

## EXCISE TAX ACT 2005

1. This Act may be cited as the Excise Tax Act 2005.

This Act shall come into operation on such date as the Minister may by order appoint and different dates may be prescribed for different provisions of this Act.

2. In this Act, unless the context otherwise indicates “Commissioner” means the Commissioner General of the Guyana Revenue Authority

“consideration”, in relation to a supply or import of goods, means the total amount in money or kind paid or payable (including a deposit on a returnable container) for the supply or import by any person, directly or indirectly, including any duties, levies, fees, and charges (other than VAT) paid or payable on, or by reason of, the supply or import

“days” means official working days for the Guyana Revenue Authority, excluding all public holidays

“duty”, “entered”, “export”, “import” and “importer” have the meanings assigned to them by the Customs Act

“manufacture”, in relation to goods, means to manufacture or produce and includes the application of any process in the course of manufacturing or producing the goods

“registered manufacturer” means a person meeting the requirements for registration under this Act

“supply” means a sale of goods or a grant of the use or right to use any goods

“tax” means excise tax imposed under this Act

“taxable goods” means goods specified by regulations made by the Minister, which regulations shall be subject to a negative resolution of the National Assembly.

“warehouse” and “warehoused” shall have the same meaning as in the Customs Act.

3. (1) Except as otherwise provided, excise tax shall be paid in accordance with this Act in relation to—

- (a) taxable goods imported and not warehoused
- (b) taxable goods imported and warehoused and removed from the warehouse
- (c) taxable goods manufactured in Guyana and removed from the warehouse

(d) taxable goods manufactured and sold in Guyana at the rates specified by regulations made by the Minister, which regulations shall be subject to a negative resolution of the National Assembly. Provided that Excise tax shall be paid on goods which are exported

(2) A manufacturer of taxable goods who cannot account, to the satisfaction of the Commissioner, for any quantity of such goods manufactured or warehoused by him is deemed to have removed those goods from a warehouse for consumption in Guyana during the month in which the deficiency arose.

Value and quantity. 4. (1) Where tax is payable on taxable goods by reference to

their value, the tax is calculated on an amount, referred to as the "chargeable value" equal to—

(a) if the goods are imported, the total of Excise

(i) the value of the goods as it would be determined under the Customs Act for the purpose of assessing ad valorem duty of customs on the goods, whether ad valorem duty of customs is payable on the goods or not, and

(ii) the amount of any taxes or duties (other than tax payable under this Act or the ValueAdded

Tax Act 2005), fees, or other charges that are payable upon the entry of the goods into Guyana and

(b) if the goods are manufactured in Guyana, the amount of consideration in money, after deducting there from any amount of VAT payable.

(2) Where tax is payable on taxable goods by reference to a specific quantity measured by volume or weight, if the goods are imported, sold in Guyana or removed from a warehouse in a container intended for sale with or of a kind usually sold with the goods in a sale by retail and the container is marked, labelled, or commonly sold as containing, or commonly reputed to contain, a specific quantity of such goods, for the purpose of determining the tax payable in respect of the goods, the container is deemed to contain not less than that specific quantity.

Payment of tax by

manufacturer.

5. (1) In relation to goods referred to in section 3(1) (c) and (d), payment of tax to the Commissioner shall be made not later than fifteen days after the end of the month during which the goods were sold or removed

In relation to goods referred to in section 3(1) (a) and (b), payment of tax to the Commissioner shall be made on importation or removal from the warehouse.

(2) No taxable goods may be removed from a warehouse unless the person who intends to remove the goods has

(a) paid the tax payable on the goods or

(b) entered into (

i) a bond with security equal to triple the amount of tax that would be payable on the goods if the goods were removed from the warehouse for consumption in Guyana, or

(ii) a general bond, to continue in force for twelve months, with security in an amount approved by the Commissioner.

(3) Where a person who intends to remove taxable goods from a warehouse has entered into a general bond referred to in subsection (2) (b) (ii) but the total of—

(a) the tax on the goods, and

(b) the tax payable by the person on all other goods removed from a warehouse that remains unpaid, exceeds the amount of security under such general bond, the person is required to pay the tax on the goods that he intends to remove from the warehouse before they are so removed.

(4) A registered manufacturer who defaults in paying any tax payable by him by the day prescribed by subsection (1) or (3) is required to pay, in addition to the amount of tax in default, interest at the rate prescribed under paragraph 2 of Schedule IV of the ValueAdded

Tax Act 2005 for each month or part of a month during which the tax remains unpaid.

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Payment of tax by importer.

6. Where tax is imposed by this Act on the importation of goods into Guyana, the importer is required to pay the tax to the Commissioner before the goods are cleared for use within Guyana.

Excise tax returns. 7. (1) Every registered manufacturer is required to file with the Commissioner, not later than fifteen days after the end of each month, in the prescribed manner an accurate excise tax return for the month in the prescribed form containing the prescribed information, regardless of whether any tax is due.

(2) A person who ceases being a registered manufacturer is required to file with the Commissioner, not later than fifteen days after the date of cessation, in the prescribed manner an accurate return for the month in the prescribed form containing the prescribed information.

(3) The Commissioner may require a registered manufacturer to furnish such information relating to a return as the Commissioner considers necessary.

Temporary importation.

8. (1) The Commissioner may grant permission for the temporary importation of taxable goods without payment of tax upon being satisfied that—

(a) the goods are imported for temporary use or for a temporary purpose only



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