



REPUBLIC OF SINGAPORE

# GOVERNMENT GAZETTE

## ACTS SUPPLEMENT

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The following Act was passed by Parliament on 2 October 2017 and assented to by the President on 19 October 2017:—

### REPUBLIC OF SINGAPORE

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**No. 37 of 2017.**

I assent.



HALIMAH YACOB,  
*President.*  
19 October 2017.

An Act to amend the Goods and Services Tax Act (Chapter 117A of the 2005 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

**Short title and commencement**

1.—(1) This Act is the Goods and Services Tax (Amendment) Act 2017.

(2) Sections 2 to 7, 9, 10 and 11 come into operation on a date that the Minister appoints by notification in the *Gazette*.

**Amendment of section 12**

2. Section 12(2) of the Goods and Services Tax Act (called in this Act the principal Act) is amended by deleting the words “and 38” in paragraph (a)(iii) and substituting the words “, 38 and 38A”.

**Amendment of section 38**

3. Section 38 of the principal Act is amended —

(a) by deleting the words “it shall be for the person supplied, on the supplier’s behalf, to account for and pay tax on the prescribed supply, and not for the supplier” in subsection (2) and substituting the words “then, it is for the person supplied to account for and pay tax on the prescribed supply as if the person supplied were the supplier; and the supplier must not require payment from the person supplied, of the tax on the prescribed supply or an amount as being attributable to the tax”;

(b) by inserting, immediately after subsection (2), the following subsection:

“(2A) Nothing in subsection (2) prevents section 78(2) from applying to the person making the prescribed supply of goods or services if, despite that subsection, the person issues an invoice for the prescribed supply of goods or services showing it as taking place with tax chargeable on it.”; and

(c) by deleting the comma at the end of paragraph (c) of subsection (5) and substituting the word “; or”, and by inserting immediately thereafter the following paragraph:

“(d) goods consisting in furniture, furnishings, fittings, appliances or effects that are supplied together with any goods or services mentioned in paragraph (c),”.

### **New section 38A**

4. The principal Act is amended by inserting, immediately after section 38, the following section:

#### **“Customers to account for tax on relevant supplies of goods or services**

**38A.**—(1) This section applies in circumstances where a taxable person (called in this section the supplier) makes a relevant supply of goods or services to a person (called in this section the customer) who is registered under this Act at the time when the relevant supply is made.

(2) Where the relevant supply of goods or services is made by the supplier in connection with the carrying on by the customer of any business, then, it is for the customer to account for and pay tax on the relevant supply as if the customer were the supplier; and the supplier must not require payment from the customer, of the tax on the relevant supply or an amount as being attributable to the tax.

(3) Nothing in subsection (2) prevents section 78(2) from applying to the supplier if, despite that subsection, the supplier issues an invoice for the relevant supply of goods or services showing it as taking place with tax chargeable on it.

(4) So much of this Act and of any written law as has effect for the purposes of, or in connection with, the enforcement of any obligation to account for and pay goods and services tax apply for the purposes of this section in relation to the customer, as if the tax were tax on a supply made by the customer.

(5) If the relevant supply of goods or services is not made by the supplier to the customer in connection with the carrying on by the customer of any business, the customer must notify the

supplier of that fact; and if the customer fails to do so, the customer must, unless otherwise allowed by the Comptroller —

- (a) pay to the Comptroller without demand the amount of tax chargeable on the relevant supply to which the failure relates; and
- (b) include the amount of tax mentioned in paragraph (a) as output tax in the customer's return.

(6) The Minister may make regulations under this section for any of the following:

- (a) to prescribe a supply of goods or services for the purposes of the definition of “relevant supply of goods or services” in subsection (10), by reference to one or both of the following:
  - (i) any use which is made of the goods or services;
  - (ii) any other matter whether or not related to a description or characteristic of the goods or services;
- (b) to provide for the application (with such modification as may be prescribed) of this section to a case where —
  - (i) the value of a relevant supply of goods or services is increased by an amount (*I*) after the supply is made; or
  - (ii) the value of a supply of goods or services is increased by an amount (*I*) after the supply is made, such that it becomes a relevant supply of goods or services,

including by treating a separate supply of goods or services as having taken place with a value equal to *I*;

- (c) to require, in a case where —
  - (i) the value of a relevant supply of goods or services is adjusted after the supply is made; or

(ii) the value of a supply of goods or services is increased after the supply is made, such that it becomes a relevant supply of goods or services,

the supplier or customer, or both, to make corresponding adjustments to the tax accounted for or paid, or to be accounted for or paid, in the form and manner required by the Comptroller;

(d) generally for the purpose of carrying out the provisions of this section.

(7) The regulations made under subsection (6) may make different provisions for different circumstances (including the circumstances under which paragraph (c) of the definition of “relevant supply of goods or services” in subsection (10) does not apply).

(8) This section does not apply to any supply of goods or services prescribed as a prescribed supply under section 38.

(9) To avoid doubt, relevant supplies of goods or services are not taxable supplies of the customer for the purposes of the First Schedule.

(10) In this section —

“excepted supply” means any supply of goods or services that is prescribed as an excepted supply;

“relevant supply of goods or services” means any taxable supply of goods or services that is prescribed for the purpose of this definition, but not if —

(a) the supply is a zero-rated supply;

(b) the supply is an excepted supply; or

(c) the value of the supply does not exceed the threshold that is prescribed for the purpose of this definition for that supply (where applicable).”.