

- (4) “**Capital items**” is defined as all materials, acquired by an IPP in paragraph (1) including usual construction and building materials, plant, equipment, furniture and fixtures.
- (5) That this Order shall come into force on the date of gazettal.

Made at Nuku’alofa this 15th day of February 2021.

Hon. Tevita Lavemaau

Minister of Revenue and Customs

TONGA GOVERNMENT GAZETTE SUPPLEMENT EXTRAORDINARY

No.6

18 February

2021.

CONSUMPTION TAX ACT [CAP 11.01]

(Section 5(3) (a))

ORDER

IN EXERCISE of the powers conferred by section 5(3)(a) of the Consumption Tax Act [Cap 11.01], the Minister of Revenue and Customs, with the approval of Cabinet makes the following Order:

- (1) All capital items imported by the Independent Power Producer Green Energy Technology Limited (“IPP”), a registered company in Tonga, as certified by the Ministry of Revenue and Customs -
 - (a) shall be exempt from consumption tax commencing from the Commencement Date of the Deed of Agreement between the IPP in paragraph (1) and the Tonga Power Limited executed in New Zealand on 8 November 2019 but shall expire after 2 years; and
 - (b) for the continuing maintenance of the IPP in paragraph (1), shall be exempt from consumption tax commencing immediately after the 2 years referred to in paragraph (a) but shall expire after 15 years.
- (2) All vehicles imported by the IPP for the purposes of construction and installation works verified and approved by the Ministry of Revenue and Customs, shall be exempt from consumption tax commencing from the Commencement Date of the Deed of Agreement between the IPP and Tonga Power Limited executed in New Zealand, but shall expire after 2 years.
- (3) For the avoidance of doubt, the exemption in paragraph (1)(b) shall not apply to capital items imported to replace capital items which had already been subject to an exemption under paragraph (1)(a).

LAO KI HE TUKUHAU NGAUE'AKI [VAHE 11.01]**(Kupu 5(3)(a))****TU'UTU'UNI**

'I HONO NGAUE'AKI 'o e ngaahi mafai kuo foaki 'e he kupu 5(3) (a) 'o e Lao ki he Tukupau Ngaue'aki [Vahe 11.01], 'oku fa'u ai 'e he Minisita Tanaki Pa'anga Hu Mai mo e Tute, 'i he loto ki ai 'a e Kapineti 'a e Tu'utu'uni ko eni:

- (1) Ko e ngaahi koloa lalahi kotoa 'e hu mai 'e he Independent Power Producer Green Energy Technology Limited ("IPP"), 'a ia ko e kautaha kuo lesisita 'i Tonga, 'i hono fakangofua 'e he Potungaue Tanaki Pa'anga Hu Mai mo e Tute -
 - (a) kuo pau ke faka'ata mei he tukupau ngaue'aki 'o kamata ngaue'aki mei he 'Aho 'e Kamata Ngaue'aki ai 'a e Aleapau 'i he vaha'a 'o e IPP 'i he palakalafi (1) mo e Kautaha 'Uhila 'a Tonga, 'a ia na'e fakamo'oni 'i Nu'usila 'i he 'aho 8 'o Novema 2019 ka kuo pau ke ngata hili ha ta'u 'e 2; pea
 - (b) koe'uhi ko e hokohoko atu 'o e ngaahi ngaue langa fakalalakala ki he IPP 'i he palakalafi (1), kuo pau ke faka'ata mei he tukupau ngaue'aki 'o kamata ngaue'aki hili pe 'a e ta'u 'e 2 'oku 'uhinga ki ai 'i he palakalafi (a) ka kuo pau ke ngata hili ha ta'u 'e 15.
- (2) Ko e ngaahi saliate misini kotoa 'e hu mai 'e he IPP koe'uhi ko e ngaahi taumu'a langa mo e ngaahi ngaue fokotu'u kuo fakangofua pea tali 'e he Potungaue Tanaki Pa'anga Hu Mai mo e Tute, kuo pau ke faka'ata mei he tukupau ngaue'aki 'o kamata ngaue'aki mei he 'Aho 'e Kamata Ngaue'aki ai 'a e Aleapau 'i he vaha'a 'o e IPP mo e Kautaha 'Uhila 'a Tonga 'a ia na'e fakamo'oni 'i Nu'usila, ka kuo pau ke ngata 'i he hili ha ta'u 'e 2.
- (3) Koe'uhi ke oua 'e toe 'i ai ha tala'a, ko e faka'ata ko ia 'i he palakalafi (1)(b) kuo pau 'e 'ikai ngaue'aki ki he ngaahi koloa lalahi 'oku hu mai ke fetongi 'aki 'a e ngaahi koloa lalahi 'a ia kuo faka'ata 'i he palakalafi (1)(a).
- (4) **"Ngaahi koloa lalahi"** 'oku 'uhinga ia ki he ngaahi naunau kotoa, 'oku ma'u mai 'e he IPP 'i he palakalafi (1) kau ki ai 'a e ngaahi naunau langa

mo e naunau langa fale, me'angaue, misini, me'angaue, koloa fale mo e ngaahi naunau ke fokotu'u a ngamaheni.

- (5) Kuo pau ke kamata ngaue'aki 'a e tu'utu'uni ko eni 'i he 'aho 'o e kasete.

Fakahoko 'i Nuku'alofa 'i he 'aho **15** 'o **Fepueli** 2021.

Hon. Tevita Lavemaau

Minisita Tanaki Pa'anga Hu Mai mo e Tute

CUSTOMS ACT [CAP 11.02]**(Section 3(1)(b))****ORDER**

IN EXERCISE of the powers conferred by section 3 (1) (b) of the Customs Act [Cap 11.02], the Minister responsible for Revenue and Customs, with the approval of Cabinet makes the following Order –

- (1) All capital items imported by the Independent Power Producer Green Energy Technology Limited (“IPP”), a registered company in Tonga, as certified by the Ministry of Revenue and Customs -
 - (a) shall be exempt from consumption tax commencing from the Commencement Date of the Deed of Agreement between the IPP in paragraph (1) and the Tonga Power Limited executed in New Zealand on 8 November 2019 but shall expire after 2 years; and
 - (b) for the continuing maintenance of the IPP in paragraph (1), shall be exempt from customs duty commencing immediately after the 2 years referred to in paragraph (a) but shall expire after 15 years.
- (2) All vehicles imported by the IPP for the purposes of construction and installation works verified and approved by the Ministry of Revenue and Customs, shall be exempt from customs duty commencing from the Commencement Date of the Deed of Agreement between the IPP and Tonga Power Limited executed in New Zealand, but shall expire after 2 years.
- (3) For the avoidance of doubt, the exemption in paragraph (1)(b) shall not apply to capital items imported to replace capital items which had already been subject to an exemption under paragraph (1)(a).
- (4) **“Capital items”** is defined as all materials, acquired by an IPP in paragraph (1) including usual construction and building materials, plant, equipment, furniture and fixtures.

(5) That this Order shall come into force on the date of gazettal.

Made at Nuku’alofa this **15th** day of **February** 2021.

Hon. Tevita Lavemaau
Minister of Revenue and Customs

LAO KI HE TUTE [CAP 11.02]**(Kupu 3(1)(b))****TU'UTU'UNI**

'I HONO NGAUE 'AKI 'o e ngaahi mafai kuo foaki 'e he kupu 3(1)(b) 'o e Lao ki he Tute [Vahe 11.02], 'oku fa'u ai 'e he Minisita Tanaki Pa'anga Hu Mai mo e Tute, 'i he loto ki ai 'a e Kapineti 'a e Tu'utu'uni ko eni

(1) Ko e ngaahi koloa lalahi kotoa 'e hu mai 'e he Independent Power Producer Green Energy Technology Limited ("IPP"), 'a ia ko e kautaha kuo lesisita 'i Tonga, 'i hono fakangofua 'e he Potungaue Tanaki Pa'anga Hu Mai mo e Tute -

(a) kuo pau ke faka'ata mei he tute kasitomu 'o kamata ngaue 'aki mei he 'Aho 'e Kamata Ngaue 'aki ai 'a e Aleapau 'i he vaha'a 'o e IPP 'i he palakalafi (1) mo e Kautaha 'Uhila 'a Tonga, 'a ia na'e fakamo'oni 'i Nu'usila 'i he 'aho 8 Novema 2019 ka kuo pau ke ngata hili ha ta'u 'e 2; pea

(b) koe'uhi ko e hokohoko atu 'o e ngaahi ngaue langa fakalalakala ki he IPP 'i he palakalafi (1), kuo pau ke faka'ata mei he tute kasitomu 'o kamata ngaue 'aki hili pe 'a e ta'u 'e 2 'oku 'uhinga ki ai 'i he palakalafi (a) ka kuo pau ke ngata hili ha ta'u 'e 15.

(2) Ko e ngaahi saliote misini kotoa 'e hu mai 'e he IPP koe'uhi ko e ngaahi taumu'a langa mo e ngaahi ngaue fokotu'u kuo fakangofua pea tali 'e he Potungaue Tanaki Pa'anga Hu Mai mo e Tute, kuo pau ke faka'ata mei he tute kasitomu 'o kamata ngaue 'aki mei he 'Aho 'e Kamata Ngaue 'aki ai 'a e Aleapau 'i he vaha'a 'o e IPP mo e Kautaha 'Uhila 'a Tonga 'a ia na'e fakamo'oni 'i 'Aokalani, ka kuo pau ke ngata 'i he hili ha ta'u 'e 2.

(3) Koe'uhi ke 'oua 'e to'e 'i ai ha tala'a, ko e faka'ata ko ia 'i he palakalafi (1)(b) kuo pau 'e 'ikai ngaue 'aki ki he ngaahi koloa lalahi 'oku hu mai ke fetongi 'aki 'a e ngaahi koloa lalahi 'a ia kuo faka'ata 'i he palakalafi (1)(a).

(4) **"Ngaahi koloa lalahi"** 'oku 'uhinga ia ki he ngaahi naunau kotoa, 'oku ma'u mai 'e he IPP 'i he palakalafi (1) kau ki ai 'a e ngaahi naunau langa mo e naunau langa fale, me'angaue, misini, me'angaue, koloa fale mo e ngaahi naunau ke fokotu'u angamaheni.

(5) Kuo pau ke kamata ngaue 'aki ^'a e tu'utu'uni ko eni 'i he 'aho 'o e kasete.

Fakahoko 'i Nuku'alofa 'i he 'aho **15** 'o **Fepueli** 2021.

Hon. Tevita Lavemaau

Minisita Tanaki Pa'anga Hu Mai mo e Tute

EXCISE TAX ACT [CAP 11.04]**(Section 3(1)(c))****ORDER**

IN EXERCISE of the powers conferred by section 3(1)(c) of the Excise Tax Act [Cap. 11.04], the Minister responsible for revenue and customs, with the approval of Cabinet, makes the following Order

–

- (1) All vehicles imported by the Independent Power Producer Green Energy Technology Limited (“IPP”) for the purposes of construction and installation works verified and approved by the Ministry of Revenue and Customs, shall be exempt from excise tax commencing from the Commencement Date of the Deed of Agreement between the IPP and Tonga Power Limited executed in New Zealand, but shall expire after 2 years.
- (2) That this Order shall come into force on the date of gazettal.

Made at Nuku'alofa this 15th day of **February** 2021.

Hon. Tevita Lavemaau
Minister of Revenue and Customs

LAOKIHE TUKUHAU 'EKISIA [VAHE 11.04]**(Kupu 3(1)(c))****TU'UTU'UNI**

'I HONO NGAUE 'AKI 'o e ngaahi mafai kuo foaki 'e he kupu 3 (1) (c) 'o e Lao ki he Tukupau 'Ekisia [Vahe 11.04], 'oku fa'u ai 'e he Minisita Tanaki Pa'anga Hu Mai mo e Tute, 'i he loto ki ai 'a e Kapineti 'a e Tu'utu'uni ko eni –

- (1) Ko e ngaahi saliote misini kotoa 'e hu mai 'e he Independent Power Producer Green Energy Technology Limited (“IPP”) koe'uhi ko e ngaahi taumu'a langa mo e ngaahi ngaue fokotu'u kuo fakangofua pea tali 'e he Potungau Tanaki Pa'anga Hu Mai mo e Tute, kuo pau ke faka'ata mei he tukuhau 'ekisia 'o kamata ngaue 'aki mei he 'Aho 'e Kamata Ngaue'aki ai 'a e Aleapau 'i he vaha'a 'o e IPP mo e Kautaha 'Uhila 'a Tonga 'a ia na'e fakamo'oni ^i ^Nu'usila, ka kuo pau ke ngata 'i he hili ha ta'u 'e 2.
- (2) Kuo pau ke kamata ngaue 'aki ^a e tu'utu'uni ko 'eni 'i he 'aho 'o e kasete.

Fakahoko 'i Nuku'alofa 'i he 'aho 15 'o **Fepueli** 2021.

Hon. Tevita Lavemaau
Minisita Tanaki Pa'anga Hu Mai mo e Tute

INCOME TAX ACT [CAP 11.05]

(Section 5(1))

ORDER

IN EXERCISE of the powers conferred by section 5(1) of the Income Tax Act [Cap. 11.05], the Minister responsible for revenue and customs, with the approval of Cabinet, makes the following Order –

- (1) That the Independent Power Producer, Green Energy Technology Limited shall be exempted from corporate income tax from the date of the gazettal of this Order until 2035;
- (2) That any income tax (including capital gains tax) and non-resident withholding tax payable by the Independent Power Producer Green Energy Technology Limited (“IPP”) shall be revoked commencing from the date of the licence granted by Tonga Power Limited in an Agreement between the IPP and Tonga Power Limited executed in New Zealand on 8 November 2019 and shall expire after 15 years;
- (3) For the avoidance of doubt -
 - (a) the IPP shall still be required to lodge income tax returns and non-resident withholding tax returns for each financial year in accordance to the tax laws of the Kingdom of Tonga; and
 - (b) Tongan nationals, citizens and residents who are employees, contractors, sub-contractors and suppliers shall remain subject to the tax laws of the Kingdom of Tonga in respect of income earned.

(1) This Order shall come into force on the date of gazettal

Made at Nuku'alofa this 15th day of February 2021 .

Hon. Tevita Lavemaau

Minister of Revenue and Customs

**LAO KI HE TUKUHAU PA'ANGA HU MAI
[VAHE11.05]****(Kupu 5(1))****TU'UTU'UNI**

'I HONO NGAUE'AKI 'o e ngaahi mafai kuo foaki 'e he kupu 5(1) 'o e Lao ki he Tuhau Pa'anga Hu Mai [Vahe 11.05], 'oku fa'u ai 'e he Minisita 'oku ne tokangaekina 'a e tanaki pa'anga hu mai mo e tute, 'i he loto ki ai 'a e Kapineta, 'a e Tu'utu'uni ko eni –

- (1) Kuo pau ke faka'ata 'a e Independent Power Producer, Green Energy Technology Limited mei he tuhau pa'anga hu mai fakakautaha 'o kamata mei he 'aho 'e kasete ai 'a e Tu'utu'uni ko eni 'o ngata ki he 2035;
- (2) Kuo pau ke kaniseli ha tuhau pa'anga hu mai ('o kau ai 'a e tuhau ki he ngaahi tupu mei he koloa) mo e ta'ofi tuhau 'a e taha 'ikai nofo fonua 'e hilifaki ki he Independent Power Producer, Green Energy Technology Limited (IPP) 'o kamata mei he 'aho laiseni 'a ia 'e foaki 'e he Kautaha^Uhila 'a Tonga 'i he Tohi Alepau 'i he vaha'a 'o e IPP mo e Tonga Power Limited na'e fakamo'oni 'i Nu'usila 'i he 'aho 8 Novema 2019 pea kuo pau ke ngata hili 'a e ta'u 'e 15;
- (3) Koe'uhi ke 'oua 'e toe 'i ai ha tala'a:
 - (a) kuo pau ke kei fakahu pe 'e he IPP 'a 'ene ngaahi fakamatala tuhau pa'anga hu mai mo e fakamatala tuhau ta'ofi 'a e taha 'ikai nofo fonua ki he ta'u fakapa'anga taki taha 'o fakatata ki he Lao 'o Tonga; pea
 - (b) 'e kei ngaue'aki pe 'a e ngaahi lao Tuhau 'o e Pule'anga 'o Tonga fekau'aki mo e pa'anga hu mai ki he kakai Tonga kotoa pe, ko e tangata'i fonua pe kakai nofo fonua 'a ia ko e kau ngaue, kau ngaue alepau (contractors), kau ngaue alepau (sub-contractors) mo e ni'ihiki tuku atu
- (4) Kuo pau ke kamata ngaue'aki 'a e tu'utu'uni ko eni 'i he 'aho 'o e kasete.

Fakahoko 'i Nuku'alofa 'i he 'aho **15** 'o **Fepueli** 2021.

Hon. Tevita Lavemaau

Minisita Tanaki Pa'anga Hu Mai mo e Tute

BY AUTHORITY

'Aloisio 'Alipate Tavo, General Manager, Tonga Post Ltd