

Interpretation

2. (1) In this Act, unless the context otherwise requires —

“this Act” includes any subsidiary legislation made under this Act;

“consideration” in relation to the supply of goods or services to any person, includes any payment made or to be made, whether in money or otherwise, or any act or forbearance, whether or not voluntary, in respect of, in response to, or for the inducement of, the supply of goods or services, whether by the person or by any other person:

Provided that a deposit, whether refundable or not, given in respect of the supply of goods or services shall not be considered as payment made for the supply unless the supplier applies the deposit as consideration for the supply;

“goods” means any kind of movable and immovable property but excludes money except —

(a) a bank note or coin before it becomes legal tender in Malaysia or in any other country; or

(b) a collector’s piece, investment article or item of numismatic interest;

“tax” means goods and services tax;

“input tax” means —

(a) tax on any supply of goods or services to a taxable person; and

(b) tax paid or to be paid by a taxable person on any importation of goods,

and the goods or services are used or are to be used for the purposes of any business carried on or to be carried on by the taxable person:

Provided that where the goods or services are used or are to be used partly for the purposes of any business carried on or to be carried on by the taxable person and partly for other purposes, tax on the supply and importation shall be apportioned so that only so much as is attributable to the purposes of his business is counted as his input tax;

“output tax” means tax on any taxable supply of goods or services made by a taxable person in the course or furtherance of his business in Malaysia;

“prescribed” means prescribed by regulations made under this Act;

“document” has the meaning assigned to it in section 3 of the Evidence Act 1950 [Act 56];

“excise duty” has the meaning assigned to it in section 2 of the Excise Act 1976 [Act 176];

“customs duty” has the meaning assigned to it in section 2 of the Customs Act 1967 [Act 235];

“electronic” has the meaning assigned to it in section 5 of the Electronic Government Activities Act 2007 [Act 680];

“import” has the meaning assigned to it in section 2 of the Customs Act 1967;

“invoice” includes any document similar to an invoice;

“tax invoice” means an invoice required to be issued by a taxable person under section 33;

“excise control” has the meaning assigned to it in section 2 of the Excise Act 1976;

“customs control” has the meaning assigned to it in section 2 of the Customs Act 1967;

“designated area” means Labuan, Langkawi or Tioman;

“Director General” means the Director General of Customs and Excise appointed under section 3 of the Customs Act 1967;

“computer” has the meaning assigned to it in section 2 of the Computer Crimes Act 1997 [Act 563];

“Labuan” means the Island of Labuan and its dependent islands, namely, Rusukan Besar, Rusukan Kecil, Keraman, Burong, Papan and Daat;

“Langkawi” means the Island of Langkawi and all adjacent islands lying nearer to the Island of Langkawi than to the mainland;

“Malaysia” means the territories of the Federation of Malaysia, the territorial waters of Malaysia and the sea-bed and subsoil of the territorial waters, and includes any area extending beyond the limits of the territorial waters of Malaysia, and the sea-bed and subsoil of any such area, which has been or may hereafter be designated under the laws of Malaysia as an area over which Malaysia has sovereign rights for the purposes of exploring and exploiting the natural resources, whether living or non-living;

“Minister” means the Minister charged with the responsibility for finance;

“electronic notice” means any document transmitted by the registered user by way of electronic service;

“registered person” means a person who is registered under Part IV;

“taxable person” means any person who is or is liable to be registered under this Act;

“officer of goods and services tax” means any officer of customs acting in the fulfilment of his duties under this Act, whether the duties are assigned to him specially or generally, or expressly or by implication;

“senior officer of goods and services tax” means —

- (a) the Director General;
- (b) any Deputy Director General of Customs and Excise appointed under subsection 3(1) of the Customs Act 1967;
- (c) any Assistant Director General, Director, Senior Assistant Director and Assistant Director of Customs and Excise appointed under subsection 3(1) of the Customs Act 1967;
- (d) any Senior Superintendent or Superintendent of Customs and Excise appointed under subsection 3(4) of the Customs Act 1967; or
- (e) any officer of goods and services tax, conferred with the powers of a senior officer of goods and services tax under subsection 5(4);

“officer of customs” has the meaning assigned to it in section 2 of the Customs Act 1967;

“compliance officer” has the meaning assigned to it in section 27 of the Limited Liability Partnership Act 2012 [Act 743];

“supply” has the meaning assigned to it in section 4;

“taxable supply” means a supply of goods or services which are standard-rated supply and zero-rated supply and does not include an exempt supply;

“zero-rated supply” means a zero-rated supply under section 17;

“exempt supply” means an exempt supply determined under section 18;

“owner” —

- (a) in respect of goods, includes any person being or holding himself out to be the owner, or person in possession of, or beneficially interested in, or having any control of, or power of disposition over, the goods;
- (b) in respect of a conveyance, includes any person acting as an agent of the owner of the conveyance or who receives freight or other charges payable in respect of the conveyance;

“conveyance” includes any vessel, train, vehicle, aircraft or any other means of transport by which persons or goods can be carried;

“services” means anything done or to be done including the granting, assignment or surrender of any right or the making available of any facility or benefit but excludes supply of goods or money;

“imported services” means any services by a supplier who belongs in a country other than Malaysia or who carries on business outside Malaysia, to a recipient who belongs in Malaysia, and the services are consumed in Malaysia;

“electronic service” means the service provided by the Director General to the registered user under section 166;

“arrangement” means any agreement, contract, plan, understanding, scheme, trust, grant, covenant, disposition or transaction and includes all steps by which it is carried into effect;

“Islamic financial arrangement” means a written contract which relates to a supply of financing in accordance with the principles of *Syariah*;

“limited liability partnership” has the meaning assigned to it in section 4 of the Limited Liability Partnership Act 2012;

“business” has the meaning assigned to it in section 3;

“surcharge” in respect of any default in payment of any instalment, means the charge accrued under subsection 51(2);

“flat rate addition” means the prescribed flat rate addition under section 74;

“usual place of residence” means —

(a) in relation to a body corporate, the place where it is incorporated or otherwise legally constituted;

(b) in relation to an unincorporated body of persons, the place where the body has its centre of administration;

(c) in relation to an individual, the place where he usually resides;

“taxable period” means any period as determined or provided for under section 40;

“Tioman” means the island of Tioman and the islands of Soyak, Rengis, Tumok, Tulai, Chebeh, Labas, Sepoi and Jahat;

“money” includes currencies whether of Malaysia or any other country;

(Substitute s41 FA 2017 w.e.f. 1/1/2017)

“free zone” has the meaning assigned to it in subsection 2(1) of the Free Zones Act 1990 [Act 438].

(Insert s41 FA 2017 w.e.f 1/1/2017)

(2) Paragraph 1 of the Third schedule shall apply in relation to any reference in this Act to “open market value”.