

S.I. 138 of 2022

REVENUE ADMINISTRATION ACT, 2009

*(Act 27 of 2009)***Revenue Administration (Business Registration and Declaration of Operation) Regulations, 2022**

In exercise of the powers conferred by section 99 of the Revenue Administration Act, 2009 the Minister of Finance, National Planning and Trade hereby makes the following Regulations —

Citation and commencement

1.(1) These Regulations may be cited as the Revenue Administration (Business Registration and Declaration of Operation) Regulations, 2022.

(2) Subject to regulation 10, the Revenue Administration (Business Registration and Declaration of Operation) Regulations, 2022 shall come into operation on the 1st January 2023.

Interpretation

2. In these Regulations —

“business” means a business as defined in the Business Tax, Act (Cap 20);

“commencement of business” means the date where a person starts engaging in business activities or transactions with the aim of deriving a taxable business income;

“dormant taxpayer” for the purposes of regulation 8, means a business which has been issued with a Tax Identification Number and was previously operational but has not conducted or been engaged in any transaction such as filing of returns, payment of tax, payment arrangement, having no active audit with the

Seychelles Revenue Commission, cannot be contacted or located for the last 3 tax years or more and has not applied for suspension or cessation of business operation;

“suspension of tax obligation” for the purpose of regulation 6 shall mean a registered business holding a Tax Identification Number which has been operational but intends to temporarily de-activate its tax obligation due to suspension of operation and the suspension may relate to all tax obligation or specific tax obligation depending on the nature of the case and justification for suspension as the Commissioner General may consider as a valid justification for suspension; and

“taxable business income” means taxable business income as defined in the Business Tax, Act (Cap 20).

Registration

3.(1) All businesses operating in Seychelles shall be registered with the Seychelles Revenue Commission in the approved form and manner.

(2) Any new business commencing operations in Seychelles shall, within 28 days from the date of commencement of business, apply for registration in the approved form and manner.

(3) The Commissioner General shall, where an application for registration in respect to a business has not been made under subregulation 2, but is of the opinion having regard to the activities carried on or carried out by such business, that such business is required to be registered under these Regulations, and, after affording such person an opportunity of being heard, register such business with effect from such date as may be determined by the Commissioner General.

(4) The Commissioner General may, in processing an application for registration, request additional information from the applicant.

Obligation to notify Commissioner General on any change

4.(1) A person operating a business shall —

- (a) notify the Commissioner General in writing of any change in the information provided on an application or registration under regulation 3 within 28 days of the change occurring; or
- (b) provide any information requested by the Commissioner General within 28 days of the request.

(2) Notwithstanding subregulation (1) where an executor is appointed for the administration of a business, the executor shall notify the Commissioner General within 90 days about his or her appointment as the executor of the business.

Suspension of tax obligation

5.(1) A registered business operator, holding a Taxpayer Identification Number, who intends to temporarily suspend its business operation and suspend its tax obligation shall notify the Commissioner General of the date from which he or she intends to suspend the business operation 14 days before the date of which he or she intends to suspend operation and the reason therefore with supporting documents, if any.

(2) A business operator who suspended his or her business under regulation (1) and who intends to resume operations and re-activate its tax obligation, shall notify the Commissioner General of his or her intention to resume its business operations 14 days before the resumption of business operation.

Suspension of a taxpayer's status

6. The Commissioner General may, if satisfied that the operator of the business —

- (a) becomes unable to continue the business operation due to serious illness or serious physical or mental disability;
- (b) has died;
- (c) is declared bankrupt;

- (d) is missing; or
- (e) is in jail consequent of punishment for imprisonment for an offence,

suspend a taxpayer's status without prior application.

Deregistration of a business

7. A business operator who intend to permanently deregister their business shall, within 28 days from the date of cessation of the business notify his or her intension to the Commissioner General.

Power to archive dormant taxpayers

8. Where, a business operation status changes from active to dormant and based on conclusive evidence that the business is indeed dormant, the Commissioner General may designate the business taxpayer's status as dormant based on conclusive evidence that the business is dormant.

Offences and penalty

9. A person who fails to —
- (a) register his or her business under regulation 3(1) or (2);
 - (b) register his or her business under regulation 3(1) or (2), but is subsequently registered in pursuance of regulation 3(3);
 - (c) notify the Commissioner General under regulation 4(1)(a);
 - (d) provide information requested for within 28 days under regulation 4(1)(b);
 - (e) notify the Commissioner General under regulation (4)(2);
 - (f) notify the Commissioner General under regulation 5 or 7,

commits an offence and is liable on conviction to imprisonment for a term of one year or to a fine of SCR 50,000 or to both such fine and imprisonment.

Commencement of regulation 9(c)

10. Regulation 9(c) shall commence on the 1st April 2023.

Repeal of S.I. 71 of 2010

11. The Revenue Administration (Business Registration) Regulations, 2010 is repealed.

Savings

12. Notwithstanding such repeal, all acts done by the Seychelles Revenue Commission under the repealed regulation, which were validly taken or granted under the repealed regulation shall, continue to have effect in accordance with their terms or until amended, annulled or withdrawn in accordance with this regulation.

MADE this 30th day of December, 2022.

**NAADIR HASSAN
MINISTER OF FINANCE
NATIONAL PLANNING AND TRADE**
