second schedule of the INMBT Act)*								
13th Month Pay	Overtime	Service Charge	Bonus	Gratuity	End of Contract	Compensation	Other Non-Taxable Emoluments	Total Non-taxable Emoluments

Employee Tax Calculation			Non-Monetary Benefits					Total Tax Withheld/Remitted		
Total Emoluments	Income Tax Withheld	Net of Tax Emoluments	Motor Vehicle	Housing	Food	Other	Total	Income Tax Withheld	Non-Monetary Benefits Tax Withheld	Total to Remit

SCHEDULE II
"SIMPLIFIED PAYROLL"

Employer Name	
Employer TIN	
Applicable Year	
Applicable Month	

Employee Details					Details of Emoluments							Employee Tax Calculation		
					Taxable Emoluments					Non - Taxable Emoluments				
NIN	Surname	Names	Citizen/Non-Citizen	Applicable Rate	Salary	Allowance	Management /Board /Director fees	Other taxable emoluments	Total Taxable Emoluments	13th Month Pay	Overtime	Total Emoluments	Income Tax Withheld	Net of Tax Emoluments
TOTAL														

SCHEDULE III
EMPLOYEE STATUS REPORT

Employer Name	
Employer TIN	

Status	NIN	Surname	Names	Gender	Job title	Total Emoluments	Citizen/Non-Citizen	Start date	End date

Status
A – A new employee is being ADDED to the existing list
R – The employee is being REMOVED from the existing list

SCHEDULE IV
"DOMESTIC WORKERS"

Seychelles Revenue Commission

Income & Non Monetary Benefits Tax

Domestic Workers

Clients Trading Name: _____ TIN: _____

Applicable Month: _____ Applicable Year: _____

Number of Citizen Domestic Workers: _____ Income Tax Withheld SR: _____ I1

Number of Non-Citizen Domestic Workers: _____ Interest and Additional Tax SR: _____ I2

Total Taxable Paid: SR _____ Income & Non-Monetary Benefits- Arrears SR: _____ I3

Total Non-Taxable Paid: SR _____ Total INMBT to Remit SR: (I1+I2+I3) _____ I

Payroll Details

Employee Details			Details of Emoluments				Non-Monetary benefits		Total to remit	
Surname	Name	NIN	Total Taxable emoluments	Total Non-Taxable emoluments	Total Emoluments	Income Tax Withheld	Non-Monetary benefits (NBT)	NBT tax withheld	Total withheld	Net of Tax Emoluments

Declaration: I declare that the information on this form is true and correct, and that I am authorised to make this declaration.

Name _____ Signature _____ Date _____

MADE this 29th day of November, 2018.

MAURICE LOUSTAU-LALANNE
MINISTER OF FINANCE, TRADE, INVESTMENT AND ECONOMIC PLANNING