



MALDIVES  
INLAND REVENUE  
AUTHORITY

MIRA M830

# Industry Tax Guide: Tourist Guest Houses

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The information in this guide is based on laws and regulations prevailing at the time of publication. It is not expected to be a substitute for a detailed research or exercise of professional judgment on taxation matters in the Maldives. If you do not understand anything in this guide or have queries related to your particular circumstances, call 1415 or send an email to [1415@mira.gov.mv](mailto:1415@mira.gov.mv).

## I. Introduction

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The tourist guesthouse industry is one of the fastest growing industries in the Maldives. Since tourist guesthouses are subject to a number of taxes, it is important for guesthouse operators and those venturing into the industry to be fully aware of the tax implications.

This guide explains, in relation to tourist guesthouses:

- The requirement to register for various taxes and how to go about doing it;
- The taxes you are subject to;
- The tax returns you must file and the payments you must make;
- The deadlines for filing tax returns and making payments;
- What records you must maintain; and
- Other tax-related information which you need to know.

Although this guide focuses on tourist guesthouses, see page 16 for the tax implications of operating a *non-tourist* guesthouse, i.e. those that do not require an operating license from the Ministry of Tourism. It is mandatory for you to obtain an operating license from the Ministry if you wish to accommodate tourists on a commercial basis.

## 2. Registration

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The Tax Administration Act requires all persons conducting business activities in the Maldives, including guesthouse operators, to register with the Maldives Inland Revenue Authority (MIRA). However, you are not required to submit a separate registration form to MIRA – your registration with MIRA will be initiated when you submit your business registration form to the Ministry of Economic Development. We will communicate your registration details as soon as your registration process has been completed.

In addition to your registration under the Tax Administration Act, you will also be required to register for separate tax types if you qualify for such registration (for e.g. Goods and Services Tax (GST), Green Tax).

### *GST registration*

Since tourist guesthouses are classified as suppliers of “tourism goods and services” under the GST Act (see page 10), it is mandatory for tourist guesthouse operators to register for GST within 30 days of obtaining the operating license from the Ministry of Tourism.

Tourist guesthouses will be registered for GST in the name of the person who holds the operating license, even though it may be owned or managed by a different party. Further, each tourist guesthouse must be registered for GST separately from other business activities conducted by you. However, if you hold a permit or operating license to conduct other activities (which provide tourism goods and services) within the premises of the guesthouse, such activities must be registered together with the guesthouse.

To register for GST, you must submit a GST Registration (MIRA 105) form to MIRA.

#### Find out more

Instructions on completing MIRA 105 version 20.1 (GST Registration) form is available at <https://bit.ly/2RRGRBO>

When you register for GST, we will issue a GST Registration Certificate. This certificate must be displayed in a conspicuous place at the premises of the guesthouse so that your guests are aware that you are registered for GST.

In addition, if you conduct business online, you must display on your online portal a logo designated by MIRA, to indicate that you are registered for GST. To generate the logo for your online portal or webpage, go to <https://www.mira.gov.mv/GST.aspx> (“Online Businesses” tab).

## 3. What you need to know for Income Tax purposes

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Just like any other person carrying on business in the Maldives, tourist guesthouse operators are also subject to Income Tax.

If you are an individual you are required to compute income tax based on individual rates. If you are a company, partnership or any other corporative entity, you have to compute income tax based on income tax rates for persons other than banks and individuals.

### Find out more

A guide explaining the basics of Income Tax is available at <https://bit.ly/2ZZ4nRI>.

### Accounting period

All the taxpayers are required to prepare their accounts from 1 January to 31 December every year.

### Accounting basis

There are two recognized accounting bases for Income Tax purposes:

- **Cash basis:** Businesses with an annual turnover of less than MVR 10 million *may* opt to prepare their accounts using the cash basis.
- **Accrual basis:** Businesses with an annual turnover of more than MVR 10 million *must* prepare their accounts using the accrual basis.

If you choose the accrual basis, you must prepare accounts in accordance with:

- International Financial Reporting Standards (IFRS); or
- IFRS for SMEs; or
- Accounting standards issued by the Accounting and Auditing Organization for Islamic Financial Institutions (AAOIFI).

If you carry on more than one business activity, you must prepare combined financial statements for all the activities taken as a whole.

### Returns and payments

If you are an individual (i.e. a sole proprietorship), you are exempt from filing an Income Tax Return (MIRA 604) for a tax year if your taxable income and gross income is less than MVR 720,000 and MVR 2,000,000 in that tax year. If you are a deemed partnership, you are exempt

from filing an Income Tax Return (MIRA 604) for a tax year if your taxable income and gross income is less than MVR 500,000 and MVR 2,000,000 in that tax year.

Companies, partnerships and other entities are required to file an Income Tax Return every year irrespective of the level of income or profit generated.

Income Tax is to be paid in three payments: first interim payment, second interim payment and the final payment.

If your tax liability for previous year is more than MVR 20,000, either you can estimate or base your interim payable on BPT liability for tax year 2019.

If this is your first tax year or your BPT liability for 2019 is less than MVR 20,000 you have to estimate interim payable by filling section B of interim return.

Below are the payment and filing deadlines for Income Tax Interim Return and Income Tax Return.

|                |                                      |   |
|----------------|--------------------------------------|---|
| First interim  | Income Tax Interim Return (MIRA 603) | By 31 July of the same tax year         |
| Second interim | Income Tax Interim Return (MIRA 603) | By 31 January of the following tax year |
| Final payment  | Income Tax Return (MIRA 604)         | By 30 June of the following tax year    |

You are not required to pay the interim payments if the estimated taxable income for the year is less than MVR 20,000. You are also not required to pay the interim payments if your taxable income for the previous tax year was less than MVR 2,000. You are not required to submit any other documents along with Income Tax Interim Return (MIRA 603).

If you present your financial statements in Maldivian Rufiyaa, you must pay Income Tax to MIRA in Maldivian Rufiyaa (MVR). If your presentation currency is United States Dollar, you may make the payment in either United States Dollars or Maldivian Rufiyaa. If the latter case, you must convert the amount to Maldivian Rufiyaa using the exchange rate: USD 1 = MVR 15.42.

#### Find out more

To understand what your presentation currency is, refer to our Guide to Currency and Exchange Rate (MIRA M818), which is available at <https://bit.ly/2FUBU96>.

### *Requirement to submit audited financial statements*

If your annual turnover exceeds MVR 10,000,000 (approx. USD 648,508), you must submit audited financial statements with your Income Tax Return.

### Penalties

- Non-payment of tax (Interim payment or final payment):
  - 0.05% of the outstanding amount per day.
- Non-submission of returns (Interim Tax Return or Income Tax Return):
  - 0.5% of the amount of tax payable for the period.
  - MVR 50 per day of delay.

## 4. What you need to know for NWT purposes

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Non-residents deriving income specified in the section 55 of the Income Tax from Maldives are taxed through a mechanism known as “non-resident withholding tax (NWT)”. Where the payer of the income is a person carrying on business in the Maldives, the payer of the income is required to withhold NWT at the applicable rate before paying the income to the nonresident

Following types of income earned by a non-resident are subject to NWT at the applicable rate on the gross amount, if the income is paid by a person carrying on business in the Maldives.

Subject to NWT at 10%

- Rent in relation to immovable property situated in the Maldives;
- Royalty;
- Interest (other than interest paid or payable to a bank or non-banking financial institution approved by MIRA);
- Dividends;
- Fees for technical services;
- Commissions paid in respect of services supplied in the Maldives;
- Payments made in respect of performances in the Maldives by public entertainers;
- Payments made for carrying out research and development in the Maldives;
- Payments made to a non-resident contractor;
- Insurance premium paid to a non-resident insurer.

Subject to NWT at 3%

- Payment for reinsurance premium to a reinsurer that is not a resident in the Maldives.

### Find out more

To understand about NWT, refer to our Guide to Non-resident Withholding Tax, which is available at <https://bit.ly/3iZlpnQ>.

## Returns and payments

NWT Return (MIRA 602) must be filed together with your payment of NWT, by the 15<sup>th</sup> of the month following the month in which the payment subject to NWT was made to the non-resident. NWT must be paid to MIRA in Maldivian Rufiyaa.

If you did not make any such payment during a particular month, you are not required to file a NWT return for that month.



## Penalties

- Non-payment of tax:
  - 0.05% of the outstanding amount per day.
- Non-submission of WHT Return:
  - MVR 50 per day of delay, up to a maximum of twice the amount of tax payable for that period.

## 5. What you need to know for GST purposes

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GST is a tax imposed under the Goods and Services Tax Act, which states that any taxable activity carried out in the Maldives which is registered for GST will be liable to collect GST on its supplies from its customers.

The law categorizes GST into the following two sectors:

- Tourism goods and services (currently 12%)
- General goods and services (currently 6%)

Tourism goods and services are goods and services supplied by:

- Tourist resorts, tourist hotels, tourist guesthouses, tourist vessels, picnic islands and yacht marinas (collectively referred to as “tourist establishments”) authorized by the Ministry of Tourism.
- Diving schools, shops, spas, water sports facilities and other such places established on a tourist establishment (excluding shops operating exclusively for the employees of such establishments).
- Travel agency service providers.
- Agents providing goods and services to foreign tourist vessels entering the Maldives.
- Domestic air transportation services provided to persons other than Maldivian citizens.

Since supplies made by tourist guesthouses are classified as “tourism goods and services”, you are required to charge GST at 12% for all your supplies (except zero-rated, exempt and out-of-scope supplies), irrespective the nationality of the recipient of the supply.

## Find out more

A snapshot explaining the basics of GST is available at <http://bit.ly/1xxWEYO>.

### *Time of supply*

To understand *when* a particular supply is subject to GST, it is critical to understand the concept of “time of supply” specified in the GST Act. It determines the taxable period in which the GST pertaining to the supply must be accounted for to MIRA.

Time of supply is the date on which the tax invoice for a supply is raised or the date on which payment for that supply is received, whichever comes first. It is important to note that GST must be accounted on just the amount received for any advance payment that is received before a tax invoice is issued.

#### Example 3: Time of supply

You received USD 150 as the advance payment from a guest on 15 September 2015. A tax invoice was issued to the guest on 5 November 2015 when he checked out from your guesthouse.

The time of supply for advance payment (USD 150) would be the day the guest paid the advance payment. Assuming that you are a monthly GST filer, you must include the GST of this advance payment in your GST Return for September 2015, which together with the payment is due on 28 October 2015.

### Places established within a guesthouse

If you provide food, drinks and other amenities from the guesthouse or from a place established within the guesthouse, you are required to charge GST at the rate of 12%. Hence, cafés, restaurants, spas and other such places that you operate at the guesthouse must be registered for tourism sector GST, and GST must be charged at the rate of 12% irrespective of nationality of the customers.

The only exception to this rule are shops within the guesthouse that are run specifically for the employees of the guesthouse, in which case the shop must be registered for GST under the general sector if it satisfies the general sector registration criteria (see page 18).

### *Determining whether a place is established within the guesthouse*

If you operate a diving school, shop, spa, water sports facility or a similar place within a guesthouse which is located on land leased by the Government, a City Council, an Atoll Council or an Island Council for the purpose of developing and operating a tourist guesthouse, then the goods and services supplied by that place will fall under the tourism sector GST.

#### Example 4: Places established at a guesthouse located on land leased by an island council

Ukulhas Council leased a plot of land to you to operate a tourist guesthouse in Ukulhas. You opened a café on the ground floor and a tourist guesthouse on the second and third floor. In this case, the café would be considered as a place established within the guesthouse as the guesthouse is located on land leased by the island council for the purpose of operating a guesthouse.

Therefore, the goods and services supplied by the café will be subject to GST at the rate of 12%.

Even if the guesthouse is located on private land, if you or a third party conducts another business activity within the boundary of the guesthouse, then such activity would fall under tourism sector GST. Boundary of the guesthouse will be determined based on the operating license or any other document issued by the Ministry of Tourism to that guesthouse.

#### Example 5: Places situated within the boundary of a guesthouse

You own a 3-storey building and you obtained an operating license from the Ministry of Tourism to operate a tourist guesthouse in the building. In the ground floor you run a restaurant and the top two floors are used as the guesthouse. The operating license issued by the Ministry specifies the entire building as being the guesthouse.

In this case, you are required to register the restaurant for tourism sector GST because the restaurant is situated within the boundary of the guesthouse as per the operating license issued by the Ministry of Tourism. Even if the restaurant in the ground floor is owned or operated by a third party, the treatment would be the same.

#### Example 6: Places situated within the boundary of a guesthouse

You own a 3-storey building and you obtained an operating license from the Ministry of Tourism to operate a tourist guesthouse in the building. In the ground floor you run a restaurant and the top two floors are used as the guesthouse. The operating license issued by the Ministry does not specify the boundary of the guesthouse. However, the Ministry has issued a letter specifying that only the top two floors constitute the guesthouse.

In this case, the restaurant does not fall under tourism sector GST because the restaurant is not situated within the boundary of the guesthouse as per the document issued by the Ministry of Tourism. The restaurant would fall under general sector GST.

#### Example 7: Places situated within the boundary of a guesthouse

You operate a guesthouse on part of a plot of land owned by you. The rest of the land is leased out and is used by third parties to operate various other business activities. The operating license issued by the Ministry of Tourism to your guesthouse specifies that the premises of the guesthouse is the entire guesthouse building.

In this case, other activities run within the same plot of land do not fall under tourism sector GST because those activities are not conducted within the boundary of the guesthouse. However, if a business activity is conducted in the guesthouse building, it would fall under tourism sector GST.

If a person or a group of persons supply goods and services to the guests staying at your guesthouse, such goods and services will be considered as general sector supplies if:

- their place of business is not established on or at your guesthouse; and
- they make temporary visits to your guesthouse to supply goods or services to you or to your guests; and
- they leave your guesthouse after supplying the goods or services.

#### Example 8: Persons who temporarily visit the establishment to make supplies

Clean House, a cleaning services provider, sends maids to your guesthouse daily to clean the rooms. Their business is not established on or at your guesthouse. They visit your guesthouse for a few hours every day and leave the guesthouse once they are done with the cleaning.

In this case, the cleaning services provided by Clean House are general sector supplies because they fulfill the aforementioned requirements.

### Goods and services supplied on a complimentary basis

If you supply goods or services on a complimentary basis or for free-of-charge, GST must be charged on the value of such supplies unless the supply was made:

- directly in connection with the promotion of your business; or
- directly for the purpose of carrying on your business; or
- as charitable donations to an institution which is financed wholly or primarily through the State budget.

#### Example 9: GST on complimentary supplies

If the family members of the manager of a guesthouse spend 3 days at the guesthouse for free of charge, goods and services consumed by them are subject to GST at the rate of 12% because the supply does not fulfil any of the above criteria. The guesthouse must account for the GST in relation to their stay.

#### Example 10: Supplies for promotion of business

You sought the services of a marketing company in India to promote your guesthouse. Kumar, an employee from the said company visited Maldives and stayed at your guesthouse on a complimentary basis to take photographs of the guesthouse and the island.

Since the services supplied to Kumar by your guesthouse are to promote your business, you are not required to charge GST from Kumar.

#### Example 11: Donations to State-financed institutions

A group of students from Ihavandhoo School visits Hoarafushi on a study tour. Sunset Guesthouse offers to provide free accommodation and meals to the students for their entire stay in Hoarafushi.

In this case, GST is not applicable to accommodation and meals provided by Sunset Guesthouse to the students, as it is a donation to an institution (Ihavandhoo School) which is wholly financed by the State.

## Returns and payments

GST Return filing and payment frequency depends on your taxable period. Your taxable period is mentioned in the letter issued to you with your GST Registration Certificate.

- If your average taxable sales exceed MVR 1 million per month, your taxable period is each calendar month.
- If your average taxable sales does not exceed MVR 1 million per month, your taxable period is three calendar months. In this case you must file your returns quarterly (based on calendar quarters, i.e. Jan-Mar, Apr-Jun, Jul-Sep, Oct-Dec).

MIRA 206 (GST Return for Tourism Goods and Services) must be submitted by taxpayers registered in the tourism sector, while taxpayers registered in the general sector must submit MIRA 205 (GST Return for General Goods and Services) as their GST return.

Your GST return must be filed, and GST must be paid, by the 28<sup>th</sup> of the month following the end of your taxable period. If you are a monthly filer, you must file the return by the 28<sup>th</sup> of

the following month. If you are a quarterly filer, you must file the return as per the schedule below.

| Taxable period                               | Deadline   |
|--|------------|
| 1 <sup>st</sup> Quarter (January – March)    | 28 April   |
| 2 <sup>nd</sup> Quarter (April – June)       | 28 July    |
| 3 <sup>rd</sup> Quarter (July – September)   | 28 October |
| 4 <sup>th</sup> Quarter (October – December) | 28 January |

If you are registered in the tourism GST sector, you must pay GST to MIRA in United States Dollar. If you are registered in the general sector, you must make the payment in Maldivian Rufiyaa.

## Penalties

- Non-payment of tax:
  - 0.05% of the outstanding amount per day.
- Non-submission of GST Return:
  - 0.5% of the amount of tax payable for the period.
  - MVR 50 per day of delay.

## 6. Green Tax

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Green Tax is levied on tourists who stay in tourist resorts, tourist hotels, tourist vessels and tourist guesthouses. It is levied at a flat rate of 6 United States Dollars per day of stay from tourist resorts, tourist hotels and tourist vessels, and 3 United States Dollars per day of stay from tourist guesthouses. Green Tax from guesthouses comes into effect on 1 October 2016.

### Find out more

To learn more about Green Tax, check out our Green Tax Guide (MIRA R825), which is available at <https://bit.ly/340pRyN>

## 7. Record keeping

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It is compulsory for all businesses to maintain all business records for a minimum period of 5 years. In general, you are required to maintain all business related records, including but not limited to, details of business related correspondences, payment vouchers, invoices, receipts, bank statements, business agreements, details of withdrawals for private purposes, details of income and expenses, details of fixed assets purchased, details of credit sales and purchases, details of donations and all documents needed for verification of such records.

Additionally, guesthouses must maintain the following records:

- A Guest Registration Card for each guest
- ADR (Average Daily Rate) and occupancy
- Details of payments subject to NWT



## 8. Local guesthouses

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Local guesthouses (or non-tourist guesthouses) are guesthouses which are not authorized by the Ministry of Tourism to accommodate tourists. Under the Maldives Tourism Act, it is an offence to provide accommodation service to tourists from a facility not registered with the Ministry of Tourism.

Even if you operate a local guesthouse, the requirement to register yourself with MIRA and other tax obligations remain the same. However, since local guesthouses do not require an operating license from the Ministry of Tourism, services provided by local guesthouses do not fall within the tourism sector. Instead, such services fall within the general sector, which means that you must register for general sector GST if you meet any one of the following conditions:

- Your taxable supplies during the past 12 months exceeded MVR 1 million.
- Your taxable supplies for the next 12 months is expected to exceed MVR 1 million.
- You import goods.

To check whether or not you meet the registration threshold of MVR 1 million, you must consider taxable sales from all your business activities in the general sector. Taxable sales refers to sales generated from supplies of standard-rated and zero-rated goods and services.

### Example 12: Local guesthouse

Asim owns a retail shop and a local guesthouse. Asim expects average monthly taxable sales of MVR 70,000 from the shop and MVR 20,000 from the guesthouse over the next 12 months. Is Asim required to register for GST?

Yes, Asim is required to register for general sector GST as his combined taxable sales for the next 12 months (MVR 1,080,000) is expected to exceed MVR 1,000,000. The retail shop and the guesthouse must therefore charge GST on their supplies at the rate of 6%.

If it is found that your local guesthouse provides accommodation service to tourists in violation of the law, you would be registered for tourism sector GST and charged at the tourism sector GST rate of 12% retrospectively. In such cases, all applicable fines would also be applied retrospectively, and your details will be referred to the Ministry of Tourism.

### *Payment currency*

- **GST:** Since local guesthouses are registered in the general GST sector, they must pay GST in Rufiyaa.
- **Income Tax:** In general, local guesthouses would have Rufiyaa as their presentation currency, and hence would have to pay Income Tax in Rufiyaa.

### *Deadlines*

Filing and payment deadlines remain the same as that of tourist guesthouses.

## 9. Relevant laws, regulations and tax rulings

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The following laws, regulations and tax rulings provide the legal basis for the guidelines provided in this guide:






- Business Profit Tax Act (Law Number 5/2011): <http://bit.ly/1OIHlo5>
- Business Profit Tax Regulation (Regulation Number 2011/R-35): <http://bit.ly/2bJ2krk>
- Income Tax Act (Law Number 25/2019): <https://bit.ly/2RSV41j>
- Income Tax Regulation (Regulation Number 2020/R-21): <https://bit.ly/3hZCbuq>
- Eighth Amendment to the Maldives Tourism Act (Law Number 13/2016): <http://bit.ly/2bdaCb9>
- Goods and Services Tax Act (Law Number 10/2011): <http://bit.ly/1Y5311e>
- Goods and Services Tax Regulation (Regulation Number 2011/R-43): <http://bit.ly/2bGjFQw>
- Green Tax Regulation (Regulation Number 2015/R-181): <http://bit.ly/2bUHZCT>
- Tax Administration Act (Law Number 3/2010): <http://bit.ly/1ZmFRC7>
- Tax Ruling TR-2015/B46 (Ninth amendment to the Business Profit Tax Regulation): <http://bit.ly/1IKZNiZ>
- Tax Ruling TR-2015/B49 (Submission of financial statements and appointment of auditors): <http://bit.ly/1K9RybB>
- Tax Ruling TR-2013/G16 (Tenth amendment to the Goods and Services Tax Regulation): <http://bit.ly/1rWR2Gp>
- Tax Ruling TR-2014/G22 (Domestic air transportation services supplied to Maldivian citizens and supplies to employees at tourist establishments): <http://bit.ly/1OSKxZI>
- Tax Ruling TR-2016/G33 (Places established on tourist establishments): <http://bit.ly/23rmh7D>
- Tax Ruling TR-2016/G39 (Nineteenth amendment to the Goods and Services Tax Regulation): <http://bit.ly/2jlxzxm>
- Tax Ruling TR-2016/G40 (First amendment to the Tax Ruling TR-2016/G33): <http://bit.ly/2hHyIB3>
- Tax Ruling TR-2017/B56 (Eleventh amendment to the Business Profit Tax Regulation): <http://bit.ly/2jMOeul>
- Tax Ruling TR-2017/B57 (Submission of financial statements and appointment of auditors): <http://bit.ly/2jkAuUE>

- Tax Ruling TR-2017/B58 (Twelfth amendment to the Business Profit Tax Regulation):  
<http://bit.ly/2II074W>

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