

STATE SALES TAX ENACTMENT 1998

(No. 12 of 1998)

STATE SALES TAX REGULATIONS 1999

(G.N.S 4 of 1999)

ARRANGEMENT OF REGULATIONS

PART I PRELIMINARY

Regulation

1. Citation and commencement.
2. Interpretation.

PART II CHARGE TO TAX

3. Taxable goods.

PART III LICENSING

4. Application for licence.
5. Form of licence.
6. Security for due compliance and protection of revenue.
7. Display of licence.
8. *[Deleted by G.N.S. 24/2018]*

PART IV
DISPLAY OF STATE SALES TAX AND TAX INVOICES

9. Display of State sales tax.
10. Contents of tax invoices.

PART V
RECORDS

11. Manner of keeping records.

PART VI
RETURNS

12. Return for taxable period.
13. Taxable person to deliver return whether or not taxable goods are sold.
14. Where returns shall be delivered.
15. *[Deleted by G.N.S 24/2018]*

PART VII
PAYMENT OF STATE SALES TAX AND INCIDENTAL MATTERS

16. Payment of State sales tax, penalty, etc.
17. Hours of payment.

PART VIII
MISCELLANEOUS

18. Determination of sale value in special cases.
19. State sales tax offices.
20. Requirement, direction, demand or permission.

FIRST SCHEDULE -

Form 1 - Application for a licence as a taxable person.

Form 2 - Licence.

Form 3 - Notice to furnish security.

Form 4 - Return of State sales tax.

Form 5 - *[Deleted by G.N.S 24 18]*

SECOND SCHEDULE

LIST OF AMENDMENTS

<i>G.N.S. No.</i>	<i>Regulations amended</i>	<i>Effective date of amendment</i>
10/1999	Second Sch.	01-01-2000
1/2016	Second Sch.	01-01-2015
24/2018	General Amendment [Substitute the words 'proper officer' wherever appearing the words "proper officer of State sales tax"], 6, 8, 10, 11,14, 15, 16, 17, First Schedule	01-01-2019
20/2018	Second Sch.	01-04-2020
6/2021	Second Sch.	01-05-2021
2/2022	Second Sch.	01-02-2022
7/2022	Second Sch.	01-08-2022
11/2022	Second Sch.	01-12-2022

In exercise of the powers conferred upon him by section 61 of the State Sales Tax Enactment 1998, the Minister of Finance hereby makes the following regulations:

PART I
PRELIMINARY

Citation and commencement.

1. These regulations may be cited as the State Sales Tax Regulations 1999 and shall come into force on the 1st day of April 1999.

Interpretation.

2. In these regulations –

"Director" means the Director of State Sales Tax;

"Enactment" means the State Sales Tax Enactment 1998 [*En. No. 12 of 1998.*];

"Form" means any form prescribed in the First Schedule;

"full working day" means any day which is not a weekly rest day or half working day;

"licence" means a licence issued under section 10 of the Enactment, and includes any amendment to the particulars in the licence;

"licensed bank" has the same meaning assigned to that expression by the Banking and Financial Institutions Act 1989 [*Act 372.*];

"public holiday" means a public holiday declared under the Holidays Ordinance [*Cap. 56.*];

"taxable goods" means any goods referred to in the Second Schedule;

"weekly rest day" means Sunday.

PART II
CHARGE TO TAX

Taxable goods.

3. The taxable goods referred to in section 4 of the Enactment shall be those set out in the Second Schedule.

PART III
LICENCING

Application for licence

4. (1) Every application for a licence as a taxable person under section 10 of the Enactment shall be made in Form 1 as prescribed in the First Schedule.

(2) Every application for a licence shall be submitted to the Director. The Director may require the applicant to produce or furnish such documents or particulars in support of or for the purpose of considering the application.

(3) Every application by a body or corporate or by a sole proprietorship or by an unincorporated body shall be made by a director or by a person duly authorized by that body, and in the case of a partnership, the application shall be made by the managing partner thereof.

Form of licence

5. A licence as a taxable person shall be in Form 2 as prescribed in the First Schedule.

Security for due compliance and protection of revenue.

6. (1) Where the Director requires a taxable person pursuant to section 10(3) of the Enactment, to furnish security for due compliance of the provisions of the Enactment and protection of revenue, he shall issue to the taxable person a notice in Form 3 as prescribed in the First Schedule directing such security to be furnished within the time as specified in the notice on the taxable person.

(2) The nature of such security may, in the discretion of the Director, be in the form of cash deposit, a guarantee from a licensed bank or such other form of security as the Director may determine to be appropriate.

Display of licence.

7. Every taxable person licensed under these regulations shall display the licence in a conspicuous place at the place of business as stipulated in the licence.
8. Deleted by G.N.S. 24/2018

PART IV
DISPLAY OF STATE SALES TAX AND TAX INVOICES

Display of State sales tax.

9. (1) Every taxable person shall show or indicate clearly on every receipt, bill, tax invoice or other documents evidencing or representing any sale of taxable goods the amount of State sales tax or the rate thereof charged on the sale value of the taxable goods concerned in accordance with the provisions of the Enactment.

(2) State sales tax may be shown or endorsed on the documents described in paragraph (1) or with the approval of the Director, shown or indicated on the taxable goods sold by the taxable person.

Contents of tax invoices.

10. (1) Except as the Director may otherwise allow, a taxable person providing a tax invoice in accordance with regulation 9 or any other regulations made under the Enactment, shall state thereon the following particulars:

- (a) the words "tax invoice" in prominent place;
- (b) the tax invoice serial number;
- (c) the date of issue of the invoice;
- (d) the name, address and licence number of the taxable person;
- (e) a description sufficient to identify the taxable goods sold and the type of sale;

- (f) for each description, the quantity of the taxable goods and the amount payable, excluding State sales tax;
- (g) the total amount payable excluding State sales tax, the rate of State sales tax and total State sales tax chargeable shown as a separate amount;
- (h) the total amount payable including the total State sales tax chargeable; and
- (i) any amount referred to in subparagraphs (g) and (h), expressed in a currency, other than Malaysian currency, shall also be expressed in Malaysian currency.

(2) Where a taxable person provides an invoice containing the particulars prescribed in paragraph (1) and specifying thereon any goods which are not taxable goods, he shall, unless the Director otherwise determines, distinguish on the invoice between the goods which are not taxable goods and state separately the gross total amount payable in respect of each.

PART V RECORDS

Manner of keeping records.

11. (1) Every taxable person shall keep records relating to State sales tax.
- (2) For the purposes of these regulations, records include:
- (a) books of account (on paper or in computer system);
 - (b) till tapes;
 - (c) receipts;
 - (d) tax invoices;
 - (e) credit and debit notes;
 - (f) bank statements;
 - (g) invoices;

- (h) stock on hand records;
- (i) vouchers;
- (j) lists of debtors and creditors;
- (k) charts and codes of account;
- (l) any other documents that verify transactions or entries in any books of account;
- (m) accounting instruction manuals;
- (n) system and programme documentation which describes the accounting system; and
- (o) any document in electronically readable form or equipment containing or storing any accounts or records of transactions of taxable goods.

(3) The taxable person shall keep and maintain such records at his place of business in Sabah as stipulated in the licence or such other place as may be approved in writing by the Director, and shall make available such records for inspection by the Director or any person duly authorized by him who may also make copies thereof.

PART VI RETURNS

Return for taxable period.

12. (1) Every return for each taxable period required to be delivered to the proper officer of State sales tax under section 14 of the Enactment shall be in Form 4 as prescribed in the First Schedule.

(2) The proper officer of State sales tax may by notice in writing require a taxable person during any taxable period to submit to him, interim returns or information on the amount and sale value of taxable goods or to furnish such information as the proper officer of State sales tax may require to enable him to make an assessment of the State sales tax payable during that taxable period.

Taxable person to deliver return whether or not taxable goods are sold.

13. Every taxable person shall, for each taxable period, deliver to the proper officer of State sales tax a return in Form 4 as prescribed in the First Schedule, whether or not any taxable goods are sold, and whether or not any State sales tax is payable for such taxable period.

Returns shall be delivered

14. (1) Returns shall be delivered either personally or by post to the proper officer of State sales tax at the State sales tax office or through electronic service.

(2) Returns shall be deemed to be delivered -

- (a) in the case of personal delivery, when such returns are received by the Director or proper officer of State sales tax at the State sales tax office;
- (b) in the case of delivery by post, on the date of the post mark; or
- (c) in the case of electronic service, when such returns have been received by the Director or proper officer of State sales tax through electronic service.

15. Deleted by G.N.S 24/2018

PART VII

PAYMENT OF STATE SALES TAX AND INCIDENTAL MATTERS

Payment of Sales tax, etc.

16. (1) Any State sales tax due and payable, any surcharge, or penalty, fee or other money payable, under the Enactment shall be made either by cheque, bank draft or electronic banking.

(2) Any cheque or bank draft for payment of State sales tax, any surcharge, or other penalty, fee or other money payable shall be made payable to "The State Government of Sabah".

(3) Any State sales tax, any surcharge, or other penalty, fee or other money payable shall be deemed to be paid when payment is received by the Director at the State sales tax office provided that -

(a) where any cheque or bank draft is received by the Director and is not paid on presentation, the amount shall be deemed not to have been received notwithstanding any receipt given until such amount is duly paid to the State Government of Sabah; or

(b) where a payment is made through a bank, the amount shall be deemed not to have been received until such amount is lodged to the credit of the State Government of Sabah.

Office hours and hours of payment

17. (1) The ordinary hours during which the State sales tax office shall be open for State sales tax matters from 8.00 am to 5.00 pm on Monday to Friday.

(2) For the purposes of receiving returns and payments of State sales tax, any surcharge, or other penalty, fee or other money payable through the electronic service, the ordinary hours shall be from 8.00 am to 11.30 pm on any day of the week.

(3) The State sales tax office shall be closed -

(a) on weekly holidays; and

(b) on each day declared as a public holidays,

Provided that where any two or all of the days specified in paragraphs (a) and (b) fall on the same day the office will be closed on the following day and if such latter day is already a day specified in paragraphs (a) and (b) such office shall be closed on the next following day.

PART VIII
MISCELLANEOUS

Determination of sale value in special cases.

18. Where the State sales tax is included in or intended or deemed to form part of the sale price of any taxable goods, the Director may determine the sale value of the taxable goods for the purpose of assessing the amount of State sales tax comprised in the said sale price.

State sales tax offices.

19. The locations of the State sales tax office are as follows:

- (a) the Ministry of Finance, Kota Kinabalu; and
- (b) such other address as the Director may designate by notification in the *Gazette*.

Requirement, direction, demand or permission.

20. Except as otherwise provided in these regulations, any requirement, direction, demand or permission by the Director, under or for the purpose of these regulations, may be made or given by a notice in writing, or otherwise.

FIRST SCHEDULE
FORM 1
STATE SALES TAX REGULATIONS 1999
APPLICATION FOR A LICENCE AS A TAXABLE PERSON
(Regulation 4 (1))

PLEASE TYPE OR USE BLOCK LETTERS ONLY

PART A : BUSINESS PARTICULARS

1) COMPANY/BUSINESS NAME

--

2) REGISTERED ADDRESS OF BUSINESS

--

(For partnership, please also fill item 10 overleaf)

3) TELEPHONE AND FAX NUMBER

TEL. NO.:

--

FAX NO.:

--

4) DATE AND REFERENCE NO. OF COMPANY/BUSINESS REGISTRATION NUMBER

DATE :

--

DAY/MONTH/YEAR

REGISTRATION NO.:

--

5) DATE / EXPECTED DATE OF COMMENCEMENT OF BUSINESS

DATE :

--

DAY/MONTH/YEAR

6) COMPANY'S ANNUAL ACCOUNTING PERIOD ENDS ON THE

DATE :

--

DAY/MONTH

FOR REFERENCE ONLY (August 2022)

PART B : BUSINESS DETAILS

7) DESCRIBE YOUR MAIN BUSINESS ACTIVITY IN FULL

--

8) DESCRIPTION OF TAXABLE GOODS:

NO	TYPES OF TAXABLE GOODS	CLASSIFICATION / CUSTOMS HS CODE / TARIFF	ESTIMATE ANNUAL TURNOVER (RM)	ESTIMATE ANNUAL STATE SALES TAX TURNOVER (RM)

(If space is insufficient , use separate sheet)

9) FULL ADDRESS OF BUSINESS IN SABAH (FOR PURPOSE OF STATE SALES TAX)

--

10) FOR PARTNERSHIP BUSINESS

NO	NAMES OF PARTNERS	PERSONAL ADDRESS	IDENTITY CARD / PASSPORT NO.	NATIONALITY	SIGNATURE

11) **WHERE BUSINESS IS UNDERTAKEN** BY AGENTS OR THROUGH BRANCHES, STATE NAMES AND ADDRESSES OF AGENTS AND BRANCHES

A) NAME OF AGENT	ADDRESS
B) NAME OF BRANCHES	ADDRESS

(IF SPACE ALLOCATED IS INSUFFICIENT ATTACH SEPARATE SHEET)

FORM 2
STATE SALES TAX REGULATIONS 1999
LICENCE
(Regulation 5)

Licence No.

This is to certify that

of

(Registered address of business)

with business operation premises at

(Full address of business in Sabah)

is licensed as a taxable person under section 10 of the State Sales Tax Enactment 1998 for the sale of the following taxable goods, viz:

Date:

.....
*Director of State Sales Tax,
Sabah.*

FORM 3
STATE SALES TAX REGULATIONS 1999
NOTICE TO FURNISH SECURITY
(Regulation 6(1))

To:

Pursuant to section 10(3) of the State Sales Tax Enactment 1998, you are hereby required to furnish to the Director security for due compliance of the provisions of the Enactment and the protection of revenue in the sum of.....withinfrom the date of service of this notice.

2. The form of security required from you is *Cash Deposit/Guarantee from licensed bank/.....

Date:

.....
*Director of State Sales Tax,
Sabah.*

* Delete whichever is inapplicable.

FORM 4
STATE SALES TAX REGULATIONS 1999
RETURN OF STATE SALES TAX
(Regulations 12 & 13)

To: The Director of State Sales Tax, Sabah,
at

RETURN FOR THE TAXABLE PERIOD

1. Name of taxable person:
2. State sales tax licence no:.....
3. Address:
4. Nature of taxable goods:.....
5. Total sale value of taxable goods sold during the taxable period RM:.....
6. Quantity sold:
7. Amount of State sales tax due and payable is RM:.....

Declaration:

I, as a person duly authorized by....., hereby
(taxable person)

declare that this return is true, correct and complete in every particular and the total sale value of the taxable goods stated above has been determined in accordance with section 5 of the State Sales Tax Enactment 1998 and the State Sales Tax Regulations 1999.

Signature :

Name of Person Making Declaration :

Identity Card No. :

Date :

FOR OFFICIAL USE ONLY

Date of Receipt of Return :

Receiver officer :

SECOND SCHEDULE
(Regulation 3)

- (1) Crude Palm Oil.
- (2) Lottery Ticket
- (3) Gambling via Slot Machine
- (4) Marine and freshwater fish:
 - (a) not from aquaculture produce whether live, fresh, chilled or frozen, fit for human consumption taken out of Sabah; or
 - (b) from aquaculture produce whether fresh, chilled or frozen, fit for human consumption taken out of Sabah.
- (5) Petroleum Products:
 - (a) Crude Petroleum Oils
 - (b) Natural gas/Liquefied Natural Gas
 - (c) Ammonia
 - (d) Urea
 - (e) Condensate
- (6) Crustaceans:
 - (a) marine crustaceans other than prawn from aquaculture produce whether live, fresh, chilled or frozen, fit for human consumption taken out of Sabah;
 - (b) freshwater crustacean whether live, fresh, chilled or frozen, fit for human consumption taken out of Sabah; or
 - (c) lobster and crab whether live, fresh, chilled or frozen, fit for human consumption taken out of Sabah.
- (7) Molluscs, cephalopoda, aquatic plants which include seaweed and other aquatic invertebrates live, fresh, chilled or frozen, fit for human consumption taken out of Sabah.
- (8) Scrap iron and waste taken out of Sabah.