



**Consolidated Version  
10 March 2016**

*Unofficial translation of the*

## **TAX ADMINISTRATION REGULATION 2013/R-45**

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*This document consolidates the following:*

- 1. Tax Administration Regulation (Regulation Number 2013/R-45), formulated under the Tax Administration Act (Law Number 3/2010) and published in the Government Gazette on Thursday the 30<sup>th</sup> of May 2013 (20 Rajab 1434).*
- 2. Section 22 of the Tax Agents Regulation (Regulation Number 2014/R-36), published in the Government Gazette on Wednesday the 18<sup>th</sup> of June 2014 (20 Sha'ban 1435).*
- 3. Tax Ruling TR-2016/A5 (First amendment to the Tax Administration Regulation) issued on Monday the 22<sup>nd</sup> of February 2016.*
- 4. TR-2016/A6 (Second amendment to the Tax Administration Regulation) issued on Thursday the 10<sup>th</sup> of March 2016.*

### **DISCLAIMER OF LIABILITY**

*This is the unofficial translation of the original Regulation in Dhivehi. In the event of conflict between this translation and the Dhivehi version of this Regulation, the latter shall prevail. Therefore, it is advised that both the Dhivehi version of this Regulation and this translation be read concurrently.*

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# TAX ADMINISTRATION REGULATION

## 1. Introduction and citation

- (a) This Regulation was made pursuant to the authority granted to the Maldives Inland Revenue Authority by the Tax Administration Act (Law Number 3/2010).
- (b) This Regulation shall be cited as the “Tax Administration Regulation”.

## 2. Objective

The objective of this Regulation is to establish the procedures to be followed by MIRA, taxpayers and any other person subject to the tax laws, in administering the Tax Administration Act in the manner that best achieves the objectives of the Act.

## CHAPTER 1: REGISTRATION

### 3. Registration

- (a) For the purpose of completing the Taxpayer Register required to be maintained by MIRA under Section 23 of the Act, persons conducting business in the Maldives shall submit a “Taxpayer Registration” (MIRA 101) form within 60 (sixty) days from the commencement of that business, together with the information and documents specified therein, to MIRA or to a place determined by MIRA.
- (b) Notwithstanding a person’s registration under subsection (a), a person required to be registered with MIRA under another tax law shall register with MIRA in accordance with and within the period specified in such law.
- (c) Application for registration in accordance with subsection (a) shall be submitted in the name of the legal owner of the business or the immovable property that constitutes the business.
- (d) Notwithstanding the provision of information of persons conducting business in the Maldives by a person required to do so under Section 21 of the Act, persons conducting business in the Maldives shall register with MIRA in accordance with this Section.
- (e) Notwithstanding subsection (a), the Commissioner General may at his discretion register a person with MIRA based on information received under Section 21(b) of the Act or otherwise, and notify that person of such registration.

- (f) For the purpose of subsection (a), the commencement date of the business refers to the date on which the trade permit is issued to that person by the relevant Government authority, or where such permit is not required, the date of commencement of business activities. In the case of a company, partnership or a cooperative society, it is the date of registration with the relevant Government authority.

#### **4. Responsible person**

- (a) Where the person applying for registration in accordance with Section 3(a) of this Regulation is a company or a partnership, it shall appoint a responsible person pursuant to Section 22 of the Act at the time of such application.
- (b) Where a responsible person is not appointed by a taxpayer, the responsible person of such person shall be deemed to be:
- (1) In the case of a company, the managing director of the company.
  - (2) In the case of a partnership, the managing partner of the partnership.
- (c) Where the person applying for registration in accordance with Section 3(a) of this Regulation is not a company or partnership, he shall have the discretion to appoint a responsible person at the time of such an application.
- (d) The responsible person shall cooperate with MIRA and shall fully comply with his obligations stated in the Act and this Regulation.

#### **5. Obligation of responsible person**

- (a) The taxpayer shall not be relieved from his responsibilities by appointment of a responsible person. However, the responsibilities fulfilled by the responsible person shall be deemed to be fulfilled by the taxpayer.
- (b) Where notices and documents required to be provided from MIRA to the taxpayer are delivered to the responsible person, such notices and documents shall be deemed to have been provided to the taxpayer.

#### **6. Change of information**

Upon the occurrence of one of the following events, the responsible person of the taxpayer shall notify MIRA within 15 (fifteen) days from the occurrence of that event, by submitting a "Taxpayer Registration" (MIRA 101) form:

- (a) Commencement of an additional business activity by the taxpayer;

- (b) Change of any information provided to MIRA relating to the taxpayer or a business activity conducted by the taxpayer;
- (c) Change of the responsible person appointed by the taxpayer or any information relating to the responsible person.

#### **7. Penalty for the offence of non-registration**

- (a) Where a person required to register in accordance with Section 3(a) and (b) of this Regulation fails to register, that person shall be subject to a penalty of MVR 50 (Fifty Rufiyaa) for each day of delay, under Section 65(b)(2) of the Act. The criminal penalty for such offence shall be house arrest of the offender for a period between 1 (one) and 6 (six) months.
- (b) The total amount of the penalty imposed under subsection (a) shall not exceed MVR 5,000 (Five Thousand Rufiyaa).

#### **8. Deregistration**

- (a) Where any of the following events occur, a "Deregistration" (MIRA 106) form shall be completed and submitted to MIRA, together with the information and documents specified therein, within 15 (fifteen) days from the date of occurrence of the event:
  - (1) Cessation or sale of the business or a business activity;
  - (2) Bankruptcy of the taxpayer;
  - (3) Death of the taxpayer.
- (b) Submission of the form specified in subsection (a) shall be the responsibility of:
  - (1) If in relation to subsection (a)(1) or (2), the taxpayer.
  - (2) If in relation to subsection (a)(3), where a responsible person is appointed by the taxpayer, the responsible person. Where a responsible person is not appointed by the taxpayer, the taxpayer's heirs.
- (c) Notwithstanding subsection (a), the Commissioner General may at his discretion deregister a person from the Taxpayer Register or from a particular tax, or deregister a particular business activity, based on information received by MIRA, and notify that person of such deregistration.

## CHAPTER 2: ELECTRONIC MEDIA

### 9. Electronic media

For the purpose of Section 20 of the Act, electronic media refers to email, fax and online services provided through MIRA website or otherwise.

### 10. Submitting documents via email

Where a document required to be submitted by the taxpayer is emailed to MIRA, it shall be submitted in the following manner:

- (a) Where a document is attached to the email, the attachment shall be a scanned copy of the original document.
- (b) Where the document submitted is a form or a document required to be submitted together with the form under Section 3, 6 or 8 of this Regulation, it shall be emailed to the address specified in the form, with the subject of the email being the form number.
- (c) Where the document submitted is a tax return or a document required to be submitted together with a tax return, it shall be emailed to the address specified in the return, with the subject of the email being the return number.
- (d) Where the document submitted does not fall within subsections (b) or (c) or MIRA has not specified an email address to which the document shall be emailed, it shall be emailed to [info@mira.gov.mv](mailto:info@mira.gov.mv).

### 11. Sending and receiving documents via email

- (a) Documents submitted to MIRA under Section 10(c) of this Regulation shall be emailed from an email address registered with MIRA.
- (b) Where MIRA emails any document to an email address registered with MIRA by the taxpayer, the document shall be deemed to be delivered to the taxpayer.
- (c) The Commissioner General shall have the discretion to determine pursuant to a notice issued by the Commissioner General that all correspondence from MIRA to taxpayers who meet the conditions determined by MIRA shall only be sent via email, to the email address registered with MIRA by such taxpayers.

## **12. Submitting documents via fax**

Where a document required to be submitted by the taxpayer is faxed to MIRA, it shall be faxed to 3316577.

## **13. Submitting originals of documents**

- (a) Where MIRA notifies a taxpayer to submit the originals of documents submitted via electronic media in accordance with this Chapter, such originals shall be submitted to MIRA within the specified period.
- (b) Receiving of documents by MIRA via electronic means or otherwise shall not be deemed as confirmation by MIRA that they are complete or valid.

# **CHAPTER 3: MAINTAINING RECORDS**

## **14. Records required to be maintained**

- (a) Without limiting the generality of Section 27 of the Act, any person that is subject to a tax law shall maintain sufficient records that are necessary to ascertain the person's income, expenditure, capital allowances, tax credits, output tax, input tax, goods and services tax adjustments, tax payable and withholding tax payable. Such records shall include the following:
  - (1) Records of all assets and liabilities in relation to the person's business or business activity (including details of assets and money withdrawn for personal use and assets in an inoperative state due to damage, loss or any other reason);
  - (2) A day-to-day record of all monies received and expended in the course of carrying on the person's business or business activities;
  - (3) Invoices, receipts, payment vouchers, credit notes, debit notes and other such documents relating to goods and services sold and purchased;
  - (4) Accounting records that record transactions of the person's business or business activity, such as journals and ledgers;
  - (5) Chart of accounts, code of accounts, accounting instruction manuals and programming documentation, which describe the accounting system used by the person in carrying on the person's business or business activities;
  - (6) Where a person records transactions using the accrual basis of accounting, details of inventory, debtors (including bad debts written off) and creditors at the end of each accounting period;

- (7) Details of payments made to or for the benefit of employees or officers of the person (separately identifying payments and benefits made by the person to directors, substantial shareholders, trustees or partners of the person and to other persons associated with those directors, substantial shareholders, trustees or partners);
  - (8) Agreements relating to business transactions;
  - (9) Import Licence, Export Licence, Bills of Lading, Airway Bills, Customs Export Declarations and other such documents related to import or export;
  - (10) Bank statements and other documents that provide details of all transactions made through the bank account;
  - (11) Financial statements and related documents;
  - (12) All documents related to transactions conducted over the internet;
  - (13) Any other documents necessary for the verification of income and expenditure and other amounts included in any tax return or in the financial statements of the taxpayer;
  - (14) Other documents required to be maintained by the taxpayer under a tax law.
- (b) For the purposes of subsection (a)(7), a substantial shareholder is a shareholder that falls within the definition of a “Person holding a substantial interest in a company” in Section 43(a) of the Business Profit Tax Act (Law Number 5/2011).
- (c) Where the amounts shown on invoices, receipts, debit notes and credit notes are not generated through software, a pre-printed serial number shall be included on each document.

## **15. Place and language for maintaining records**

- (a) All documents required to be maintained under Section 27 of the Act and Section 14 of this Regulation shall be kept at the principal place of business in the Maldives of the taxpayer or at any other place in the Maldives where the records are accessible to MIRA, on demand. Further, all such documents shall be maintained legibly.
- (b) Where documents maintained by the taxpayer are in a language other than Dhivehi or English, the taxpayer shall translate such documents into Dhivehi or English if required by MIRA, within a period determined by MIRA.

## **16. Maintaining records in an electronic format**

- (a) Records may be maintained by the taxpayer in an electronic format only if:
- (1) The records can be readily printed on paper if required by MIRA;

- (2) The records can be readily accessed if required by MIRA;
  - (3) Where the records are transferred from one format to another, the duplicate of the records can be confirmed to be identical to the original records;
  - (4) If manually prepared records are transferred to an electronic format, such records shall be in portable document format (PDF);
  - (5) The records are secure from alteration by unauthorized parties;
  - (6) A backup of software used for maintaining records or soft copies of the documents is maintained;
  - (7) An audit trail of records and any alteration to such records can be retrieved.
- (b) Where MIRA requires records to be printed on paper, the date of preparation of the original document shall be clearly shown on the printed document.

#### **17. Records relating to an audit**

Notwithstanding Section 27(c) of the Act, the Commissioner General may require a person to keep records which may be required for an audit being conducted by MIRA until such audit is concluded.

## **CHAPTER 4: AUDIT AND INVESTIGATION**

#### **18. Service of Notice**

- (a) A taxpayer subject to an audit under Section 30 of the Act shall be notified in writing through the issuance of a notice ("Audit Notice") prior to the commencement of such audit, and that notice shall include the following information:
- (1) The name, address and TIN of the taxpayer;
  - (2) The period to be audited;
  - (3) The estimated commencement date of audit;
  - (4) Documents that officers of MIRA are likely to examine during the audit;
  - (5) The name of the officer of MIRA in charge of the audit.
- (b) Persons appointed by the Commissioner General other than the officer of MIRA in charge may also be involved in the audit.
- (c) Where MIRA suspects that a taxpayer has committed or is committing a criminal offence in relation to tax, such taxpayer shall be informed in writing that he is being investigated in relation to that offence.

- (d) MIRA shall not be required to send a notice to the taxpayer under this Section in relation to gathering of information or work done in preparation for an audit or investigation prior to the commencement of such audit or investigation.

#### **19. Power to enter taxpayer's administrative office and business premises**

Upon issuing an Audit Notice in accordance with Section 18 of this Regulation, officers of MIRA authorized by the Commissioner General may enter a taxpayer's administrative office and business premises for the purpose of achieving the objectives in Section 30(e) of the Act.

#### **20. Obtaining documents from taxpayers**

The following information shall be included in the notice ("Document Request Notice") issued under Section 31(b) of the Act:

- (a) The name, address and TIN of the taxpayer;
- (b) Documents required to be submitted;
- (c) Period given to submit the required documents.

#### **21. Obtaining documents from third parties**

The following information shall be included in the notice ("Third Party Document Request Notice") issued under Section 32(a) of the Act:

- (a) Name and address of the recipient of the notice;
- (b) The name, address and TIN of the taxpayer in relation to whom the notice is being issued;
- (c) Documents required to be submitted;
- (d) The period given to submit the required documents;
- (e) Reason for issuing the notice.

#### **22. Audit report**

- (a) At the conclusion of an audit conducted under Section 30 of the Act, MIRA shall send an audit report to the taxpayer highlighting the findings of that audit.
- (b) Where the amount of tax required to be paid by the taxpayer is determined by MIRA under Section 39(a) of the Act, MIRA shall send the notice referred to in Section 24 of this Regulation together with the audit report.

- (c) Where the audit report sent to the taxpayer under subsection (a) highlights issues that require rectification, the taxpayer shall rectify the issues and notify MIRA of details of such rectifications, or where the issues have not been rectified, the reason for not making such rectification and an estimated date for making such rectification, within 15 (fifteen) days from the date of the report or within any other period determined by the Commissioner General, in a manner instructed by MIRA.

### **23. Assessment by MIRA**

- (a) Factors that may be considered by MIRA in making an assessment under Section 39(a) of the Act include the following:
- (1) The market value of goods and services that are similar to goods and services supplied to or purchased by the taxpayer;
  - (2) The average value of goods and services that are similar to goods and services supplied to or purchased by the taxpayer during corresponding periods in previous years;
  - (3) The average value of goods and services in other countries that are similar to goods and services supplied to or purchased by the taxpayer;
  - (4) Amount of tax paid or payable in previous years;
  - (5) The average of tax paid or payable during that period by other taxpayers of the same category in that industry.
- (b) When making assessments based on the factors specified in subsection (a), sampling may be used.
- (c) Where MIRA makes an assessment for a period in respect of which a taxpayer has not filed a tax return by the due date, any fines applicable shall be imposed until the date of such assessment, and the taxpayer shall not file a tax return in respect of that period.
- (d) Where MIRA makes an assessment for a period in respect of which a taxpayer has filed a tax return, the taxpayer shall not amend the return he filed for that period. The taxpayer may however object to the decision of MIRA under Section 42 of the Act.

## **24. Notice of Tax Assessment**

- (a) The following information shall be included in the notice (“Notice of Tax Assessment”) issued to the taxpayer under Section 39(a) of the Act, following the determination of the amount of tax payable by the taxpayer:
- (1) Name, address and TIN of the taxpayer;
  - (2) Taxable period to which the Notice relates;
  - (3) Amount determined by MIRA as tax payable;
  - (4) Deadline for payment.
- (b) Following the issuance of a Notice in accordance with subsection (a), the Commissioner General shall have the discretion to amend or terminate such Notice regardless of whether the taxpayer makes an objection in relation to the Notice or whether the amount determined in the Notice is paid to MIRA.

## **25. Changes to the amount determined by MIRA**

The following shall be the outcome of an amendment brought to the Notice of Tax Assessment under Section 24(b) of this Regulation:

- (a) Where the amount determined in the amendment exceeds the initial amount determined by MIRA as being payable by taxpayer, a revised period shall be provided for the settlement of the total amount determined in the amendment.
- (b) Where the amount determined in the amendment is lower than the initial amount determined by MIRA as being payable by the taxpayer, the amount stated in the amendment shall be deemed to be payable by the deadline stated in the first Notice.

## **26. Fines or interest levied on outstanding tax**

Where MIRA makes an assessment under Section 39 of the Act, and the amount paid by the taxpayer for that period is lower than the amount assessed by MIRA, the unpaid amount shall be deemed as outstanding from the deadline for payment, and fines and interest shall be levied from such deadline in accordance with the Act and regulations.

## **27. Requesting for bank account details**

For the purpose of Section 48 of the Act, “bank account details” in relation to a taxpayer or his associates include the following:

- (a) The names and numbers of all bank accounts, credit cards and debit cards;

- (b) Details of transactions made using credit cards or debit cards or through bank accounts, and bank statement;
- (c) Transfers between one bank account or card and another bank account or card;
- (d) Details of loans and documents related to loans;
- (e) Bank file notes;
- (f) Correspondences made through the bank.

## **CHAPTER 5: SEARCH OF PREMISES**

### **28. Obtaining search warrant to enter private residences**

For the purpose of an audit conducted by MIRA, entry to private residences shall only be undertaken with a court warrant.

### **29. Execution of the search warrant**

Where a search is undertaken under a search warrant, in a manner not violating the authority granted under that warrant:

- (a) If the premises are occupied at the time of entry, the person in charge of the premises or the person who appears to be in charge of the premises shall be provided with a copy of the warrant which specifies the name of the Officer in Charge, and he shall be informed of the intention to enter the premises to execute the search warrant. If the premises are not occupied at the time of entry, such copy must be placed in a conspicuous place within the premises.
- (b) Entry to the premises shall be in a manner that causes minimal damage to the premises or any item in the premises.

### **30. Confiscation of items**

- (a) The Officer in Charge of executing a search warrant may confiscate during the execution of the search warrant any object that could reasonably be treated as evidence in proceedings relating to offences involving serious tax fraud.
- (b) Where any items are confiscated under this Section, a written document stating that the item is under the custody of MIRA and the reason for confiscation shall be given to the persons responsible for the safekeeping of the item or to the owner of the item.

## CHAPTER 6: SUMMONS

### 31. Procedure for summons

- (a) Where a person is being summoned under Section 33 of the Act to MIRA or to a place determined by MIRA, such person shall be notified at least 12 (twelve) hours prior to the time that the person is required to be present.
- (b) A notice issued under this Section (“Summons”) shall be sent in writing and shall include the following information:
  - (1) Name and address of the recipient of the Notice;
  - (2) The place, date and time of attendance;
  - (3) The purpose of summoning;
  - (4) A statement that the interview may be audio or video recorded;
  - (5) A statement that the person may have his legal representative present at the interview if he wishes.
- (c) If the person being summoned is, with reasonable excuse, unable to attend the interview at the date or time stated in the Notice, he shall inform MIRA at least 1 (one) hour prior to the time of the interview stated in the Notice.
- (d) Notwithstanding subsection (a), under special circumstances, the Commissioner General shall have the discretion to summon persons to MIRA or to a place determined by MIRA, within a period shorter than that specified in that subsection.
- (e) If a person being summoned under this Section does not attend the interview at the date or time stated in the Summons without informing MIRA about his absence in accordance with subsection (c) for two consecutive instances, or if a person refuses to receive a Summons issued under this Section for two consecutive instances, such person shall be summoned to MIRA or to a place determined by MIRA through Maldives Police Service.

### 32. Presenting identity records when summoned

A person summoned in accordance with this Chapter shall produce an official photographic document as proof of identity, if required by MIRA.

### 33. Recording of interview

An interview with a person summoned in accordance with this Chapter may be audio or video recorded.

#### **34. Appointment of lawyer**

A person being summoned and interviewed in accordance with this Chapter shall have the right to be interviewed in the presence of a lawyer appointed by him.

## **CHAPTER 7: OBJECTIONS**

#### **35. Notice of objection**

- (a) Where a taxpayer objects to a decision of MIRA under Section 42 of the Act, the taxpayer shall submit to MIRA a "Notice of Objection" (MIRA 903) form, together with the information and documents specified therein, within 30 (thirty) days from the date of notification of MIRA's decision.
- (b) Where a taxpayer makes an objection in accordance with subsection (a), the taxpayer shall provide MIRA with the reasons for the objection and the amount that the taxpayer considers is payable, together with details of that calculation.
- (c) Public holidays and Government holidays shall be excluded in computing the 30 (thirty) days specified in subsection (a).

#### **36. Amending the decision of MIRA**

Based on the objection raised in accordance with this Chapter, MIRA may amend its decision in part or in full, or affirm the decision of MIRA.

#### **37. Matters that cannot be objected**

A taxpayer may not object to a decision of MIRA pursuant to a request by the taxpayer for an extension of the period to fulfil an obligation under a tax law or a request for the relief of fines outstanding due to the failure to fulfil such obligation during that period.

#### **38. Onus of proof**

It shall be the responsibility of the person objecting, to prove that the decision of MIRA is incorrect.

### **39. Accumulation of fines and interest**

Notwithstanding an objection raised by a taxpayer with regard to a decision made by MIRA, where the amount payable by the taxpayer remains outstanding or the taxpayer's legal responsibilities remain unfulfilled, any fines and interest levied under such circumstances shall accrue accordingly.

### **40. Withdrawal of objection**

(a) Where a taxpayer wishes to withdraw an objection made under this Chapter the taxpayer or the responsible person or the person appointed in relation to the objection shall give a written notice to MIRA of the withdrawal.

(b) Where subsection (a) applies, the decision of MIRA, which was subject to the objection, shall be deemed to be correct.

## **CHAPTER 8: RECOVERY OF OUTSTANDING DUES**

### **41. Undertaking actions**

Unless specified otherwise in a law, the Commissioner General shall have the discretion to pursue an action or a combination of actions stated in the Act, separately or together, for the recovery of monies due to be paid under a tax law.

### **42. Request for payment on instalment basis**

Notwithstanding the pursuit of actions under Section 41 of this Regulation, a person in default may request an arrangement with MIRA to pay the outstanding dues by way of instalments in a manner determined by MIRA, and such request shall be made in writing to the Commissioner General.

### **43. Accumulation of fines and interest**

Notwithstanding the enforcement of actions in accordance with Section 41 of this Regulation or instalment arrangements made under Section 42 of this Regulation, the fines and interest charges applicable shall accrue up until full settlement of the outstanding dues.

#### **44. Formulating policies for taking action against persons in default**

Relevant policies formulated and published by MIRA shall be followed by MIRA in collecting outstanding dues to the State or in taking action against persons in default and in the disclosure of the identity of such persons or in the disclosure of information relating to skip tracing persons with outstanding dues to the State.

## **CHAPTER 9: FREEZING OF BANK ACCOUNTS**

#### **45. Policy on freezing of bank accounts**

The relevant policies formulated and published by MIRA shall be followed in freezing the bank accounts of taxpayers and in recovering the due amounts from such bank accounts.

#### **46. Procedure to follow upon notice to freeze bank accounts**

A bank shall act in the following manner, upon the receipt of a written notice by the MMA following the request by MIRA to freeze a bank account:

- (a) Freeze the bank accounts of the taxpayer and accounts under the business names of the taxpayer immediately upon receipt of the Notice, in the manner specified in the Notice;
- (b) Provide the following information to MIRA in writing, within 3 (three) days from the receipt of the Notice:
  - (1) Date and time of freezing the account and the account balance at the time of freezing;
  - (2) Where any credit arrangements or any other arrangements in relation to the account exist, details of such arrangements, and details of any collateral security or any other charges levied on the account;
  - (3) Where the account of persons to whom the Notice refers, has already been frozen under a warrant issued by a Court of Law or in any other manner, information to such effect;
  - (4) Where an account under the name referred to in the Notice does not exist, information to such effect.

#### **47. Informing the taxpayer of the freezing of bank accounts**

Where a person's bank account is frozen in accordance with this Chapter, MIRA shall inform the person in writing.

#### **48. Determining the date of payment**

Where bank accounts are frozen in accordance with this Chapter, the date of receipt of payment to MIRA shall be deemed to be the date on which that payment is deposited to the public bank account.

### **CHAPTER 10: IMPOSING CHARGES ON ASSETS**

#### **49. Appointing bailiffs**

- (a) Where a charge is to be imposed over an asset of any person under Section 46 of the Act, MIRA shall appoint a bailiff to undertake all the responsibilities of enforcing a warrant issued for that purpose.
- (b) A bailiff shall be appointed from among the applicants who fulfil the requirements stipulated in Section 50 of this Regulation upon public announcement for such post.
- (c) For the purpose of this Chapter:
  - (1) "Bailiff" refers to the person appointed by MIRA to perform the responsibilities stated in Section 51 of this Regulation in order to recover the outstanding dues from a taxpayer.
  - (2) "Charge" refers to a charge made over a particular asset or assets as determined by MIRA for the purpose of recovery of outstanding dues of a person in default under a tax law.

#### **50. Requirement of the bailiff**

A person appointed as a bailiff in accordance with this Chapter shall meet the following conditions:

- (a) Attained the age of 18 (eighteen) years;
- (b) Not be a person who has been convicted on indictment of an offence of theft, extortion, robbery, deception, criminal breach of trust, bribery or negligence;
- (c) Not be a person who has been convicted on indictment of an offence under any finance or business related law;

- (d) Not have a conflict of interest in relation to any matter assigned to him;
- (e) Possess, to the satisfaction of MIRA, the capacity and capability to fulfil the responsibilities and duties of a bailiff.

## **51. Responsibilities of the bailiff**

Responsibilities of the bailiff include the following:

- (a) Enforce warrants issued under Section 46 of the Act to impose a charge on movable and immovable property or any other such assets of taxpayers in default, whether tangible or intangible;
- (b) Pay to MIRA, the proceeds received from the sale of assets subject to the charge, in accordance with the Act and this Regulation;
- (c) Review complaints filed in relation to the assets subject to the charge and undertake actions to resolve such complaints, and respond to claims made in relation to such assets;
- (d) Sell the assets subject to the charge, in accordance with the Act and this Regulation, following the completion of any tasks necessary to determine that such assets are not subject to any form of legal confiscation;
- (e) For the purpose of preparing the inventory required to be completed for levying a charge, obtain records of assets owned by the taxpayer from relevant record keeping offices and maintain details of such assets where it is held as collateral.

## **52. Preparing an inventory of assets**

- (a) Where charges are imposed on the assets of any person under Section 49(e) of this Regulation, the bailiff shall prepare an inventory comprising the assets owned by persons in default that may be subject to the charge and sold. Such an inventory shall include the following details:
  - (1) The assets that may be subject to the charge;
  - (2) The estimated value of each asset that may be subject to the charge;
  - (3) Details of interests or rights of any other person in relation to the assets which may be subject to the charge.
- (b) Charges shall be imposed on assets owned by persons in default based on the inventory prepared under subsection (a), in the order of convenience, considered by MIRA, for the sale of such assets.

- (c) Notwithstanding subsection (b), residential properties of a person in default shall only be subject to a charge under circumstances where any other assets of that person cannot be sold or where the outstanding amount is not recovered fully from the sale of such other assets.

### **53. Warrant imposing charge**

Where a charge is imposed over an asset of the taxpayer in accordance with this Chapter, it shall be imposed via a warrant to the taxpayer and such warrant shall include the following:

- (a) Name, address and TIN of the person in default;
- (b) Details of the amount outstanding;
- (c) Details of the asset subject to the charge;
- (d) Final deadline provided for payment;
- (e) A statement to the effect that, if the amount is not settled in full within the period provided for payment, the asset shall be disposed to recover the outstanding amount.

### **54. Removal of charge**

A charge imposed on an asset or assets under this Chapter shall be removed when:

- (a) The outstanding amount is settled in full;
- (b) The asset subject to the charge is sold in accordance with this Chapter;
- (c) The asset subject to the charge cease to exist;
- (d) MIRA issues a written notice to the person in default, informing that the warrant imposing the charge is withdrawn for any reason other than those stated in subsection (a) to (c).

### **55. Responsibility for expenditure**

Where assets owned by any person are subjected to a charge in accordance with this Chapter, that person shall bear the expenditure incurred in the process of selling such assets or to enforce the warrant issued for the imposition of a charge on such assets.

## **56. Prohibition on sale or alteration of asset following the issuance of warrant**

Where a warrant specified in Section 53 has been issued, the asset subjected to the charge shall not, without the consent of MIRA, be altered in any manner that may, in the opinion of MIRA, have any impact on the value of such asset, and the ownership of the asset shall not, without the consent of MIRA, be transferred to a third party, sold or held as collateral.

## **57. Enforcing the warrant**

The warrant shall be enforced in the following manner:

- (a) Where the asset subjected to the charge is registered with any Government office, a copy of the warrant shall be sent to that office.
- (b) Where the amount is not paid by the deadline referred to in Section 53(d) of this Regulation or the taxpayer has not agreed with MIRA on an arrangement for the payment, the following information in relation to the sale of the asset subjected to the charge shall be published in the Government Gazette:
  - (1) Where the asset is being sold in an auction, time, place and date for the auction;
  - (2) Where the asset is being sold by way of a bid, deadline for submitting the bid proposal;
  - (3) Details of the asset subjected to the charge;
  - (4) The terms and conditions of the sale;
  - (5) The name, address and contact number of the person appointed as bailiff.
- (c) Where the outstanding amount is settled in full prior to the date referred to in subsection (b)(1) or (b)(2), the asset subjected to the charge shall not be sold.
- (d) Where subsection (c) applies, the taxpayer shall pay to MIRA all costs incurred by MIRA and the bailiff in imposing the charge and arranging for the sale of the asset subjected to the charge. Such amount shall be treated as if it were an outstanding amount of tax payable to MIRA and the tax laws and regulations relating to payment of tax shall apply to that amount accordingly.
- (e) The asset subjected to the charge shall be sold to the highest bidder following the elapse of a minimum of 5 (five) days from the date of publishing the information stated in subsection (b) in the Government Gazette.
- (f) Employees of MIRA, relatives of employees of MIRA, the bailiff, relatives of the bailiff or any person appointed under the Act shall not place bids directly or indirectly to purchase any asset subjected to a charge that is sold in accordance with this Section or to obtain any direct or indirect interest in relation to that asset.

(g) Proceeds from the sale of an asset shall be applied in the order specified below, and where there is any balance remaining after such application, such balance shall be given to the taxpayer.

- (1) Recovery of expenditure incurred in the sale of the asset under this Chapter;
- (2) Payment of remuneration to the bailiff;
- (3) Payment to settle the outstanding amount in full.

#### **58. Remuneration of bailiff**

The remuneration of a bailiff appointed under Section 49(a) of this Regulation and the administrative expenditure incurred in the course of fulfilling the responsibilities of the bailiff shall be arranged in a manner agreed between MIRA and the bailiff.

#### **59. Dismissal of bailiff**

Where the responsibilities of a bailiff are not fulfilled to the satisfaction of MIRA, MIRA shall have the discretion to dismiss the bailiff from his duties, by way of written notice to him.

## **CHAPTER 11: ACCEPTANCE OF CHEQUES AND RETURNED CHEQUES**

#### **60. Accepting payments in cheque**

- (a) A person that intends to make any payment to MIRA by means of a cheque shall register with MIRA the bank accounts that are utilized for making payments, in a manner determined by MIRA.
- (b) Bank accounts applied for registration with MIRA under subsection (a) shall be in a bank being operated in the Maldives.
- (c) Notwithstanding subsection (a), under circumstances determined by the Commissioner General, the Commissioner General shall have the discretion to accept any payment by cheque of a bank account that is not registered with MIRA.

#### **61. Returned cheques**

Where a cheque issued to MIRA is returned for any reason, MIRA may at its discretion decline payments made by cheque by that taxpayer or the person that issued the cheque.

## CHAPTER 12: DISCLOSURE OF INFORMATION

### 62. Standards for disclosure of information

- (a) Subject to subsection (b), information relevant to the work of MIRA shall be provided upon request, in accordance with the Right to Information Act (Law Number 1/2014).
- (b) Subsection (a) does not apply to:
- (1) Information, the disclosure of which is declared an offence in any law of the Maldives;
  - (2) Information that may lead to a claim against MIRA for breach of confidentiality if disclosed;
  - (3) Where disclosure of information is not in the best interest or the most fair approach under the particular circumstances;
  - (4) Information relating to a specific person, where such information is sought without the consent of that person;
  - (5) Information gathered by MIRA from another institution, or information relevant to the work of MIRA where MIRA does not hold proprietorship rights in the information;
  - (6) Information that may disclose the identity of a whistle blower;
  - (7) Information related to a completed or on-going audit conducted by MIRA.
- (c) The consent referred to in subsection (b)(4) shall be in writing. Where the consent is granted to provide information to a particular person, such consent shall state the name, address and National Identity Card number or registration number of such person, the purpose for which the permission was given, and the period of validity. Consent granted without the aforementioned details shall be considered as a general consent issued with a validity period of 3 (three) months.

### 63. Disclosure of information to State institutions

Subject to Section 15 of the Act, pursuant to an agreement entered into with a State or Government institution, MIRA shall have the discretion to provide information to persons specified in the agreement, in accordance with the provisions of such agreement, in order to fulfil its responsibilities under such agreement.

#### **64. Disclosure of information of taxpayers in default**

Pursuant to Section 16(c) of the Act, details of any taxpayer with outstanding payments under a tax law may be disclosed in a manner determined by MIRA.

### **CHAPTER 13: GENERAL PROVISIONS**

#### **65. *[Repealed.]***

#### **66. *[Repealed.]***

#### **67. Responsibilities in relation to minor taxpayers**

Where a taxpayer is a minor who has not attained the age of 18 (eighteen) years on the date required to fulfil an obligation under a tax law, for the purpose of tax laws, the business or the taxable activity shall be deemed to be undertaken by:

- (a) the transferor, where the business was transferred to the minor; or
- (b) where subsection (a) does not apply, the father of the minor or, if the father is deceased, the legal guardian of the minor.

#### **68. Cooperation**

For the purpose of Section 26(f) of the Act, provision of full cooperation to the Commissioner General and any person or persons appointed by the Commissioner General shall include:

- (a) Providing copies of all records required for an audit or investigation carried out by MIRA and, if required, providing the originals of such records, and facilitating MIRA officers to take copies of such records;
- (b) Providing details of persons with whom the taxpayer communicates, or arranging means of communication between such persons and MIRA;
- (c) Arranging a workstation for MIRA officers to undertake their tasks, where MIRA requires visiting the administrative office or business premises of the taxpayer;
- (d) Sufficiently responding to questions put forward by MIRA officers and following the instructions given by MIRA officers;

- (e) Where MIRA wishes to examine the records of a person and such records are maintained on an uninhabited island, under circumstances where MIRA requests, arrange the means of transportation for the relevant MIRA officers and facilitate the examination of such records.

#### **69. Amounts paid in excess**

- (a) Where a person has paid an amount in excess of the amount payable:
  - (1) Such excess amount may be set off against the person's future liabilities in relation to that revenue code.
  - (2) Where subsection (a)(1) does not apply, the Commissioner General shall have the discretion to authorize the set off of such excess amount against an amount payable by that person to MIRA in relation to another revenue code under a tax law or otherwise, or against an amount payable by a third party to MIRA.
- (b) Under the circumstances specified in subsection (a)(2), where a person wishes to set off the amount paid in excess, he shall submit a "Request for Refund Form" (MIRA 904), together with the information and documents specified therein.
- (c) Where a request is received under subsection (b), authorization to set off the amount paid in excess shall be given under the following circumstances:
  - (1) The person does not have any outstanding amount payable to MIRA; and
  - (2) It is confirmed that the amount paid by the person is an excess payment, following an audit conducted by MIRA, or otherwise.
- (d) Notwithstanding subsection (c), where the business of a person is ceased or sold, or where that person is deceased or declared bankrupt, the amount paid in excess shall be refunded pursuant to a request made in accordance with subsection (b), under the circumstances specified in subsection (c).
- (e) For the purposes of the Act and this Regulation, excess of input tax over the output tax of a person registered with MIRA under the Goods and Services Tax Act (Law Number 10/2011) shall not be considered as the payment of an amount in excess, and such excess may be set off against the output tax of that person in the subsequent taxable period.

#### **70. Relief from penalties**

- (a) A request submitted to the Commissioner General for relief from penalties under Section 75(a) of the Act shall include the reason for and details of relief sought.

(b) Where a request is received under subsection (a), relief from penalties shall be granted with reference to the following, in a manner determined by the Commissioner General:

- (1) Reason for the imposition of penalty;
- (2) History of fulfilment of obligations under tax laws;
- (3) Whether any other penalties have been imposed on the person under any tax laws;
- (4) Cooperation of the person to MIRA.

## **71. Extension of deadlines**

(a) Requests to extend deadlines under Section 77 of the Act shall be made prior to the expiry of such deadline. Such a request shall include the reason for requesting for the extension and the person's estimate of the period within which the obligation will be fulfilled.

(b) Where a request is received under subsection (a), a deadline may be extended, in a manner determined by the Commissioner General, based on the circumstances of the case and after considering the period estimated by the taxpayer.

(c) The Commissioner General shall have the discretion to grant a conditional extension to a deadline under this Section.

(d) Whether or not a request for an extension of a deadline has been submitted by any person, where the Commissioner General sees fit, a deadline may be extended for a particular tax or a particular class of taxpayers.

(e) For the purpose of Section 77 of the Act, a reasonable cause shall be deemed to be:

- (1) An accident or the occurrence of a natural disaster;
- (2) Incapacitation to perform the act due to illness;
- (3) The occurrence of any other event acceptable to the Commissioner General as being out of the taxpayer's control.

(f) Notwithstanding subsection (e), financial difficulties shall not be considered as a reasonable cause.

## **72. Death of a taxpayer**

Where a taxpayer is deceased, the obligations of such person under a tax law shall be fulfilled by persons legally responsible for the affairs of the deceased person.

### **73. Sending and receiving documents**

- (a) Where a document is sent to the taxpayer via more than one mean, that person shall be deemed to have received it on the date on which the document is first received.
- (b) MIRA shall have the discretion not to accept documents submitted to MIRA by taxpayers, which MIRA believes are not complete.
- (c) Where a person is notified by MIRA that a document submitted by that person is incomplete, it shall be deemed that the person has not fulfilled the responsibility of submitting that document.

### **74. Signing documents**

Except under the circumstances specified in Section 17(a)(1) and (2) of the Act, for the purposes of Section 17 of the Act, a document signed by an employee of MIRA under authority delegated via the organisational structure of MIRA and its operational procedures shall be deemed as a document signed by a person authorised by the Commissioner General.

### **75. Notices**

All notices referred to in this Regulation shall be served in writing. For the purpose of the Act and this Regulation, communications made via email shall also be deemed as written documents.

### **76. Regulation to be read together with tax laws**

This Regulation shall be read together with the Tax Administration Act (Law Number 3/2010) and other tax laws and regulations made pursuant to those laws, and any word or expression not defined in this Regulation, unless the context requires otherwise, shall have the same meaning that such word or expression has in those laws and regulations.

### **77. Definitions**

- (a) For the purpose of this Regulation, in phrasing the singular shall include the plural and the plural shall include the singular.
- (b) Unless explicitly specified otherwise in this Regulation, public holidays and Government holidays shall be included in computing the periods specified in the Act and this Regulation.
- (c) "Commissioner General" refers to the Commissioner General of Taxation appointed under the Tax Administration Act (Law Number 3/2010).

“MMA” refers to the Maldives Monetary Authority established pursuant to the Maldives Monetary Authority Act (Law Number 6/81).

“Business” shall have the same meaning as in Section 43(a) of the Business Profit Tax Act (Law Number 5/2011).

“Business premises” refers to a place where a business as specified in Section 43(a) of the Business Profit Tax Act (Law Number 5/2011) is conducted.

“MIRA” refers to the Maldives Inland Revenue Authority established pursuant to the Tax Administration Act (Law Number 3/2010).

“Money” includes money and anything having money’s worth.

“Person conducting business in the Maldives” refers to any person conducting a business as specified in Section 43(a) of the Business Profit Tax Act (Law Number 5/2011), in the Maldives.

“Act” refers to the Tax Administration Act (Law Number 3/2010), including any amendments.

“GST” refers to the tax imposed under the Goods and Services Tax Act (Law Number 10/2011).

“Business activity” refers to separate activities within a business, for example, a shop, a restaurant, a tourist resort, a tourist vessel, a rented house.