

HOTEL OCCUPANCY AND RESTAURANT
CONSUMPTION BILL, 2017

ARRANGEMENT OF SECTIONS

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**A BILL
FOR
A LAW TO IMPOSE TAX ON GOOD AND SERVICES
CONSUMED IN HOTELS, RESTAURANTS AND EVENTS
CENTRES WITHIN KWARA STATE**

Date of
Commencement

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BE IT ENACTED by the Kwara State House of Assembly and the authority of same as follows:

1.(1) A tax is imposed on any person (referred to in this Law as "the Consumer") who –
(a) pay for the use or possession or for the right to the use or occupation of any hotel, hotel facility or events centers: or

Imposition
of Tax.

(b) purchases consumable goods or services in any restaurant whether or not located within a hotel in Kwara State.

(2) The amount to which this tax applies shall be the cost of facilities, consumable or personal services supplied to a consumer in, by or on behalf of the hotel, restaurant or events centre.

2. The rate of tax imposed by this Law shall be five per cent of the total bill issued to the consumer, excluding Value Added Tax.

The rate of
tax.

3. A person owning, managing or controlling any business or supplying any goods or services chargeable under section 1 of the Law (referred to in this Law as the "Collecting Agent") shall collect of this, for and on behalf of the State, the tax imposed by this Law based on the total amount charged or payable by the consumer in accordance with the provisions of section 2 of this Law.

Collection
of tax.

4. The tax charged by this Law shall be under the care and management of the Kwara State Internal Revenue Service (KWIRS) (referred to in this Law as "The Service").

Administration.

5. (1) Any Hotel, Restaurant or other business affected by this Law shall, within thirty (30) days of the commencement of this Law or upon commencement of business, whichever is earlier, register with the Service for the purpose of this Law.

Registration.

- (1) Every Collecting Agent shall produce evidence of registration with the service as a condition precedent to any contractual relationship with the State Government or any of its Ministries, Departments, Parastatals or Local Government Authorities.

6. (1) Every Collecting Agent shall –

Report and
Remittance.

- (a) Keep, maintain and preserve such records, books and accounts in respect of all transactions chargeable under section 1 of this Law as the Service may prescribe and shall enter regular accounts of the tax collected from day to day.
- (b) Subject to the provisions of subsections (3) of this section, pay to the designated account of the State Government, the tax collected during the preceding reporting period and at the same time, file with the Service, a report stating—
 - (i) the total amount of payments made for all chargeable transactions during the preceding reporting period;
 - (ii) the amount of tax collected by the agent during the reporting period; and
 - (iii) any other information required by the Service to be included in the report.
- (2) For the purpose of these provisions, each calendar month is a reporting period and the taxes imposed and collected under this Law are due and payable on or before the 20th day of each calendar month.
- (3) The tax collected shall be a debt due to the State and recoverable by the Service from the collecting agents.

7. An officer of the Service –

Access to
Books and
Records

- (1) May enter without warrant, any premises on which he reasonably believes that a person is carrying on business in order to ascertain whether this Law is being complied with by the occupier of the premises or other person.
- (2) Shall at any reasonable time of the day be given access to all books and records of any hotel, restaurant or other establishment offering chargeable

goods and services for the purpose of verifying facts necessary to determine the amount due and payable to the Government under this Law.

8. Where a Collecting Agent fails to make a return or remittance as required by the provisions of this Law or where his returns are not substantiated by records, the Service may make an estimate of the total amount of tax due and may order him in writing to pay the estimated amount to the State Government within 21 days of the date of service of the order.

Payment of
Estimated
Amount.

9. The service may from time to time by order published in the Gazette issuerules and regulations for the determination, collection, and remittance of taxes due and for the proper administration of this Law.

Regulations.

10. All taxes that are not remitted to the designated account of the Government within the time allowed, shall in addition to other penalties prescribed by this Law, bear interest at the rate of five per cent per annum above the prevailing Central Bank of Nigeria Minimum Rediscount Rate as determined at the time of actual remittance.

Interest on
Remittance.

11. (1) If a Collecting Agent fails to file a report and remit taxes (the goodsand services tax) collected within the time allowed by section 6(2) of this Law, that Agent shall, in addition to interest payable under section 10 of this Law, pay a Penalty of ten per cent of the amount of tax due.

Penalties.

(2) Any Director, Manager, Agent or Employee of the Collecting Agentwho fails to comply with the provisions of this Law, shall be guilty of an offence and liable on conviction to a penalty of six months imprisonment or a fine of not more than two million Naira (N2,000,000.00) or both.

12. (1) Whena hotel, restaurant or other facility covered by this Law is soldor otherwise disposed of, the transferee shall withhold such amount of the purchase price or other consideration as is sufficient tooffset all payments already due to the Government under the provisions of this Law, unless the transferor has first provided a receipt issued by the Service showing that the amount due at the date of transfer had been paid or that no amount was due.

Tax
Collection on
Determinatio
or Transfer of
Business.

(2) A transferee of a chargeable facility who fails to comply with the provisions of subsection (I) of this section shall be liable to pay the amount due to the designated Government account and the provisions of sections 10 and 11

