



Unofficial translation of the

**SECOND AMENDMENT TO THE
GREEN TAX REGULATION**

2022/R-145

DISCLAIMER OF LIABILITY

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

SECOND AMENDMENT TO THE GREEN TAX REGULATION

The Green Tax Regulation (Regulation Number 2015/R-181) shall be amended as follows:

1. Amend Section 2 of the aforementioned Regulation as follows:

- Objective** 2. The objective of this Regulation is to establish policies and procedures with regard to the imposition of Green Tax pursuant to Section 35(g), (h), (j) and (k) of the Act, to establish the procedures for submitting information required for the collection of Green Tax to MIRA and to establish other relevant procedures.

2. Amend Section 3(a) of the aforementioned Regulation as follows:

- Registration for
Green Tax** 3. (a) A tourist resort, integrated tourist resort, tourist hotel, resort hotel, hotel, tourist vessel or a tourist guesthouse or any such establishment shall be registered for Green Tax from the date of issue of the operating license granted to that tourist resort, integrated tourist resort, tourist hotel, resort hotel, hotel, vessel or guesthouse or any such establishment by the Ministry of Tourism. Such registration shall be made in the name of the person granted with the operating license, and each establishment and vessel shall be registered separately.

3. Insert a subsection after Section 3(a) of the aforementioned Regulation as follows:

3. (a-1) Where the operating license issued by the Ministry of Tourism to a tourist hotel registered under subsection (a), is changed pursuant to Section 59 of the Eleventh amendment to the Maldives Tourism Act, Law number 2/99 (Law number 8/2022), the green tax registration of such establishment shall be changed accordingly to the relevant category, on the later of the following dates.

(1) the date of change of operating license under Section 59 of the Eleventh amendment to the Maldives Tourism Act, Law number 2/99 (Law number 8/2022);

(2) 1 January 2023.

4. Amend Section 3(c) and Section 3(d) of the aforementioned Regulation as follows:

(c) Even if a tourist resort, integrated tourist resort, tourist hotel, resort hotel, hotel, tourist guesthouse, tourist vessel or any such establishment which is required to register with the Ministry of Tourism, is operated without registering with that Ministry, the establishment or vessel shall be liable to submit the Green Tax return and pay Green Tax in accordance with the Act and this Regulation from the date of effect of this Regulation or, where the establishment or vessel commences operation after the date of effect of this Regulation, the date the establishment or vessel commenced operation.

(d) Even if an establishment or vessel specified in subsection (a) which is required to register with the Ministry of Tourism, is operated without registering with that Ministry, the establishment or vessel shall be registered for Green Tax from the date on which the establishment or vessel is liable to collect green tax under the Act, or, where the establishment or vessel commences operation after the date of commencement of green tax under the Act, the date the establishment or vessel commenced operation, and, the person operating such establishment or vessel shall be

liable to submit the Green Tax return and pay Green Tax in accordance with the Act and this Regulation.

5. Amend Section 5 of the aforementioned Regulation as follows:

- TIN**
5. All tourist resorts, integrated tourist resorts, tourist hotels, resort hotels, hotels, tourist vessels, tourist guesthouses and any such establishment registered under this Regulation shall be allocated a Taxpayer Identification Number (TIN).

6. Amend Section 6 of the aforementioned Regulation as follows:

- Green Tax Registration Certificate**
6. (a) Each tourist resort, integrated tourist resort, tourist hotel, resort hotel, hotel, tourist vessel, tourist guesthouse and any such establishment registered under this Regulation shall be provided with a Green Tax Registration Certificate.
- (b) All registered establishments and vessels shall display the Green Tax Registration Certificate provided by MIRA in a conspicuous place at the business premises to indicate that the establishment or vessel is registered for Green Tax.

7. Amend Section 7 of the aforementioned Regulation as follows:

- Deregistration**
7. A deregistration application shall be made by the operating license holder to MIRA in writing, within 15 (fifteen) days from the cancellation or transfer of the operating license of the tourist resort, integrated tourist resort, tourist hotel, resort hotel, hotel, tourist vessel, tourist guesthouse or any such establishment.

8. Amend Section 8 of the aforementioned Regulation as follows:

- Green Tax computation**
8. For the purposes of Section 35(g) and (h) of the Act, the amount of Green Tax payable shall be computed on the following basis:
- (a) Green Tax shall be charged from the time the tourist checks in to the tourist resort, integrated tourist resort,

tourist hotel, resort hotel, hotel, tourist vessel, tourist guesthouse or any such establishment.

- (b) Green Tax shall be charged by tourist resorts, integrated tourist resorts, tourist hotels, resort hotels, hotels, tourist vessels and other such establishments at the rate of 6 (six) United States Dollars for each 24 (twenty-four) hours of stay by the tourist at the establishment or vessel from the time specified in subsection (a). Green Tax shall be charged by tourist guesthouses at the rate of 3 (three) United States Dollars for each 24 (twenty-four) hours of stay by the tourist at the establishment from the time specified in subsection (a). However, a tourist shall be liable to pay Green Tax for the 24-hour block during which he checks out, only if he stayed at the establishment for at least 12 (twelve) hours within that 24-hour block.
- (c) Notwithstanding subsection (b), beginning from 1 January 2023, guesthouses with more than 50 (fifty) registered rooms and guesthouses operated in uninhabited islands shall charge green tax at the rate of 6 (Six) United States Dollars for each 24 (twenty-four) hours of stay by the tourist at the guesthouse from the time specified in subsection (a).
- (d) Notwithstanding subsection (b), beginning from 1 January 2023, hotels operated in inhabited islands and with 50 (fifty) registered rooms or less shall charge green tax at the rate of 3 (Three) United States Dollars for each 24 (twenty-four) hours of stay by the tourist at the hotel from the time specified in subsection (a).
- (e) Where a tourist does not check out by the end of a given month, Green Tax payable in respect of his stay for that month shall be computed based on the duration he stayed at the establishment during the 24-hour block in which 23:59 hrs of the last day of that month occurred. In this regard, Green Tax for that 24-hour block shall be payable in that month only if the tourist stayed at the establishment for at least 12 (twelve) hours from the commencement of that 24-hour block until 23:59 hrs of the last day of that month. Under other circumstances, Green Tax for that 24-hour block shall be payable in the subsequent month.

- (f) Where Green Tax in respect of a 24-hour block is payable in the subsequent month as specified in this section, Green Tax shall be charged at the rate effective on the date on which the first 12 (twelve) hours of that 24-hour block ends.
- (g) Subsection (e) shall not apply to foreign tourist vessels as Green Tax payable by foreign tourist vessels is not computed on a monthly basis.
- (h) Guests who stay at tourist establishments for free or on a complimentary basis shall also be required to pay Green Tax.

9. Amend Section 9(a) of the aforementioned Regulation as follows:

**Checking in
and checking
out**

- 9. (a) For the purposes of this Regulation, any person shall be considered to have checked in to a tourist resort, integrated tourist resort, tourist hotel, resort hotel, hotel, tourist vessel or tourist guesthouse or any other such establishment, when the person is recorded in the systems or documents of the establishment or vessel as a person staying at that establishment or vessel. The person shall be considered to have checked out when the person is recorded in the systems or documents as having checked out of that establishment or vessel.

10. Amend Section 9(f) of the aforementioned Regulation as follows:

- 9. (f) Where a person who checks out of a tourist resort, integrated tourist resort, tourist hotel, resort hotel, hotel, tourist vessel or a tourist guesthouse or other such establishment, subsequently checks in to that establishment or vessel within 12 hours of check out, such person shall not be deemed to have checked out. The amount of Green Tax payable by such person shall also be computed assuming that the person had not checked out of the establishment or vessel.

11. Insert a Section after Section 9 of the aforementioned Regulation as follows:

- Transitional matters** 9-1. For the purpose of Section 35(j) and Section 35(k) of the Act, Green Tax payable shall be computed in the following manner.
- (a) Green Tax collection shall be commenced from 21 September 2022.
 - (b) For the purpose of computing Green Tax, a person who stays at a tourist resort, tourist hotel, tourist guesthouse, or tourist vessel at 00:00 hrs of 21 September 2022, shall be considered to have checked in to the establishment or vessel at 00:00 hrs of 21 September 2022.
 - (c) Guest registration numbers used from 21 September 2022 onwards shall be a continuation of the guest registration numbers used until the beginning of 21 September 2022.
 - (d) Green Tax shall be computed in accordance with the general rules set out in Section 8 of this Regulation.

12. Amend Section 10 (a), (b) and (c) of the aforementioned Regulation as follows:

- Green Tax Return** 10. (a) Tourist resorts, integrated tourist resorts, tourist hotels, resort hotels, hotels, tourist vessels, tourist guesthouses and other such establishments shall compute their Green Tax liability, and file tax returns with MIRA, in accordance with the Act and this Regulation.
- (b) Tourist resorts, integrated tourist resorts, tourist hotels, resort hotels, hotels, tourist vessels, tourist guesthouses and other such establishments shall file a tax return for each calendar month on or before the 28th day of the subsequent month, using MIRA 501 (Green Tax Return) form.
 - (c) Tourist resorts, integrated tourist resorts, tourist hotels, resort hotels, hotels, tourist vessels, tourist guesthouses and other such establishments are required to file a Green Tax return with MIRA in accordance with subsection (b), even if the establishment or vessel is not in operation, or, even if guests do not stay in the establishment or vessel, for as long as the establishment or vessel is not deregistered from Green Tax.

13. Amend Section 11(b) of the aforementioned Regulation as follows:

11. (b) Notwithstanding subsection (a), the Commissioner General of Taxation shall have the discretion to accept Green Tax returns filed and payments made otherwise, upon request of the taxpayer. Under such circumstances, tax returns filed with MIRA by the registered person shall be signed by a person registered with MIRA through the MIRA 117 (Registration and Change of Information) form as a person authorized to sign tax returns on behalf of the registered person.

14. Amend Section 12(a) of the aforementioned Regulation as follows:

- Amending tax return** 12. (a) A tourist resort, integrated tourist resort, tourist hotel, resort hotel, hotel, tourist vessel or tourist guesthouse or any other such establishment may amend a Green Tax return submitted in accordance with Section 10 of this Regulation by filing an amended Green Tax return within 12 (twelve) months from the due date for filing that return.

15. Repeal Section 12(c), 12(d), 12(e) and 12(f) of the aforementioned Regulation.

12. (c) *[Repealed]*
- (d) *[Repealed]*
- (e) *[Repealed]*
- (f) *[Repealed]*

16. Amend Section 13(a) of the aforementioned Regulation as follows:

- Submission of Information Sheet** 13. (a) Every tourist resort, integrated tourist resort, tourist hotel, resort hotel, hotel, tourist vessel, tourist guesthouse and any other such establishment shall submit an Information Sheet to MIRA together with the Green Tax Return, in a format prescribed by MIRA. The Information Sheet shall contain information about all the guests who stayed at the establishment during the period.

17. Amend Section 14(a) of the aforementioned Regulation as follows:

- Payment of Green Tax** 14. (a) Tourist resorts, integrated tourist resorts, tourist hotels, resort hotels, hotels, tourist vessels, tourist guesthouses and other such establishments shall pay the amount of Green Tax payable for each month, to MIRA on or before the 28th day of the subsequent month.

18. Amend Section 17 of the aforementioned Regulation as follows:

- Payment of Green Tax charged by persons not permitted to charge Green Tax** 17. Where a person not permitted to charge Green Tax under the Act and this Regulation charges Green Tax, such amount shall be paid as tax to MIRA by the person specified in Section 35(i) of the Act.

19. Amend Section 18 of the aforementioned Regulation as follows:

- Record keeping** 18. In addition to the records required to be maintained in accordance with the Tax Administration Act (Law Number 3/2010) and the Tax Administration Regulation (Regulation Number 2013/R-45), tourist resorts, integrated tourist resorts, tourist hotels, resort hotels, hotels, tourist vessels, tourist guesthouses and other such establishments shall be required to maintain the following records
- (a) Guest register;
 - (b) Guest registration cards;
 - (c) Identification card copies or passport copies of Maldivians staying in the establishment or vessel as guests;
 - (d) Copies of visa of resident permit holders staying in the establishment or vessel as guests.

20. Amend the definition of “Person who operates” tourist resorts, tourist hotels, or tourist vessels in Section 22(a) of the aforementioned Regulation as follows:

22. (a) Person who “operates” a tourist resort, integrated tourist resort, tourist hotel, resort hotel, hotel, tourist vessel, tourist guesthouse or any other such establishment refers to the person to whom the operating license is issued by the Ministry of Tourism. This definition shall not apply to section 3(d) of this Regulation.

21. Amend the definition of “Green Tax” in Section 22(a) of the aforementioned Regulation as follows:

22. (a) “Green Tax” refers to the tax imposed pursuant to Section 35(g), 35(h), 35(j) and 35(k) of the Act.

22. This Regulation shall have effect from the date of its publication in the Government Gazette.