ROYAL MALAYSIAN CUSTOMS

GOODS AND SERVICES TAX

GUIDE
ON
INPUT TAX CREDIT

Publication

Date Published: 23 November 2016.

The Guide on Input Tax Credit as at 29 December 2015 is withdrawn and replaced by the Guide on Input Tax Credit revised as at 23 November 2016.

Copyright Notice

Disclaimer

CONTENTS

INTRODUCTION

1. This specific guide is prepared to assist you in understanding goods and services tax and its implications on the recovery of input tax.

General Operations of Goods and Services Tax (GST)

2. GST which is also known as value added tax in other countries is a tax on final consumption of goods and services. Unlike the present sales tax system, which is a single stage tax, the GST is a multi-stage tax. Payment of tax is made in stages by the intermediaries in the production and distribution process. Although the tax would be paid throughout the production and distribution chain, it is ultimately passed to the final consumer. Therefore, the tax itself is not a cost to the intermediaries and does not appear as an expense item in their financial statements.

3. A person who is registered under the Malaysian GST is required to charge GST on his output of taxable supply of goods and services made to his customers. He is allowed to claim as credit on any GST incurred on his purchases that are inputs to his business. His customers, if he is also in a business of making taxable supply of goods and services, in turn is allowed to claim a credit on GST paid on his input. Thus, double taxation will be avoided and only the value added at each stage is taxed.

GENERAL OVERVIEW

Input Tax

4. Input tax is the GST incurred on any purchase or acquisition of goods and services by a taxable person for the purpose of making a taxable supply in the course or furtherance of business. These purchases or acquisitions would include:

(a) goods or services purchased or acquired locally;

Example 1:

Goods purchased locally would include a company buying raw materials, components and parts, trading stocks and packaging materials from a GST registered person where the registered person would charge GST on the goods purchased.

Example 2:

Services acquired for the purpose of business would include rental, leasing of equipment, maintenance services and accounting and auditing services.

(b) imported goods;

Example 3:

Imported goods would include machineries imported from Japan, raw materials from Hong Kong and clothes from China.

Example 4:

Goods removed from warehouses licensed under section 65 of the Customs Act, 1967.

(c) imported services;

Example 5:

Imported services would include consultancy services supplied from a consultant based in Australia and rights and licenses provided by a company based in the United States to a recipient in Malaysia who consume those services in Malaysia.

Flat Rate Addition

5. Input tax will include any flat rate addition which an approved person under a flat rate scheme would include in the consideration for any taxable supply of goods made by him in a prescribed activity under the scheme.

For more information, please refer to the Guide on Agriculture Fisheries and Livestock Industry.

ENTITLEMENT TO CLAIM INPUT TAX

6. A person is entitled to claim input tax if he is making a taxable supply and satisfies the following criteria:

(a) input tax has been incurred;

(b) input tax is allowable;

(c) he is a taxable person, i.e. a person who is or is liable to be registered;

(d) goods or services acquired in the course or furtherance of business; and

(e) goods or services made in Malaysia or any supply made outside Malaysia which would be a taxable supply if made in Malaysia.

Example 6:

Shoez Sdn. Bhd. is a GST registered shoe manufacturer and purchased leather from Kulit Sdn Bhd, a registered person worth RM50,000 and incurred GST at RM3,000. Shoez Sdn. Bhd. is entitled to claim input tax of RM3,000 on the purchase of leather.

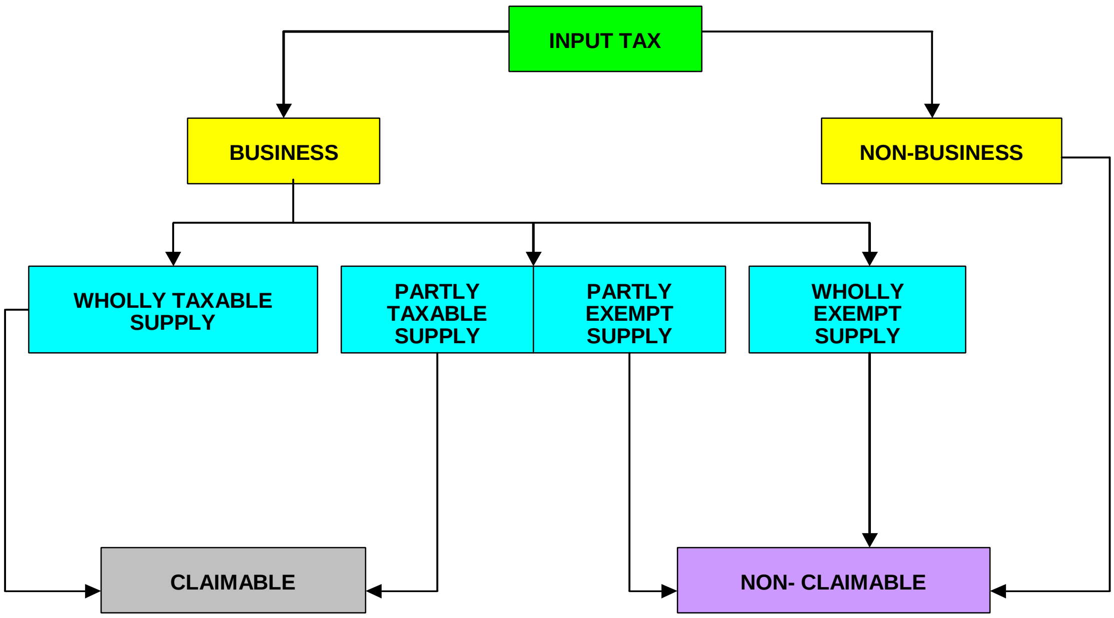
Example 7:

Eyra Sdn. Bhd., a GST registered marketing company purchased rolled plastics from Nina Enterprise, a non-registered person for RM1,000. Eyra Sdn. Bhd. is not entitled to claim input tax since he has not incurred any input tax when he purchased the rolled plastics.

ALLOWABLE INPUT TAX

Business versus Non-Business Use

7. Input tax incurred can be claimed if the goods or services are acquired for business purposes. Often there will be situations where suppliers acquire goods and services which may be used for both business and non-business purposes.



(a) Used Wholly for Business

When goods and services are acquired for business purposes, the registered person is eligible to claim input tax on the GST that has been incurred.

Example 8:

A bedding manufacturer who is a GST registered person bought beds and oil paintings worth RM5,000 for use in the showroom of the plant. He is eligible to claim input tax of RM300 (RM5,000 x 6%) since the beds and oil paintings are used for business purposes.

(b) Used Wholly for Non-Business Purposes

If a registered person acquires the goods and services for non-business purposes, he is not eligible to claim input tax. Disposal of such assets for a consideration is a supply and subject to GST. In this case, there is a change of use and the registered person is allowed to claim input tax.

Example 9:

A GST registered sole proprietor has a cleaning service business. He purchases ten vacuum cleaners for business purposes. If he intends to use one of the vacuum cleaners for home use at the time of purchase, the input tax on the vacuum cleaner used for home purposes is not eligible for input tax claim. He is eligible to claim input tax on the remaining nine vacuum cleaners.

Example 10:

EZie & Co., a GST registered accounting firm bought a yacht for its director's use during weekends. Even though EZie & Co. has incurred input tax for the purchase of the yacht, it is not used in the course or furtherance of its business. Therefore, EZie & Co. is not eligible to claim input tax on the purchase of the yacht.

Supplies Eligible for Input Tax

8. Generally, a taxable person is eligible to claim input tax which is attributable to the making of the following supplies:

(a) Supplies Used for Making Taxable Supplies;

Taxable supplies would include standard-rated and zero-rated supplies.

Example 11:

A GST registered retailer can claim GST incurred on its trading stocks which are taxable supplies such as biscuits, chocolates, soft drinks, instant noodles and nuggets.

Example 12:

ZaaZ Sdn. Bhd., a GST registered company, imports 10 buggies from Germany to be supplied to Seremban International Golf Club. GST incurred on the importation of the buggies is claimable *since Zaaz Sdn. Bhd. being a GST registered company is making standard rated supplies.*

Example 13:

A GST registered rice mill incurs GST on the purchase of plastic packaging materials, sealing machine, printing machine and printing ink. The rice mill is eligible to claim input tax on the GST incurred as it is making zero rated supplies.

There are taxable supplies which would be disregarded for GST purpose. Examples of disregarded supplies are:

(a) supplies made between members of a GST group;

(b) supplies of goods made in a warehouse under warehousing scheme before the goods are removed from the warehouse;

(c) supplies between venture operator and the venturers; and

(d) supplies by the approved toll manufacturers to the overseas principal.

Any GST incurred on purchases used to make the above disregarded supplies can be claimed as input tax.

Example 14:

A GST registered cigarette manufacturer makes a supply of cigarettes to its marketing arm. Both companies are under a group registration. Since both are under group registration, the supply from the manufacturer to the marketing arm is disregarded and no GST is imposed. Any GST incurred by the cigarette manufacturer in making the disregard supply can be claimed as input tax.

Taxable supply would also include a supply made to a class of persons who are given relief from paying GST. Any GST incurred on such supplies is claimable as input tax.

Example 15:

Government schools are given relief from paying GST on the purchase of computers. Even though the computer company does not charge GST on the supply, any GST incurred in making that supply by the computer company is claimable.

(b) inputs used for making taxable supplies outside Malaysia which would be taxable supplies if made in Malaysia;

Input tax incurred can be claimed in respect of the supplies made outside Malaysia which would be taxable supplies if made in Malaysia.

Example 16:

MNC (M) Sdn. Bhd., a GST registered International Procurement Center, undertakes procurement and sale of raw materials, components and finished products for its group of related companies and unrelated companies in Malaysia and abroad. MNC (M) Sdn. Bhd. fulfils an order from a customer in China by instructing MNC's supplier in Indonesia to ship the goods directly to China. Even though that supply is made outside Malaysia but, if it is made in Malaysia it would be a taxable supply. Since MNC (M) Sdn. Bhd. is based in Malaysia and incurs GST on its operational expenses such as rental and utilities, MNC (M) Sdn. Bhd. is entitled to claim input tax that has been incurred on that supply.

(c) Inputs used for making supplies made in certain prescribed circumstances

Generally, supplies made by financial institutions e.g. the provision of loans or financing is an exempt supply and input tax is not claimable.

However, banks and other financial institutions which provide loans or financing to businesses are allowed to use Fixed Input Tax Recovery (FITR) method to claim the GST incurred on their business input.

FITR is a method where a financial institution such as:

(a) commercial bank;

(b) investment bank;

(c) Islamic bank;

(d) development financial institutions and any other approved institution specified in the First Schedule of the GST Regulations 2014 is entitled to recover input tax based on a specific rate in percentage determined by the Minister. If a financial institution is allowed to recover input tax using the FITR method, the amount of the input tax allowable is in accordance with the following formula:

A x B

where: A is the total input tax incurred in the taxable period excluding input tax allowed on the acquisition of goods or services under Islamic financial arrangement

and

B is the fixed rate.

The total input tax incurred in the taxable period includes:

(a) input tax in relation to exempt supplies i.e. loans provided to businesses and individuals;

(b) input tax in relation to standard rated and zero rated supplies;

(c) input tax in relation to other exempt supplies e.g. investment activities.

For Islamic banks and other financial institutions making financial supplies in accordance with the principles of Shariah, the input tax incurred on the purchase or acquisition of goods or services under an Islamic financial arrangement other than the provision of financing is fully claimable.

Example 17:

In January 2016, a GST registered commercial bank incurs GST on the following:

(a) input tax in relation to exempt supplies (provision of loans to businesses) - RM28,000

(b) input tax in relation to standard rated supplies (fee based services) - RM12,000

(c) input tax on investment activities - RM10,000

The bank is allowed to use the FITR method to claim GST incurred on his business inputs at the assumed rate of 70% in the year 2016.

Input Tax Claimable

= Input Tax incurred in the taxable period x FITR rate

= (RM28,000 + RM12,000+ RM10,000) x 70%

= RM35,000

Example 18:

In the taxable period of January 2016, ABC Islamic Bank incurred GST on the following:

(a) *input tax incurred on the acquisition of commodities for the purpose of Shariah financing - RM15,000*

(b) *input tax on standard rated supplies(fee based services)*

- RM 25,000

(c) *input tax on investment activities - RM10,000*

For the year 2016, an Islamic bank is allowed to use a fixed rate at 70% for the purpose of claiming input tax.

Input Tax Claimable

= Input Tax incurred in the taxable period x FITR rate

= (RM25,000 + RM10,000) x 70%

= RM24,500

For the taxable period of January 2016, the Islamic bank is allowed to claim input tax amounting to:

RM24,500 + RM15,000 = RM39,500

Non-Claimable Input Tax

9. Generally, a taxable person is entitled to claim GST on inputs attributable in making taxable supplies. The following persons are not entitled to claim input tax.

(a) a non-registered person

Example 19:

Norene who operates a burger stall in Taman Tasik Jaya purchased 10 packets of chicken sausages from FAZ Sdn. Bhd. at RM52 inclusive of RM2 GST. Since Norene is a non-registered person, she cannot claim RM2 as her input tax.

(b) a person making an exempt supply;

Example 20:

SBN Transit, a public transport company purchases 10 new buses for its new route. Being an exempt supplier, SBN Transit cannot claim GST on the purchase of the 10 new buses.

Blocked Input Tax

10. Input tax incurred by a taxable person in respect of the following supplies shall be excluded from any credit under GST:-

(a) the supply to or importation by him of a passenger motor car;

“passenger motor car" means a vehicle which is legally licensed and constructed, modified or adapted for the purpose to carry or capable to transport and commonly available or used on public roads in Malaysia. The specification and features of a passenger motor car is to have seats of not more than nine passenger including the driver and the unladen weight does not exceed three thousand kilograms but does not include:

(i) hire and drive car which is licensed under Land Public Transport Act 2010 and Tourism Vehicle Licensing Act 1999;

(ii) a motor car supplied to or imported by a taxable person for the purposes of being let on hire or sold by that taxable person who is a dealer of motor vehicles licensed under the Second-Hand Dealers Act 1946;

(iii) an approved vehicle used for driving instructional purposes by a driving school or driving institute permitted under Motor Vehicles (Driving Schools) Rules, 1992;

(iv) a motor car which forms part of the stock in trade of a motor manufacturer or a motor dealer; or

(v) any motor car which is used exclusively for the purposes of business as approved by the Director General which includes:

- test drive car - a car used for a limited period in order to assess its performance and reliability. (Only for car dealer); or

- cars used for security purposes – a car used by security officers only for patrol in the company's compound to protect the business premise; or
- cars used in providing technical assistance - a car used mainly in providing technical assistance to company's clients e.g. maintenance services, breakdown services, repair services; or
- serve as an integral part in the running of a business (cannot continue business without them). It is a business that requires the use of passenger motor cars e.g. leasing of cars, taxi rental business;
- and must fulfil all the following conditions:
    - the motor car is registered in the name of the company;
    - the motor car is not let on hire;
    - there is no intention to make available the motor car for private use;
    - the motor car is kept at the business premises, used for business trips and must not be taken home overnight by any employee; and
    - the motor car bears the business name.

Example 21:

Hawani Sdn. Bhd. bought a Toyota Camry at RM180,000 for its director's use and paid GST amounting to RM10,800. Since input tax for passenger motor cars is blocked, Hawani Sdn. Bhd. is not eligible to claim RM10,800 as input tax on the purchase of the passenger motor car.

Example 22:

A company buys cars mainly used in providing technical assistance in cases of telecommunication breakdown. The GST paid on the purchase of the cars can be claimed as input tax as its fulfilled the conditions set by the Director General

Example 23:

CR7 Sdn. Bhd. is a motor car dealer. The company imports and purchases motor cars from local manufacturers. Any GST incurred on the acquisition of the cars for stock in trade is claimable.

(b) the supply of goods or services relating to repair, maintenance and refurbishment of a passenger motor car.

Example 24:

Axis Sdn. Bhd. sends the director's car for servicing every quarter of the year and incurs GST amounting to RM50. The company is not entitled to claim the GST incurred since services relating to maintenance of a passenger motor car is blocked.

11. However, a taxable person is allowed to claim the input tax incurred on the following expenses relating to a passenger motorcar registered in his own name:

(a) Insurance premium;

(b) Petrol, diesel and NGV;

(c) Parking; and/ or

(d) Battery certified by a competent body recognized by the DG of Road Transport Department for use in electric motor car under the Motor Vehicles (Construction and Use) Rules 1959 [LN 170/1959].

12. For passenger motorcar that is owned or registered under the name of other entity, any input tax incurred on the expenses listed in Paragraph 11 are allowed to be

claimed by a taxable person **except** the input tax on insurance premium. However, a taxable person must fulfill the following conditions:

(a) The passenger motorcar is used in his business and attributable to the taxable supply made by him;

(b) The expenses are reimbursed and accounted as his business expenses; and

(c) Hold a valid tax invoice on the expenses acquired.

Example 25:

Norman Sdn. Bhd. hires a car for the director's use instead of purchasing it. The GST paid on the hiring charge or lease cannot be claimed as input tax.

(d) club subscription fee including any joining fee, subscription fee, membership fee and transfer fee charged by any club, association, society or organization established principally for recreational or sporting purposes. However, input tax is claimable for expenses for use of club facilities, e.g. green fees, buggy fees, rental of golf bag locker and dining at the club restaurants.

Example 26:

Petro Engineering Sdn. Bhd., a GST registered consultant, incurs GST on golf membership fee for its general manager and senior executive. The GST paid on the membership fee is not allowed to be claimed as input tax.

(c) any payment or contribution towards any insurance contracts or takaful certificates-

(i) for indemnifying the taxable person against the cost of medical treatment to any person;

(ii) against the cost of medical treatment in which the insured or participant is a person employed by the taxable person;

(iii) against any personal accident in which the insured or participant is a person employed by the taxable person, but does not include any insurance contract or takaful certificate against any liability which the taxable person may incur under the Employees' Social Security Act 1969 and the Workmen's Compensation Act 1952 where such expenses is obligatory under that Act or under any collective agreement within the meaning of the Industrial Relations Act 1967.

Example 27:

Excel Sdn. Bhd., a GST registered company purchases a medical insurance for Ahmad, an employee and paid premium yearly. The insurance company charges Excel Sdn. Bhd. GST on the premium. The GST incurred on the premium is not claimable.

Examples of payment or contribution towards any insurance contracts or takaful certificates are as follows:

Table 1: Payment or Contribution towards any Insurance Contracts or Takaful Certificates

Types Insurance Contracts/ Takaful Certificate	Requirement	Input Tax
Foreign Worker Compensation Scheme	Obligatory under Section 26(2) Workmen's Compensation Act 1952	Claimable
Foreign Worker Insurance Guarantee	Obligatory under Regulation 21 of the Immigration Regulations 1963	Blocked
Foreign Worker Hospitalisation and Surgical Scheme	Non-obligatory	Blocked

(d) any medical expenses incurred in connection with the provision of all forms of medical treatment to any person employed by a taxable person but does not include medical expenses incurred under the Employees' Social Security Act 1969 and the Workmen's Compensation Act 1952 where such expenses is obligatory under that Act or under any collective agreement within the meaning of the Industrial Relations Act 1967.

Example 28:

While working, Ali, a director of Salam Sdn. Bhd. had a stroke and was paralysed. He was recommended a double fowler bed by the physician. Salam Sdn. Bhd. bought the double fowler bed for him and was charged GST on the purchase of the bed. The GST paid on the bed is not claimable as input tax.

(e) any family benefits including hospitality of any kind provided by the taxable person for the benefit of any person who is the wife, husband, child, including adopted child in accordance with any written law or parents of any person employed by the taxable person.

Example 29:

Turk Sdn. Bhd. organised an annual dinner for their 150 employees and their respective spouses at a hotel in Port Dickson at the price of RM106 per head inclusive of GST. The number of spouses who attend were 50 persons. Turk Sdn. Bhd. is only allowed to claim the input tax incurred on dinner expenses for the 150 employees only. Benefits provided to the family members of employees of the company are not allowed to be claimed as input tax under Regulation 36 (g) of GST Regulations 2014.

(f) entertainment expenses to a person other than employees or existing customers except entertainment expenses incurred by a person who is in the business of providing entertainment.

"entertainment expense" includes-

(i) the provision of any food, drink, recreation or hospitality of any kind, or

(ii) the provision of accommodation or travel associated with the provision of food, drink or recreation

by a person or an employee of his to anyone in connection with a trade or business carried on by that person.

"employee", in relation to an employment, means:

(i) the servant, where the relationship of master and servant subsists;

(ii) where the relationship of master and servant does not subsist, the holder of the appointment or office which constitutes the employment.

"recreation or hospitality" would include:

(i) a trip to a theme park or a recreation centre;

(ii) a stay at a holiday resort;

(iii) tickets to a show or theatre; and

(iv) entry to sporting activities/events.

GST incurred on entertainment expenses to family members of company staff, potential clients (not existing clients) including suppliers or vendors of the company are not allowed to be claimed as input tax credit.

Example 30:

John Terry, a sales executive of Blue Moon Sdn Bhd (registrant) has incurred entertainment expenses on the company's behalf to *entertain the company's vendor at a famous restaurant. GST incurred on the entertainment expenses is not allowed to be claimed as input tax credit.*

Incidental exempt financial supplies

13. Incidental exempt financial supply is a supply of financial services made by a registered person who is not in the business of making the financial services. However, such person can treat input tax attributable to the exempt financial supplies as input tax attributable to taxable supplies. This means that the registered person is entitled to claim any input tax that is attributable to the making of the following exempt financial supplies:-

(a) the deposit of money;

The deposit of money is the act of putting money in any financial institution.

Example 31:

Evra Sdn. Bhd., a GST registered restaurant purchased a security box for the accounts clerk to deposit daily earnings of the company in a bank. The GST incurred for the purchase of the security box can be claimed as input tax.

(b) the exchange of currency, whether effected by the exchange of currency, bank notes or coin, by crediting or debiting accounts or otherwise.

The exchange of currency is an act of exchanging Malaysian Ringgit with other foreign currencies or other foreign currencies with another foreign currency.

Example 32:

Wayne Sdn. Bhd. engages a security company to escort his accounts clerk to exchange Malaysian Ringgit for foreign currencies at ABC Bank. The security company charges Wayne

Sdn. Bhd. GST for the services. The GST incurred can be claimed as input tax.

(c) the holding of bonds, debentures, notes or other similar instruments representing or evidencing indebtedness, whether secured or otherwise;

A bondholder who holds the bonds until maturity will receive coupons paid by the bond issuer according to the terms of the contract.

Example 33:

Rio Sdn Bhd, a plantation company, purchases bonds of ABC Co. and holds the bonds until maturity. Any input tax incurred in purchasing the bonds is claimable.

(d) the transfer of ownership of securities or derivatives relating to securities;

The transfer of ownership of securities means the trading of shares in the secondary market where the consideration is the spread or capital appreciation.

Example 34:

Fabio Sdn. Bhd., a construction company, sells 20 lots of Setia Jaya Bhd. shares through a remisier and was charged GST on the commission. Fabio Sdn. Bhd. can claim the GST paid on commission as its input tax.

(e) the provision by a taxable person of any loan, advance, credit or other similar facility whether secured or otherwise to his employee or between connected persons (any officer or director of one another's business, partners or a person who directly or indirectly owns, controls or holds five percent or more of the outstanding voting stock or shares of both of them);

Example 35:

A manufacturing company makes incidental financial services by giving intercompany loan to its subsidiaries. The company incurred GST on the legal agreements and other expenses related to the loans. Although these financial services are regarded as exempt supplies, the company is allowed to claim the GST incurred on legal services and other expenses as input tax.

(f) The assignment of or the provision of credit for any trade receivable;

The assignment of any trade receivable means a lending agreement, often long term, between a borrowing company and a lending institution whereby the borrower assigns specific customer accounts that owe money (accounts receivable) to the lending institution. In exchange for assignment of accounts receivable, the borrower receives a cash advance for a percentage of the accounts receivable. The borrower pays interest and a service charge on the advance.

Example 36:

Ammy Sdn. Bhd. assigns trade receivables worth RM50,000 to EZZ Factor. In return, Ammy Sdn. Bhd receives cash advance of RM45,000 and was charged a service charge of RM1,500 and interest RM4,500. Although the assignment of or the provision of credit for any trade receivable is an exempt supply, any input tax incurred e.g. GST on legal fees is claimable.

(g) the holding or redemption of any unit or other similar instruments under a trust fund;

The holding or redemption of any unit or other similar instruments under a trust fund means the unit holder holds the units and earns dividend and upon redemption earns spread.

Example 37:

Kim Sdn. Bhd., a GST registered beauty consultant, purchases 10,000 units of Public Mutual unit trust fund at RM1.20 per unit. After three years she sells the units at RM1.35 and earns a spread of RM0.15. Any input tax incurred in the purchase and redemption of the units is claimable as input tax.

(h) the hedging of any interest rate risk, currency risk, freight price risk or commodity price risk.

Example 38:

Mask Bhd, an air transportation company, purchases futures contract to hedge against price fluctuations in oil which is a major business expense of the company. Input tax incurred in purchasing the futures contract is claimable.

14. The recovery of input tax is not applicable to suppliers (financial institutions) that carry on businesses of making exempt financial services. This group of suppliers would include:-

(a) a bank, investment bank or any other financial institution licensed under the Financial Services Act 2013 , Islamic Financial Services Act 2013, Labuan Financial Services and Securities Act 2010 and Labuan Islamic Financial Services and Securities Act 2010.

(b) any development financial institution as prescribed under the Development Financial Institutions Act, 2002 or other written law.

Example 39:

Examples of Development Financial Institutions are Lembaga Tabung Haji prescribed under Tabung Haji Act, 1995, Bank Simpanan Nasional prescribed under Bank Simpanan Nasional Act, 1974 and Bank Kerjasama Rakyat Malaysia prescribed under Bank Kerjasama Rakyat Malaysia Berhad Act, 1978.

(c) any moneylender licensed under the Moneylenders Act, 1951;

(d) a person licensed under the Money Services Business Act, 2011;

(e) any insurer or takaful operator licensed under the Financial Services Act 2013, Islamic Financial Services Act 2013, Labuan Islamic Financial Services and Securities Act 2010 and Labuan Islamic Financial Services and Securities Act 2010.

(f) a holder of a Capital Markets Services License or a holder of a Capital Markets Services Representative's License dealing in securities or derivatives under the Capital Markets and Services Act, 2007;

(g) any pawnbroker licensed under the Pawnbrokers Act, 1972 or a pawnbroker implementing the Islamic pawn broking business in compliance with Syariah principles;

(h) any company that issues credit card, charge card, debit card or other payment instruments under the Financial Services Act 2013 and Islamic Financial Services Act 2013;

(i) any company that provides any scheme's assets under the Collective Investment Scheme in accordance with Capital Markets and Services Act 2007 including unit trust but excluding Real Estate Investment Trust; or

(j) any investment holding company.

Example 40:

Ashley Mutual Fund deposits its daily earnings in a bank and incurred GST on security charges by Halim Security. The GST on security charges is not claimable because Ashley Mutual Fund falls under the category of financial institutions which is not allowed to claim input tax on incidental exempt supplies. However, if a plantation company deposits money in a bank, the GST incurred on security charges can be claimed as input tax *since the plantation company is not in the business of making the financial services.*

De minimis Rule

15. Certain taxable persons may be making negligible exempt supplies and it would be inconvenient and impractical for such persons to apportion their input tax. The *de minimis* rule is introduced to alleviate such problem by allowing a taxable person to treat his exempt input tax as input tax attributable to taxable supplies if the total value of his exempt supplies excluding incidental exempt financial supplies does not exceed:

(a) an average of RM5,000 per month, and

(b) an amount equal to 5% of the total value of all taxable and exempt supplies made in that period.

Example 41:

A GST registered garment manufacturer makes taxable supplies worth RM150,000 for a taxable period. It also provides bus transportation services to its workers and charges a minimal fee. The value of exempt supplies is RM4,000.

(i) Proportion of exempt supplies to total supplies is calculated as follows:

$$\frac{RM4,000}{RM150,000 + RM4,000} \times 100\,\% = 2.59\%$$

(ii) The garment manufacturer is entitled to claim input tax since the value of exempt supplies is less than RM5,000 per month and does not exceed 5% of the total value of all supplies.

Example 42:

RVP Sdn. Bhd., a GST registered manufacturer makes the following supplies in a month:-

Taxable supplies – RM70,000

Exempt supplies - RM4,800

(i) Percentage of exempt supplies for the month is,

$$\frac{RM4,800}{RM70,000 + RM4,800} \times 100\% = 6.42\%$$

(ii) The company has only satisfies the first condition but not the second condition as its total exempt supplies for the period has exceeded the 5%. Thus, the company cannot treat the input tax incurred on the RM4,800 exempt supplies as attributable to taxable supplies.

16. If he does not fulfill the *de minimis* rule, he cannot claim exempt input tax incurred and is required to use partial exemption to apportion the residual input tax incurred. For more information, please refer to the Guide on Partial Exemption.

Partial exemption

17. A person who makes both taxable and exempt supplies is known as partly exempt supplier or a "mixed supplier". The term "partial exemption" is used to describe the situation of a mixed supplier who has to apportion the amount of residual input tax claim in respect of taxable and exempt supplies using a partial exemption method.

18. Residual input tax is incurred when input tax is not directly attributed to either taxable or exempt supplies. Examples of residual input tax include input tax on rental, utilities, stationery, computer and maintenance services. The amount of residual input tax that can be claimed is only the proportion that is attributable to taxable supply.

19. However, a mixed supplier can claim the full amount of the residual input tax incurred if the amount of exempt supply fulfilled the *de minimis* rule. Otherwise, he is required to apportion the residual input tax incurred accordingly.

Applying the *de minimis* rule in a tax year or longer period

20. It is mandatory for a mixed supplier to make a longer period adjustment. There will be over claim or under claim of residual input tax from the longer period adjustment. Such adjustment amount should be declared in the second taxable period after end of the longer period. For more information, please refer to the Guide on Partial Exemption.

Capital Goods Adjustment

21. Capital goods for GST purpose are normally defined as any asset which are capitalized for accounting purposes and in accordance with general accounting practice in Malaysia.

22. Generally, a taxable person is eligible to claim input tax credit on all taxable supply of goods including capital goods acquired in the course or furtherance of his business. Input tax can be claimed in full if the capital goods are used in making wholly taxable supplies. However, if the capital goods are used for making mix supplies, the taxable person can only claim the input tax which is attributable to his taxable supplies. The initial input tax claim is only provisional.

23. Adjustment is necessary if there is a change in the proportion of taxable use for the remaining life of the capital goods. The adjustment must be made over a specific period under the Capital Goods Adjustment (CGA). The adjustment only cover capital goods with value of not less than RM100,000 (excluding GST) per unit.

24. An adjustment period refers to a fixed period of time consisting of intervals during which the proportional taxable usage of a capital assets is re-evaluated. For land and building, the adjustment period consist of ten intervals and for other capital assets the adjustment period will only consist of five intervals.

25. The adjustments on a capital asset would only be made in the subsequent intervals, starting with the second interval, whenever there is a proportional change in its taxable use in relation to the first interval. The formula for calculating the amount of adjustment on a capital asset in subsequent intervals is as follows*:*

$$\textbf{Amount of adjustment} = \frac{\textbf{Total input tax incurred}}{\textbf{Number of intervals}} \times \textbf{Adjustment \%}$$

Example 43:

ABC Sdn. Bhd., a mixed supplier, was registered under the GST Act 2014 on 1 Jan 2016 and his first tax year ends on 31 December 2016. The company acquired a new computer for RM 1,060,000 inclusive GST 6% (RM1,000,000 + RM60,000 GST) on 10 Jan 2016. The annual proportional taxable use (or annual residual input tax recovery rate) of the computer is as follows:-

First interval	*:*	*60 %*
Second interval	*:*	*70 %*
Third interval	*:*	*55 %*
Fourth interval	*:*	*45 %*
Fifth (final) interval	*:*	*40 %*

In determining the proportion for the first interval, the partial exemption method is used.

The 4 subsequent intervals applicable to the computer are as follows:-

Second interval	*:*	*1 Jan 2017 – 31 Dec 2017*
Third interval	*:*	*1 Jan 2018 – 31 Dec 2018*

Fourth interval : 1 Jan 2019 – 31 Dec 2019

Fifth interval : 1 Jan 2020 – 31 Dec 2020

The amount of input tax that can be claimed for the first interval is RM36,000 and the amount of adjustment made under the scheme in the subsequent intervals is shown in the table below;

Interval (year)	****% of taxable use***	***Adjustment %***	***Computation***	***CGA Adjustment (RM)***
1 (2016)	*60%*	*-*	*ITC = RM60,000 x60% = RM36,000*	*-*
2 (2017)	*70%*	*70 % - 60 %*	$\frac{60,000}{5}$ *X 10 %*	*1,200*
3 (2018)	*55%*	*55 % - 60 %*	$\frac{60,000}{5}$ *X (-5 %)*	*(600)*
4 (2019)	*45%*	*45 % - 60 %*	$\frac{60,000}{5}$ *X (-15 %)*	*(1,800)*
5 (2020)	*40%*	*40 % - 60 %*	$\frac{60,000}{5}$ *X (-20 %)*	*(2,400)*

Note:

For the second interval the company can claim additional input tax of RM1,200.

For the third, fourth and final interval, the company need to pay output tax of RM600, RM1,800 and RM2,400 respectively.

For more information, please refer to the Guide on Capital Goods Adjustment.

Deemed input tax relating to insurance or takaful cash payments

26. The cash payment by the insurer in respect of an insurance or takaful settlement claim does not represent a supply by the insurer. Hence, indemnity payments or settlements are not subject to GST. However, the insurer is entitled to a credit of input tax deemed incurred known as "deemed input tax credit" where the cash payment is made pursuant to an insurance policy or takaful contract that is subject to GST at standard rate on condition:

(a) the insured is not registered for GST at the effective date of the insurance policy or takaful contract;

Example 44:

Lynn Sdn. Bhd., a non-registered person, bought a motor insurance policy with Zee Insurance to cover the windscreen of the company car. The effective date of the insurance policy is 1 August 2015. Lyna, an executive of Lynn Sdn. Bhd. met with an accident and was paid cash amounting to RM2,500 by the insurer to replace the windscreen on 25 April 2016. The insurer can claim input tax deemed incurred on cash payments made to Lynn Sdn. Bhd.

(b) the cash payment is made pursuant to an insurance policy or takaful contract to an insured who is a GST registered sole proprietor and he uses the insurance policy or takaful contract other than for business purposes.

Example 45:

Mr. Gerrard, a GST registered restaurant operator purchases a fire insurance policy for his house in Jalan Senawang, Seremban. Since the insurance coverage is not for the purpose of any business carried on by him, the insurer can claim deemed input tax incurred on any cash payments made out to him in respect of a loss pursuant to his fire insurance policy.

(c) the cash payment is made pursuant to an insurance policy or takaful contract where the input tax is excluded from any credit such as medical insurance policy or personal accident insurance policy and the insured is a registered person.

Example 46:

Pretty Sdn. Bhd. purchases a medical insurance for Ahmad, his employee, and paid premium yearly. Maxim Insurance charges Pretty Sdn. Bhd. GST on the premium but Pretty Sdn. Bhd. cannot claim input tax since it is blocked. Unfortunately, Ahmad was hospitalized due to high fever and Maxim Insurance made cash payments to Pretty Sdn. Bhd. on the hospital charges.

Maxim Insurance is entitled to claim deemed input tax on the cash payment made to Pretty Sdn. Bhd.

Computation of deemed input tax on cash payments

27. Deemed input tax on cash payment made by the insurer or takaful operator is computed as follows:

$$\frac{\text{GST rate}}{100 + \text{GST rate}} \times \text{cash payment}$$

28. In claiming the deemed input tax, the insurer has to keep records of the claim consisting of information showing that:

(a) the period of insurance cover under the contract of insurance commenced on or after the appointed date;

(b) the premium payable under the contract of insurance was subject to a standard rate:

(c) the cash payment was made by him upon the occurrence of an insured event;

(d) the payment was obligatory under the contract of insurance; and

(e) the person who entered into the contract for insurance with him was a person:

(i) who is not a registered person;

(ii) who is a sole proprietor, registered person and purchased the insurance cover for any purpose other than a purpose in the course or furtherance of his business; or

(iii) who is a registered person, bought an insurance policy where the input tax is excluded from any credit such as medical insurance or personal accident insurance.

Disallowance of deemed input tax

29. Where an insurer or takaful operator has fulfilled the conditions stated in paragraph 23 above, he is entitled to credit of input tax deemed incurred known as “deemed input tax”.

30. The insurer or takaful operator is not entitled to credit of deemed input tax when an insurer or takaful operator makes a cash payout to a policy holder / insured or a third party where the cash payout relates to an acquisition of goods or services, which is an exempt supply, zero rated supply, a supply not within the scope of GST or the credit is disallowed under regulation 36.

Input tax claim on tripartite arrangement

31. When a taxable person makes taxable supplies of goods or services to a recipient who is a registered person, the recipient is able to claim input tax for an acquisition he makes in the course of his business. However, in a tripartite arrangement, the recipient is not the person who makes the payment for the supply.

32. For a supply made to a third party, there must be a binding agreement or a link between the supplier and the person who makes payment for the supply. Any agreement which does not bind the parties does not amount to a supply unless there is a supply of goods or services between the parties. The person who has an agreement with a supplier for a supply is the recipient of that supply (even if that supply

is provided to a third party). The documentation (terms of the contract) is the logical starting point in determining the supplies that have been made.

33. In this regard, the person who makes payment will be entitled to claim input tax on the acquisition of the goods since it is a taxable supply made by the supplier to the person who makes the payment of the supply, subject to hold a valid tax invoice on his name.

Example 47:

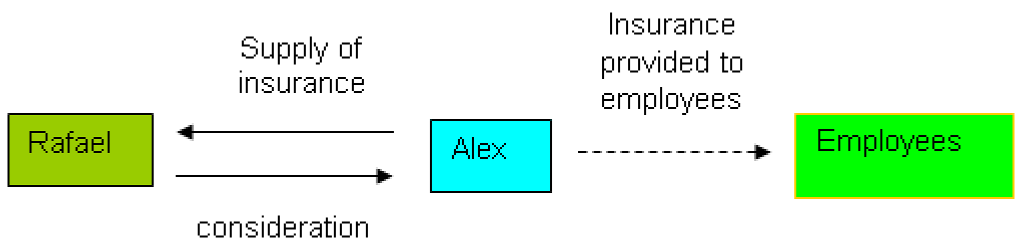
Angel Sdn. Bhd. contracts with Flora Hypermarket to provide hampers worth RM10,000 to its business clients during Chinese New Year.

When Angel has a binding contract with Flora to supply hampers to the clients, there is a taxable supply made by the hypermarket to Angel. Angel Sdn. Bhd. is entitled to claim input tax worth RM600.

Example 48:

Alex Insurance, a GST registered insurance company, enters into an agreement with Rafael & Co., a GST registered consultancy firm, under which Alex Insurance agrees to provide medical insurance to the employees of the consultancy firm and Rafael & Co. agrees to pay for the premium. The obligations under the agreement between Alex Insurance and Rafael & Co. are binding.

The recipient of Alex Insurance's supply of insurance is consultant Rafael & Co. Alex Insurance's supply is made to Rafael & Co. and provided to the employees.



MANNER TO CLAIM INPUT TAX

34. GST cannot be claimed on goods and services which are not used for business purposes (e.g. for private use) and used or to be used for making an exempt supply. Where goods are used partly for business and partly for non-business purposes, the GST incurred is normally apportioned. In order to claim input tax, a registered person must hold proper documents.

Documents Needed in Claiming Input Tax

35. Input tax incurred can be claimed if the recipient is a registered person. The recipient must hold a valid tax invoice in respect of a supply of goods or services used for business purposes and attributable to taxable supplies made or to be made. There are two types of tax invoices i.e. simplified tax invoice and full tax invoice. For simplified tax invoice, the maximum amount of input tax to be claimed is only RM30.

36. A full tax invoice must be issued under the name of the registered person to be eligible for input tax credit. A tax invoice issued under the name of any person other than the registered person will not be eligible for input tax credit except for mobile phone bill expenses used for business purposes. A registered person can use the mobile phone bill expenses invoice billed to his employee for claiming input tax as long as the expenses are reimbursed and accounted as business expenses. The GST amount must be shown on the tax invoice; otherwise the registered person is not allowed to claim input tax using the tax invoice.

Example 49:

Mr. Hwang, a manager with Kaya Sdn. Bhd, entertains his existing clients for dinner at a restaurant to promote the company's new product. In claiming *input tax, the bill / invoice should be in the name of Kaya Sdn. Bhd. and not under Mr. Hwang's personal name.*

37. In respect of importation of goods, the importer must hold a valid Customs importation document Customs No.1. In respect of clearance of goods from bonded warehouses, the importer must hold Customs No.1 or No.9.

38. For importation of services, the recipient is required to hold a document such as the foreign supplier's invoice to show that he is entitled to claim input tax.

39. For deemed input tax claim relating to cash payment, the insurer is required to hold a document such as discharge voucher, payment advice or merely a letter of acknowledgement accompanied with a cheque payment. For more information, please refer to the **Guide on Tax Invoice and Record Keeping**.

40. In the case of taxable supply of goods made by an approved person under the Flat Rate Scheme, the recipient is required to hold an invoice to be issued by the approved person. The invoice should contain particulars as follows:-

(a) invoice serial number;

(b) the name, address and identification number of the approved person;

(c) the date of issuance of the invoice;

(d) the name, address and GST identification number of the registered person to whom the goods are supplied;

(e) a description of the goods supplied; and

(f) the total amount payable excluding flat rate addition, the rate of flat rate addition and the total amount of flat rate addition to be shown separately.

Return

41. Claim for input tax can be made in the return from GST-03 for the taxable period in which the taxable person holds the valid documents mentioned in paragraph 35 to 40.

ACCOUNTING FOR TAX

Accounting Basis

42. Under GST, there are two types of accounting basis which are invoice basis and payment basis. Generally, a registered person is required to account for GST based on invoice basis. However, he may apply to the Director General for approval of payment basis.

(a) Invoice Basis

Under the invoice basis, he is eligible to claim input tax based on the invoices received although he has not made any payment in respect of the acquisition.

Example 50:

Antonio Enterprise, a GST registered book store who submits GST return on a monthly taxable period received a supply of books on 31 May 2016 amounting to RM100,000. The book store received an invoice dated 6 June 2016 and made payment on 10 July 2016. The bookstore may claim input tax in a taxable period covering 6 June 2016 although he has not made any payment.

(b) Payment Basis

A registered person who has been approved to account for GST based on payment basis is eligible to claim input tax when he has made payment for the supply acquired.

Example 51:

Restoran Sedap, a GST registered restaurant has been approved to use payment basis on 1 May 2016. The restaurant purchased a new refrigerator on 30 August 2016 amounting to RM3,000 and received an invoice dated 8 September 2016. Payment was made on 4 October 2016. He is eligible to claim input tax in a *taxable period covering 4 October 2016 although he received the invoice earlier.*

Offsetting Input Tax against Output Tax

43. Input tax can be claimed by offsetting against the output tax.

Example 52:

Tudung Cantik Sdn. Bhd., a GST registered manufacturer, manufactures scarves and sells them to a wholesaler, Warni Sdn. Bhd. for RM20,000 on 12 June 2016. The manufacturer acquired raw materials amounting to RM12,720 (inclusive of GST RM720) on 6 June 2016. In the GST return for June 2016, the manufacturer has to account and pay GST on the following:

Output tax : RM20,000 x 6% = RM1,200

Input tax : RM720

Amount payable to Customs in June GST return

RM1,200 – RM720 = RM480

Period to Claim Input Tax

44. Paragraph 38 of the GST Regulations 2014, provides that if a registered person did not claim his input tax in the taxable period in which he holds a tax invoice, the Director General may allow him to claim the input tax within 6 years from the date of supply to or importation by him.

45. For the purpose of claiming input tax in accordance with paragraph 38(4)(a) of GST Regulations 2014, a taxable person is considered to hold a tax invoice on the earlier of:

(a) the date or time of posting the tax invoice into the company’s Accounts Payable; or

(b) one year from the date he holds the tax invoice.

Refund of Input Tax

46. A refund will be made to the claimant if the amount of input tax is more than the amount of output tax.

Example 53:

The amount of input tax in a taxable period is RM50,000 and the output tax is RM30,000. The Director General will refund the balance of RM20,000 to the registered person.

(a) **Time when refund is made**

A registered person can claim the input tax in the GST return furnished to Customs. If the amount of input tax exceeds the amount of output tax, the balance will be refunded. The refund of input tax will be made within 14 working days after the return to which the refund relates is received for online submission and 28 working days after the return to which the refund relates is received for manual submission.

Example 54:

A registered person furnished a GST return electronically on 10 January 2016 (Thursday) and is entitled for a refund amounting to RM10,000. The latest date to refund will be made before 31 January 2016 (excluding non-working days and public holiday).

However, the Director General may withhold the payment of refund if:-

(i) the registered person fails to submit any previous return;

(ii) the registered person fails to furnish information; or

(iii) there is a reasonable ground that the refund is not due to the registered person.

(b) Late Registration

A taxable person has to pay the net tax and penalty to Customs if output tax exceeds the input tax. However, if input tax exceeds output tax, a refund will be made to him.

(c) Refund to be carried forward

A taxable person may apply in writing to carry forward any refund of input tax to any subsequent taxable period. In addition, the Director General may direct any refund of input tax to be held over to subsequent taxable period.

(d) Offsetting Unpaid Tax against Refund of Input Tax

Any refund of input tax credit may be offset against unpaid GST, excise duty, import and export duties.

Example 55:

A registered person has a refund amount of RM5,000 due to him. However, he owes GST amounting to RM2,000 and excise duty RM1,500. The refund amount of RM5,000 will be offset against the debt of RM3,500. As a result, the registered person is entitled to a refund of RM1,500.

REPAYMENT OF INPUT TAX WHERE CONSIDERATION IS NOT PAID

Failure to Pay GST within Six Months from the Date of Supply

47. Where a registered person fails to pay the consideration for the supply of any goods or services made by his supplier within six months from the date of supply and he has claimed input tax on that supply, the taxable person is required to pay back the input tax by accounting an amount equal to the input tax as his output tax. He is required to account the output tax in the taxable period covering the month after the six month period.

Example 56:

Evans Sdn. Bhd accounts for tax on a monthly basis and purchases a lorry on 26 March 2016 (invoice issued on the same date) amounting to RM150,000 to be used in transporting goods for his customers. However, the company claims input tax of RM9,000 (RM150,000 x 6%) in the taxable period covering March 2016. The company paid RM106,000 (inclusive of GST RM6,000) to the lorry supplier on 5 April 2016. The balance of RM50,000 will be paid on 15 December 2016. The company is required to account and pay RM3,000 (RM50,000 x 6%) as output tax in the taxable period covering September 2016 (6 months from the date of supply).

Purchased lorry

RM150,000

(GST RM150,000 x 6% = RM9,000)

Paid supplier

RM100,000

(GST RM100,000 X6% = RM6,000)

Paid balance to supplier

RM50,000

(GST RM50,000 X6% = RM3,000)

26 March 2016

(Claimed input tax March return)

5 April 2016

September *2016*

(account output tax RM3,000)

15 December 2016

Claim Back GST if Subsequently Pays Supplier

48. A registered person who has claimed input tax but failed to pay the supplier within six months from the date of supply has to pay back the input tax as his output tax. Subsequently, he paid his supplier the consideration for the supply of the goods or services and is now entitled to claim back the said output tax as input tax for the taxable period in which he made his payment.

Example 57:

Evans Sdn. Bhd. has accounted and paid an output tax of RM3,000 in the September's return as a result of his failure to pay to his supplier. The company settled the balance of RM50,000 to the supplier on 15 December 2016. Since he has now paid his supplier, he is entitled to claim the GST paid RM3,000.00 as his input tax in the taxable period covering December 2016.

Bad Debt Relief

49. A taxable person is entitled for a bad debt relief subject to the following conditions:

(a) GST is already paid;

(b) the person has not received any payment or part payment 6 months from date of supply or debtor has become insolvent (bankrupt, wound up or receivership) before the six months has elapsed;

(c) sufficient efforts have been made to recover the debt;

(d) the taxable supply at standard rate is made by a GST registered person to another GST registered person;

(e) if the supply is a supply of goods, the ownership of goods has been transferred to the debtor; and

(f) prepares, keeps and updates full records of list of debtors involved in the claim under section 58 Goods And Services Tax Act 2014 including records as prescribed in regulation 74, Goods And Services Tax Regulations 2014.

50. The bad debt relief shall be claimed immediately in the taxable period after the expiry of the sixth month from the date of supply.

Example 58:

Jimmy Sdn, Bhd. issues an invoice on 15 January 2016 to Glenn Sdn. Bhd. Until June 2016, Glenn Sdn. Bhd has not paid the amount due. Jimmy Sdn. Bhd. must claim the bad debt relief immediately in the July taxable period as the sixth month expires at the end of June 2016.

1 →	*2* →	*3* →	*4* →	*5* →	*6* →	*7* →
15/1/16	*Feb*	*March*	*April*	*May*	*June-expired*	*July-claim*

51. If the bad debt relief is not claimed by the supplier in the taxable period immediately after the expiry of the sixth month, then the taxable person has to notify the Director General (DG) through TAP within 30 days after the expiry of the sixth month on his intention to claim at a later date.

52. A GST registered person (recipient) who has made the input tax claim but fails to pay his supplier within six months from the date of supply shall account the output tax immediately after the expiry of the sixth month (subsection 38(9) of the GST Act 2014.

53. If the person has not received any payment in respect of the taxable supply, he can make a deduction or claim for the whole of the tax paid. However, if he has received part of the payment he can deduct or claim an amount calculated according to the formula:

$$\frac{A1 \times C}{B}$$

where :-

A1 is the payment not received in respect of the taxable supply;

(a) B is the consideration for the taxable supply; and

(b) C is the tax due and payable on the taxable supply.

54. In the event where claim for bad debt relief has been made and subsequently payment has been received by the person, he has to repay to the Director General an amount calculated according to the formula:

$$\frac{A2}{B} \times C$$

Where A2 is the payment received in respect of the taxable supply;

B is the consideration for the taxable supply; and

C is the tax due and payable on the taxable supply.

INPUT TAX IN RELATION TO REGISTRATION

Pre-incorporation

55. GST incurred on pre-incorporation services such as secretarial, legal and administrative services are not eligible for input tax credit because they are services incurred before incorporation.

Pre-Registration

56. GST incurred on services acquired before registration (both voluntary and mandatory registration including late registration) is not eligible for input tax credit. However, in the case of goods including capital goods, the registered person may be allowed to claim input tax on the goods he holds at the time of registration based on the approved amount by the DG.

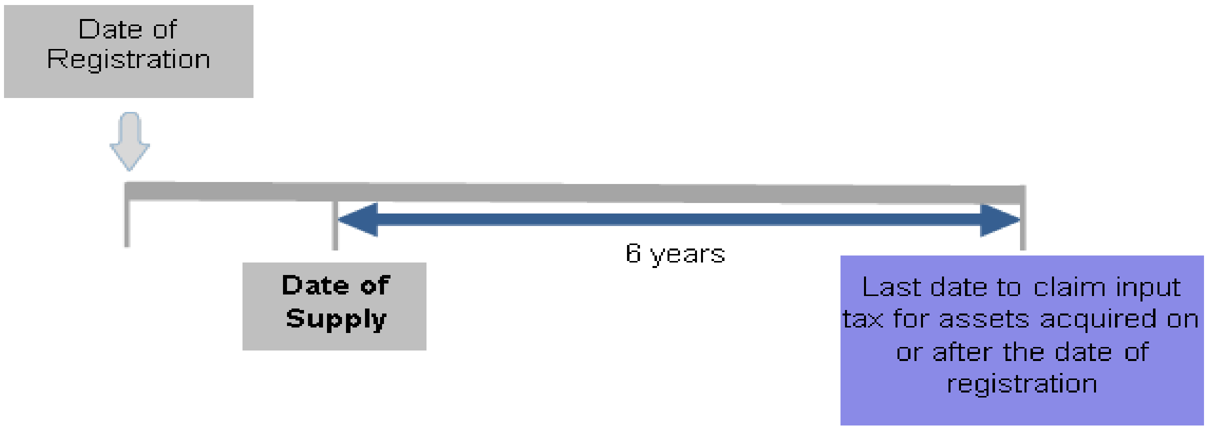
57. Input tax on capital goods held on hand can be claimed within 6 years from the date of the asset is acquired.

Example 59:

A manufacturing company purchased machinery in June 2016 and incurred GST on the purchase. At the time of registration, the machinery is still being *used by the company. The company is eligible to claim input tax incurred based on an approved amount by the Director General.*

Normal Registration

58. For assets acquired after the date of registration, input tax claim is on the value of the goods at the time of supply. Input tax is claimable 6 years from the date of supply.



Late Registration

59. Where a person registers on a date later than the date he has to be registered, he is entitled to claim input tax incurred on:

(a) goods held on hand at the time he has to be registered; and

(b) goods or services used in making taxable supplies during the period he has to be registered.

Example 60:

An individual has to be registered on 1 January 2016. However, he comes forward to be registered on 1 April 2016.

(i) At the time he has to be registered he holds stocks with input tax valued at RM30,000.

(ii) He has incurred input tax amounting to RM10,000 for supplies made during the period of late registration.

During the late registration period he makes taxable supplies amounting to RM1,450,000.

Input tax: RM10,000 + RM30,000

= RM40,000

For the late registration period his return will cover:

Amount of tax payable: RM1,450,000 x 6 % = RM87,000

Late registration period: 1.1.2016 – 31.3.2016 (90 days)

Amount of penalty payable: RM4,500

Total amount payable: RM87,000 + RM4,500 = RM91,500

In this case, net tax to be accounted in the first return would be RM51,500 (tax payable).

(c) Acquisition of capital goods

For capital goods acquired before the date he has to be registered, he may be allowed by the DG to claim input tax of the capital goods in respect of acquisition made within 6 years before the date he has to be registered.

60. However, if he is registered later than the six year period, he is eligible to claim the input tax on assets acquired six years from the date he is registered.

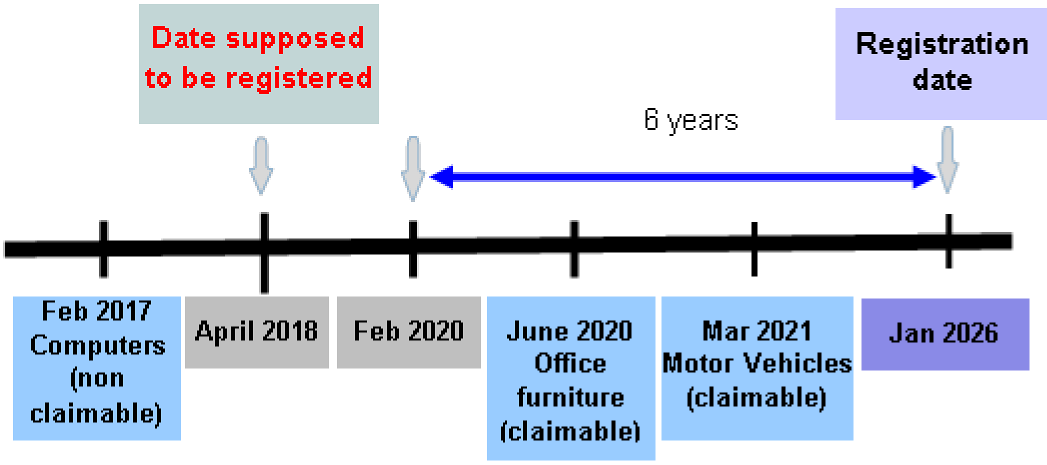
Example 61:

AMM Sdn. Bhd. has reached the threshold of RM500,000 and liable to be registered in April 2018. However, he comes forward to register in January 2026. Goods acquired by the company are as follows:

February 2017 ----- Computers --- RM250,000

June 2020 ---- Office furniture --- RM150,000

March 2021 ----- Motor vehicles ---- RM200,000



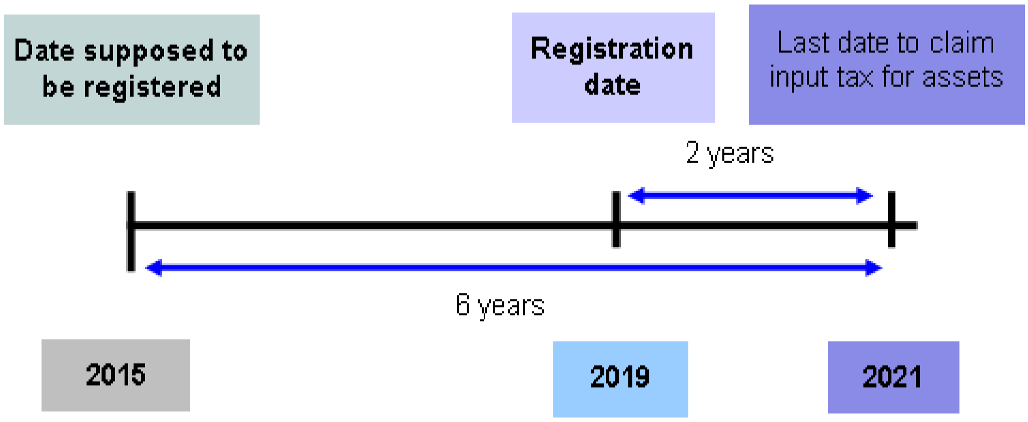
AMM Sdn. Bhd. is entitled to claim input tax on assets acquired in June 2020 and March 2021. Assets acquired in February 2017 are not claimable.

61. On the other hand, assets which are acquired after the date in which he has to be registered, input tax claim is only on the value of the assets at the time of supply. Input tax is claimable 6 years from the date he has to be registered.

62. If a taxable person fails to claim input tax at the time he is registered, he is entitled to claim input tax 6 years from the date he has to be registered.

Example 62:

ABC Sdn. Bhd. has to be registered in 2015 but comes forward to register in 2019. For assets purchased after he has to be registered, he can claim input tax 6 years from the date of purchased. ABC Sdn. Bhd. can claim input tax on the goods purchased from 2015 through 2019. Since he is registered in 2019 and fails to claim input tax on the registration date, he has 2 more years to claim input tax i.e. from 2020 through 2021.



Deregistration

63. Once a registration has been cancelled, the person cannot claim input tax on supplies acquired on or after the date of deregistration. However, he has to account for tax on stocks and capital goods held on hand as output tax if input tax has been claimed for such goods. For a mixed supplier where the business asset is used to make an exempt supply and he ceases business, he is not required to account for GST. He only accounts for GST if the input tax on the asset is allowed. Similarly, if he purchases goods from a non-taxable person and he ceases business, he is also not required to account for GST.

64. If a person fails to claim any input tax other than the input tax mentioned in post deregistration, he is still eligible to claim such input tax after he has been deregistered provided that the claim is made within one year from the date of deregistration or within a period of six years from the date of supply whichever is the earlier. He has to account in the original return in which he fails to claim the input tax.

Example 63:

Cole company applies for deregistration on 31 July 2016. In the last taxable period the company has made taxable supplies amounting to RM65,000, holds stocks on hand RM 50,000, book value of capital goods RM750,000 and incurs input tax RM32,000.

After deregistration he has to account net tax to Customs as follows:

Output tax = (RM50,000 + RM750,000 + RM65,000) x 6%

= RM51,900

Input tax :RM32,000

Net tax to be paid: RM51,900 – RM32,000 = RM19,900

Any input tax incurred after 31 July 2016 is not eligible to be claimed.

Post Deregistration

65. A person who has been but is no longer a registered person is eligible to claim input tax on services related to the deregistration process such as audit and secretarial fees. Any post deregistration claim must be made by using Form GST-03.

Example 64:

Cole company applies for deregistration on 31 July 2016. On 15 August 2016 Cole company incurs GST amounting to RM5,000 which relates to audit and secretarial fees. The amount of RM5,000 is eligible to be claimed as input tax even though Cole company is not a registered person at the time when Cole company receives tax invoice from the accounting and secretarial company.

INPUT TAX IN RELATION TO SPECIAL TRANSACTIONS AND SPECIAL SCHEMES

Transfer of Going Concern

66. The transfer of business as a going concern from one taxable person to another person is not treated as a supply for GST purposes subject to conditions stipulated in the Second Schedule of the GST Act 2014. Hence, there is no input tax to be claimed by the transferee. However, any GST incurred by both transferor and transferee which is incidental to the transfer of going concern such as legal and accounting fees in carrying out the transfer is eligible for input tax credit.

67. Where assets of a business has been transferred as a going concern and there is a reduction of taxable use, the transferee is required to account the input tax claimed by the transferor as output tax to reflect the reduction in taxable use. The output tax

is required to be declared in the GST return for the taxable period in which the reduction in taxable use occurs. This requirement will also apply to situation where the taxable person has intention to reduce the taxable use of the business assets. At the same time, this requirement will not be applicable to capital goods with values more than RM100,000 since capital goods adjustment will be applicable to such items.

Joint Venture

68. In a joint venture, supplies can be acquired by a venture operator or venturers. Where a venture operator acquires any supply for the purpose of the joint venture, he is eligible to claim input tax on the supply. In the case where a venturer acquires any supply in respect of the joint venture, he is also eligible to claim input tax on the supply.

Example 65:

Indah Carigali who is a venture operator incurs GST amounting to RM2,000,000 on the purchase of an oil rig. At the same time, Kerang Pte. Ltd. who is a venturer purchases hydraulic pump and incurs GST amounting to RM20,000. Both Indah Carigali and Kerang Pte. Ltd. can claim input tax credit of RM2,000,000 and RM20,000 respectively. Since Kerang Pte. Ltd. has already claimed input tax credit of RM20,000, Indah Carigali cannot claim the input tax that has been claimed by Kerang Pte. Ltd.

Flat Rate Scheme

69. Under the Flat Rate Scheme, an approved person who carries out prescribed activities may charge flat rate addition to a registered person. A registered person may claim the flat rate addition on the taxable supply of goods acquired by him.

Example 66:

A tobacco grower who is an approved person under a Flat Rate Scheme supplies tobacco to Cigaretto Sdn. Bhd. worth RM6,000. He issues an invoice and charged a fixed flat rate addition (2%) on the supply of tobacco to the company for a total amount of RM6,120. The company who is registered person can claim input tax credit based on flat rate addition amounting to RM120.

Capital market

70. Under equity market, a stock broker and remisiers are treated as a single entity and similarly, a futures broker and futures broker representatives are also treated as a single entity under futures market. Any input tax incurred by remisiers or futures broker‘s representative for the purpose of business such as telecommunication services has to be claimed by the stock broker or futures broker, as the case may be, since the registration is in the name of the stock broker or futures broker. The remisier or futures broker's representative cannot claim the input tax incurred by him. In addition, the stock broker or futures broker may claim any input tax incurred by him for the purpose of the business.

Example 67:

A stock broker incurs GST totalling RM150,000 for administrative expenses and brokerage commission in carrying on stock broking business. The stock broker has 50 remisiers under his charge. In carrying on brokerage services, a remisier incurs GST on telecommunication services, parking charges and internet services totalling RM150. The stock broker may claim GST amounting to RM150,000 for the administrative expenses. In addition, he can also claim RM150 on behalf of the remisier which he subsequently refunds to the remisier. Since the stock broker has claimed the RM150 on behalf of the remisier, the remisier cannot claim the RM150.

Input Tax Relating To Utilities Bills

71. As specified in regulation 38 GSTR 2014, a registered person can only claim input tax claim incurred by him if he holds tax invoice in his name.

72. In the case of a rented property where the electricity or water invoices/bills are in the name of the property owner, the tenant who is a GST registered person is not allowed to use such invoices/bills for claiming the input tax unless the name in the invoices/bills has been changed into his name.

Reimbursement Paid For Employee Expenses

73. In the case of employer employee relationship, an employee will claim his business expenses incurred by him from his employer. The expenses incurred by the employee will include the amount of GST paid on the business expenditure. In claiming the expenses incurred, an employee will submit his claim and any related bills to his employer. The employer will pay the exact amount that was claimed by the employee.

74. Persons considered as employees for the purpose of claiming input tax incurred by the employer are as follows:

(a) directors (under contract of service), partners and any other managers;

(b) person directly employed by the employer and not through an agency; and

(c) self-employed person who are treated as employee.

75. The following persons are not considered as employees for claiming input tax incurred by the employer are as follows:

(a) shareholders who are not employed by the business;

(b) pensioners and former employees; and

(c) person applying for a job, e.g. interviewees.

76. An employee may incur business expenses such as meals, entertainment, accommodation, fuel, staff transfer, sundry items such as small tools, materials purchased 'on site', telephone calls made from public or private telephones, purchases through coin-operated machines, car park charges, tolls, etc. which will normally be reimbursed by the employer. Any reimbursements made by the employer entitles him to claim input tax credit if he meets all of the following criteria:

(a) the goods or services acquired by the employees are used or to be used for the purpose of employer business (agent/principal relationship);

(b) the input tax claimed is directly attributable to taxable supplies or supplies made outside Malaysia which would be taxable if made in Malaysia;

(c) the employee's expense is directly related to their activities as an employee of the employer*;*

(d) goods or services acquired by the employees was a taxable supplies;

(e) the employee is not entitled to claim input tax credit on the expense;

(f) employer has in possession of valid tax invoice on the employee's expenses;

(g) it is an expense payment given under employee's benefit;

(h) the expense is for an allowable input tax and reasonable to be attributable to supplies in section 39 GSTA;

(i) GST is included;

(j) the tax invoice (including simplified tax invoice) is in the business's name or under business account except otherwise allowed by the DG (use company credit card by employee to pay expense).

77. Employer is not entitled to claim input tax credit for an employee-reimbursed expenses if;

(a) the GST incurred on the expenses is disallowed input tax under Regulation 36, GST Regulations 2014;

(b) paid to meet the employee's private expenses;

(c) allowance is paid to reimburse the employee's expenses; or

(d) not in a possession of valid tax invoice on the employee's expenses.

Allowance Paid For Employee Expenses

78. Any allowances paid by the employer for an employee expenses may entitle him to claim input tax credit.

79. Any allowances paid for employee's expenses made by the employer entitles him to claim input tax credit based on the exact amount of the tax paid on taxable supplies e.g. if you only pay based on mileage allowances or for specific business mileage, you must obtain tax invoices to a total value which covers the sum which you are paying.

80. Any allowances paid for employee's expenses made by the employer does not entitle him to claim input tax credit if the allowance is a general allowance that does not reimburse the employee's actual expenses incurred on the business behalf and if paid to the employee's private expenses.

81. An allowance is when:

(a). Employee does not have to justify the use;

(b). Predetermined amount paid for a certain purpose; or

(c). Employer deemed as using the services of the expenses incurred by employee;

Records

82. In claiming the input tax credit on the employees-reimbursed expenses, employer should:

(a) Maintain evidence of reimbursements made to the employee;

(b) Recognise the bills received from the employees as business expenses in the account;

(c) Claim in the GST Return once employee give the valid tax invoice or receipt for the expenses;

(d) Make sure the employee paid tax on the expenses in relation to the commercial activities of the employer; and

(e) Claim the GST incurred on the employee's actual business expenses.

INPUT TAX IN RELATION TO OWN USE

83. In carrying on a business, some supplies are being used internally by staff or directors of a business while some supplies are subsequently used internally for making integrated supplies. Integrated supply is a supply by the same person which becomes an input to make another supply. The entitlement to claim input tax on supplies utilized for own use depends on whether it is used for business or private purpose.

Supply Used by Directors or Staff

84. Some business assets are used for business purposes as well as private use. If a business asset is used for business purposes, a registered person is allowed to claim input tax on the business asset. However, the registered person is required to account for GST on the usage of the business asset for private use.

Example 68:

Renta Kanopi Sdn. Bhd., a GST registered company purchased canopies and tents at RM45,000 and claimed input tax amounting to RM1,800. The company is in a business of renting Arabian/Gazebo canopies for events and functions at RM250/canopy per day. A senior manager used 10 of the company's canopies at his son's wedding for 2 days. However, the company is required to account GST on the private use of the canopies i.e. 6% x RM5,000 (RM250 x10 x 2) = RM300.

Integrated Supply Used for Making Taxable Supply

85. A taxable person makes a product which is then used for making another taxable supply. Where a taxable person uses a product to make another taxable supply, he is allowed to claim any input tax on supplies used in making the integrated supply product.

Example 69:

Alee Sdn. Bhd., a manufacturing company bought resins worth RM20,000 and paid GST amounting to RM1,200 for the production of plastic bottles.

The plastic bottles are used as containers for mineral water. The company can claim input tax on plastic resins used for making plastic bottles (integrated product) amounting to RM1,200 which are used as containers for mineral water.

Integrated Products Used for Making Exempt Supply

86. Some businesses may use an integrated product for making an exempt supply. In such a case, the taxable person is not allowed to claim any input tax on supplies used for making the integrated product.

Example 70:

A housing developer makes drain culvert which are being used to construct a residential house. The input tax on cement and sand is not allowed to be claimed because residential houses are exempt supplies.

INPUT TAX IN RELATION TO CHANGE OF USE

87. Generally, input tax is claimable when a taxable person intends to use inputs to make a taxable supply. A change of use occurs when a taxable person uses or intends to use the goods or services in:

(a) making exempt supplies or both taxable and exempt supplies instead of taxable supplies;

(b) making exempt supplies, instead of both taxable and exempt supplies; or

(c) continuing to make both taxable and exempt supplies, but reducing the proportion of taxable supplies to exempt supplies.

88. However, input tax is not claimable when a taxable person intends to use inputs to make an exempt supply. A change of use also occurs when a taxable person uses or intends to use the goods or services in:

(a) making taxable supplies or both taxable and exempt supplies instead of exempt supplies;

(b) making taxable supplies, instead of both taxable and exempt supplies; or

(c) continuing to make both taxable and exempt supplies, but increasing the proportion of taxable supplies to exempt supplies.

89. When there is a change of use, the taxable person shall make an adjustment to the input tax that has been claimed earlier. A change of use will lead to over deduction or under deduction of input tax. In the case of capital assets with value more than RM100,000, capital goods adjustment is to be used.

90. Over deduction will occur when the percentage of usage for taxable supply has decreased. On the other hand, short claim refers to situation where the percentage of usage for taxable supplies has increased.

Over-deduction

91. Where a registered person has over-deducted input tax as a result of change of use of goods or services acquired, he is required to make an adjustment of the over-deducted input tax as output tax in the tax return for the taxable period in which the change of use takes place and shall repay the tax accordingly.

Example 71:

In January 2016, INSURCO Sdn. Bhd., a GST registered insurance company purchases 3 photostat machines amounting to RM15,000 and incurred GST RM900 to be used in providing general insurance. At the time of purchase,

INSURCO claims 100% of the input tax of RM900. At the end of the year, INSURCO has used the photostat machines to provide life insurance. The company has to pay back the over deducted GST of RM900 as his output tax in his tax return in which the change of use occurs.

Example 72:

In January 2016, INSURCO Sdn. Bhd., a GST registered insurance company purchases 3 photostat machines amounting to RM15,000 and *incurred GST RM900 to be used in providing general and life insurance. At the time of purchase, the company claims 70% of the input tax of RM630. At the end of the year, INSURCO has used the photostat machines to provide only life insurance. INSURCO has to pay back the over deducted GST of RM630 as his output tax in his tax return in which the change of use occurs.*

Example 73:

In January 2016, INSURCO Sdn. Bhd., a GST registered insurance company purchases 3 photostat machines amounting to RM15,000 and incurred GST at RM900 to be used in providing general and life insurance. At the time of purchase, INSURCO claims 70% of the input tax at RM 630. However, the actual usage of providing general insurance is 60% i.e. RM540. INSURCO is required to pay 10% (RM90) as his output tax in his tax return in which the change of use occurs.

Under Deduction

92. Where a registered person has under deducted input tax as a result of change of use of goods or services acquired, he is required to make an adjustment of the under deducted input tax as input tax in the tax return for the taxable period in which the change of use takes place.

Example 74:

In January 2016, INSURCO Sdn. Bhd., a GST registered insurance company purchases 3 photostat machines amounting to RM15,000 and incurred GST at RM900 to be used in providing life insurance. At the time of purchase, INSURCO did not claim input tax of RM900. At the end of the year, INSURCO has used the photostat machines to provide general insurance. INSURCO can claim the under deducted GST of RM900 as his input tax in his tax return in which the change of use occurs.

Example 75:

In January 2016, INSURCO Sdn. Bhd., a GST registered insurance company purchases 3 photostat machines amounting to RM15,000 and incurred GST at RM900 to be used in providing general and life insurance. At the time of purchase, INSURCO claims 70% of the input tax at RM 630. However, the actual usage of providing general insurance is 80% i.e. RM720. The company is eligible to claim 10% (GST RM90) as his input tax in his tax return in which the change of use occurs.

INPUT TAX IN RELATION TO ACCOUNTING BASIS

Change of Accounting Basis

93. Where a change in the accounting basis i.e. from an invoice basis to payment basis or vice versa has been approved by the Director General, a registered person is required to:

(a) calculate the tax payable or refundable;

(b) make the necessary adjustment to tax by including the tax payable or refundable; and

(c) notify the Director General in the first return in which the change of accounting basis occurs.

94. The calculation requires that a list of creditors and a list of debtors to be prepared which identifies the amount due by and to the registered person as at the last day of the taxable period before the change takes place. Adjustments to output tax and input tax are then calculated with reference to those lists.

Example 76:

A retailer, Schaltz Sdn. Bhd. accounts for tax using the invoice basis. He has been approved to use payment basis beginning 1 July 2016. As at June 30 2016, the total amount owing to creditors is RM50,000 inclusive of GST and the total amount due from debtors is RM250,000 inclusive of GST. The list of creditors and debtors as at 30 June 2016 is as follows:

No.	***CREDITORS***		***DEBTORS***	
	Name	***Amount (RM)***	***Name***	***Amount (RM)***
1.	*Lisa Sdn Bhd.*	*6,240*	*Yus Sdn Bhd*	*50,000*
2.	*Hani Sdn Bhd*	*15,000*	*Faz Sdn Bhd*	*70,000*
3.	*Suri Sdn. Bhd*	*9,000*	*Zie Sdn Bhd*	*70,000*
4.	*Sari Sdn Bhd*	*8,000*	*Rie Sdn Bhd*	*40,000*
5.	*Kari Sdn Bhd*	*12,000*	*Tin Sdn Bhd*	*20,000*
TOTAL		***50,000***	***TOTAL***	***250,000***

Tax refundable to the registered person is RM11,320.75 calculated as follows:

Creditors – Debtors

RM50,000 – RM250,000 = (RM200,000)

(RM200,000) x 6/106 = (RM11,320.75)

The amount of RM11,320.75 will be declared as input tax in the first return after payment basis takes place.

In the case when Schaltz Sdn. Bhd. has been approved to change his accounting basis from payment to invoice basis he has to make an adjustment as follows:

Debtors – Creditors

RM250,000 – RM50,000 = RM200,000

RM200,000 x 6/106 = RM11,320.75

Schaltz Sdn. Bhd has to account for output tax of RM11,320.75 in the first return after invoice basis takes place.

FREQUENTLY ASKED QUESTIONS

Entitlement to input tax

Q1. I am a retailer and a GST registered person. I invest my excess money in properties and unit trust. I incur GST on these investments. Am I entitled to claim input tax?

A1. Yes, you are entitled to claim input tax since the investment in unit trust is an incidental exempt financial supply and as a retailer you are not in the business of providing financial services. In the case of properties, input tax incurred in the investment is claimable if there is a direct and immediate link between the acquisition and the taxable supply.

Q2. I am a GST registered subcontractor dealing in painting of furniture. Besides the furniture to be painted, the company also supplies me with the material such as paint, thinner for the paint and chemical. I carry out my business from a rented premise. Am I entitled to claim input tax?

A2. You are entitled to claim input tax on the rental payment and other input tax incurred.

Q3. I am a GST registered biscuit manufacturing company. In carrying out my business, I purchase 20 digital weighing machines at RM100,000 (exclusive of GST RM6,000) for my packaging department. After 5 years, I sold 10 of the machines to a sole proprietor who is not a registered person. What is the GST treatment?

A3. Since you are a taxable person and the machines are used in the course or furtherance of business you are entitled to claim the input tax incurred on the machines. When you sell the machines you have to charge GST since it is a supply of goods. The sole proprietor, being a non-registered person is not entitled to claim input tax even though he has incurred the input tax.

Q4. ABC Sdn. Bhd., a GST registered person operates a pension fund. Besides renting out of office buildings, ABC invests the funds in the capital markets in order to pay high dividends to the contributors. ABC

engages an external fund manager to invest the funds and was charged a management fee for the investment services rendered by the external fund manager. Is ABC entitled to claim the GST paid on the management fees charged by the external fund manager?

A4. ABC is not entitled to claim input tax on the management fees charged by the fund manager since investment of the funds in the capital markets is an exempt supply.

Allowable input tax

Q5. I am a coin collector. I paid GST on the coins that I purchased. Can I claim the GST paid?

A5. You cannot claim the GST paid on the coins that you purchased since coins collection is a hobby and not business. You can claim the GST on the coins if you are in the business of trading coins.

Q6. I am a GST registered consultancy company and bought a set of antique furniture from Italy to be used in the business lounge amounting to RM100,000 and GST RM6,000 in July 2016. Can I claim the input tax?

A6. You can claim the input tax of RM6,000 in the taxable period you purchase the furniture.

Q7. I bought painting for my office in which I had claimed the input tax incurred on the painting. After 6 months, I decided to remove the painting and put it in my house. Do I have to pay back the input tax which I have claimed earlier for the painting?

A7. When you remove the painting for personal use at home you have to account for output tax based on open market value.

Q8. I am a GST registered retailer and purchase 100 cans of sardines valued at RM600, of which 95 cans are subsequently sold and 5 cans are used for private consumption. How much input tax can I claim?

A8. You can only claim the input tax on 95 cans. Assuming the GST rate of 6%, the company can claim RM34.20 (RM600 x 6% x 95/100).

Q9. I am a GST registered person running a hotel business. Occasionally, I provide complimentary rooms to persons such as travel agents or travel writers. Can I claim input tax on the complimentary room?

A9. Complimentary room is not subject to GST. However, input tax incurred on the complimentary room is claimable since it is for the furtherance of business.

Q10. I am a soap manufacturing company and registered under the GST Act. There are 75 employees in the company including the administrative staff. Every month I issue gifts of soap worth RM30 to every employee . Can I claim input tax incurred on the gifts of soap?

A10. Gifts of goods to the same person in the same year where the total cost is not more than RM500 is not a supply. Hence, the gifts of soap to the employees worth RM360 per year are not a supply and therefore not subject to GST. Input tax incurred on the soaps is claimable.

Blocked input tax

Q11. Toyota Hilux, a double cab registered in the company's name (registered person), is used to ferry directors of company for project site visits. Can I claim the GST paid on the purchase of this car?

A11. Input tax is blocked subject to the following conditions:-

(a) Vehicle's specification is built and suitable for use as passenger vehicle;

(b) It is used to carry not more than nine passengers including the driver; and

(c) Unladen weight is not more that 3,000 kilogram.

Q12. Toyota Estima, an MPV belongs to the company (registered person), is modified by removing all the seats in the second and third rows, to be used as vehicle for carrying company's goods. Can I claim the GST paid on this car which is modified to be used as a non-passenger vehicle?

A12. Vehicle's specification has been modified with the purpose to carry company's goods and is suitable for use as non-passenger vehicle. Input tax incurred is claimable.

Q13. I am a GST registered company and bought a car for my director's use. I did not claim the input tax on purchase of passenger motor car because it is blocked. Every 4 months I incur GST on the maintenance services of the car. Can I claim the GST paid on maintenance services of the car?

A13. You cannot claim the GST paid on the maintenance services of the car since it is blocked.

Q14. I am a GST registered company. I arrange a golf tournament for my clients on the second anniversary of the company's establishment. Can I claim input tax on the green fees and meals for the clients?

A14. You can only claim input tax incurred on golf tournament held for existing clients. However, input tax incurred on entertainment for family members and potential clients is blocked.

Q15. I am a car importer and a GST registered person. On importation of the cars, I paid import duty, excise duty and GST. Can I claim the GST paid on the importation of the cars?

A15. You can claim input tax on the cars that you import because the imported cars are part of your trading stock.

Q16. I am a sole proprietor and a GST registered person. In doing my business I hire a car for delivering the goods to my clients. Can I claim the GST paid on the hired car?

A16. You cannot claim the GST paid on the hired car as it is disallowed under paragraph 36(c) of the GST Regulations 2014.

Q17. I am a company limited by shares. Every year I hold an Annual General Meeting where shareholders will attend and exercise their voting rights.

Normally lunch will be provided. Am I entitled to claim input tax on entertainment expenses provided to shareholders?

A17. You are entitled to claim input tax on the entertainment expenses provided to shareholders since it is for the furtherance of business.

Incidental Exempt Financial Supplies

Q18. I am a GST registered telecommunication company. In order to raise capital, the company issues sukuk. In issuing the sukuk, the company incurs input tax on management services. Can I claim GST incurred on the management services?

A18. Since you are a telecommunication company and the issuance of sukuk is incidental to your business, you are allowed to claim the GST incurred on management services relating to the issuance of sukuk.

Manner To Claim Input Tax

Q19. In the taxable period of September 2016, I lost all my purchase invoices due to flash flood. Am I still entitled to claim input tax for that taxable period?

A19. If you can get certified copies of the invoices from your supplier you may claim input tax for the taxable period of September 2016. If you fail to claim in the taxable period of September 2016, you can still claim the input tax within six years from the date of the supply provided that it is allowed by the Director General.

Input Tax In Relation To Registration

Q20. I am a transport company and on 1 January 2016 I purchased a lorry for RM250,000 of which I have paid GST RM13,000. I became a registered person on 1 June 2017. Can I claim the GST paid on the lorry?

A20. You can claim the input tax on the purchase of the lorry based on the amount determined by the Director General. In this case, the company needs to make an official application to the DG on the intention to claim the input tax incurred before become a taxable person.

Q21. I rent a business premise and pay utility bills such as electricity and water. Can I claim input tax credit if the bill is in the name of my landlord who is a GST registered person?

A21. You cannot claim the input tax since the bill is in the name of the landlord. To enable you to claim the input tax, the bill has to be in your name. Also refer to paragraph 71 - 72.

INQUIRY

1. For any inquiries for this guide please contact :

Sector VII

GST Division

Royal Malaysian Customs Department

Level 3 – 7, Block A, Menara Tulus,

No. 22, Persiaran Perdana, Presint 3,

62100 Putrajaya.

Email: gstsector7@customs.gov.my

FURTHER ASSISTANCE AND INFORMATION ON GST

2. Further information on GST can be obtained from :

    (a) GST website: www.gst.customs.gov.my

    (b) Customs Call Center :

    - Tel: 03-7806 7200 / 1-300-888-500
    - Fax: 03-7806 7599
    - Email: ccc@customs.gov.my

AMENDMENTS

No	Date	Heading / Sub – heading / Paragraph	Descriptions
1.	29.12.2015	Paragraph 10 (e)/ Table 1	New example
2.	29.12.2015	Paragraph 10 (e) & (f)	Additional paragraph
3.	23.11.2016	Example 5	Additional sentences
4.		Paragraph 7(b)	Reword
5.		Example 14	Reword
6.		Example 15	Reword
7.		Paragraph 8(d)	Removed
8.		Example 19 of the ITC Guide (29.12.2016)	Removed
9.		Paragraph 9(a)	Reword
10.		Paragraph 9(c)	Removed
11.		Paragraph 10(a)	Reword
12.		Paragraph 10(a)(v)	Reword
13.		Example 23	Reword and becomes Example 22
14.		Paragraph 10(b)	New addition
15.		Paragraph 12(d)	Reword
16.		Example 30 of the ITC Guide (29.12.2016)	Replaced and becomes Example 29
17.		Paragraph 10(h)	Reword and becomes Paragraph 12(f)
18.		Paragraph 10(h)(iv)	Reword and becomes Paragraph 12(f)(iv)
19.		Paragraph 11	New addition
20.		Paragraph 12	New addition
21.		Example 33 of the ITC Guide (29.12.2016)	Replaced and becomes Example 30
22.		Paragraph 14(j)	New addition
23.		Example 45 of the ITC Guide (29.12.2016)	Reword and becomes Example 42
24.		Paragraph 15	Reword and becomes Paragraph 18

No	Date	Heading / Sub – heading / Paragraph	Descriptions
25.		Example 46 of the ITC Guide (29.12.2016)	Removed
26.		Paragraph 17 of the ITC Guide (29.12.2016)	Reword and becomes Paragraph 20
27.		Paragraph 18 of the ITC Guide (29.12.2016)	Reword and becomes Paragraph 21
28.		Paragraph 19 of the ITC Guide (29.12.2016)	Reword and becomes Paragraph 22
29.		Paragraph 20 of the ITC Guide (29.12.2016)	Reword and becomes Paragraph 23
30.		Example 48 of the ITC Guide (29.12.2016)	Reword and becomes Example 44
31.		Paragraph 24 of the ITC Guide (29.12.2016)	Reword and becomes Paragraph 27
32.		Paragraph 25(b) of the ITC Guide (29.12.2016)	Reword and becomes Paragraph 28(b)
33.		Paragraph 26 of the ITC Guide (29.12.2016)	Reword and becomes Paragraph 29
34.		Paragraph 30 of the ITC Guide (29.12.2016)	Reword and becomes Paragraph 33
35.		Paragraph 31 of the ITC Guide (29.12.2016)	Reword and becomes Paragraph 34
36.		Paragraph 32 of the ITC Guide (29.12.2016)	Reword and becomes Paragraph 35
37.		Paragraph 38 of the ITC Guide (29.12.2016)	Reword and becomes Paragraph 41
38.		Paragraph 39(a) of the ITC Guide (29.12.2016)	Reword and becomes Paragraph 42(a)
39.		Paragraph 40 of the ITC Guide (29.12.2016)	Reword and becomes Paragraph 43
40.		Example 61 of the ITC Guide (29.12.2016)	Reword and becomes Example 57
41.		Paragraph 46 of the ITC Guide (29.12.2016)	Reword and becomes Paragraph 49
42.		Paragraph 48 of the ITC Guide (29.12.2016)	Reword and becomes Paragraph 51
43.		Paragraph 50(a) & (b) of the ITC Guide (29.12.2016)	Reword and becomes Paragraph 53(a) & (b)

No	Date	Heading / Sub – heading / Paragraph	Descriptions
44.		Paragraph 51 of the ITC Guide (29.12.2016)	Reword and becomes Paragraph 54
45.		Paragraph 53 of the ITC Guide (29.12.2016)	Reword and becomes Paragraph 56
46.		Paragraph 54 of the ITC Guide (29.12.2016)	Reword and becomes Paragraph 57
47.		Example 63 of the ITC Guide (29.12.2016)	Reword and becomes Example 59
48.		Paragraph 56 of the ITC Guide (29.12.2016)	Removed
49.		Example 64 of the ITC Guide (29.12.2016)	Reword and becomes Example 60
50.		Paragraph 57(c) of the ITC Guide (29.12.2016)	Reword and becomes Paragraph 59(c)
51.		Example 66 of the ITC Guide (29.12.2016)	Reword and becomes Example 62
52.		Paragraph 71 of the ITC Guide (29.12.2016)	Removed
53.		Paragraph 88 of the ITC Guide (29.12.2016)	Reword and becomes Paragraph 89
54.		FAQ Q&A No. 21	Reword