

- (c) the VAT is payable in priority to the satisfaction of the debt and the return to the debtor of any part of the proceeds that is surplus to the debt.

(2) The debtor is jointly and severally liable with the creditor for the VAT payable.

(3) A creditor who is not registered but is required to pay VAT because of this section shall pay the VAT at such time, and in such manner and mode, as prescribed by the regulations.

PART IV - TAXABLE SUPPLIES AND TAXABLE IMPORTS

152. Taxable supply of goods or services

(1) A taxable supply of goods is a supply of goods, other than an exempt supply, in The Gambia by a registered person in connection with the carrying on of a business.

(2) A taxable supply of services is—

(a) a supply of services, other than an exempt supply, in The Gambia by a registered person in connection with the carrying on of a business; or

(b) a taxable supply of imported services.

(3) A supply of goods or services is made by a registered person in connection with the carrying on of a business if the supply is made as part of, or incidental to, any independent economic activity of the person, whatever the purpose or results of that activity.

(4) Subject to subsection (6), "economic activity" means—

(a) an activity carried on continuously or regularly by a person, which involves or is intended to involve the supply of goods or services, including —

(i) an activity carried on in the form of a business, profession, vocation, trade, manufacture, or undertaking of any kind, whether or not the activity is undertaken for profit; and

(ii) a supply of property by way of lease, hire, licence, or similar arrangement; and

(b) a one-off adventure or concern in the nature of a trade.

(5) Anything done during or in respect of the commencement or termination of an economic activity is part of the economic activity.

(6) The following are not an economic activity—

(a) the activities of an employee providing services in that capacity to an employer;

(b) except where the activity is carried on as a business—

(i) a private recreational pursuit or hobby of an individual; or

(ii) an activity of a person other than an individual that is essentially carried on as a private recreational pursuit or hobby of a member or owner of the person, or of an associate;

(c) an activity carried on by an individual, a partnership, or by a body of persons all of the members of which are individuals, without a reasonable expectation of profit; or

(d) activities carried on by a government entity, excluding—

(i) activities that involve making supplies of goods or services that are also supplied, or likely to be supplied, in The Gambia on a commercial basis by persons other than the Government; and

(ii) other activities as may be prescribed by regulations.

(7) The fact that it is illegal to carry on an activity does not prevent the activity being an economic activity.

(8) A taxable supply of imported services is a supply of services (other than services of a kind that would be exempt or zero-rated if supplied in the Gambia) to a registered resident person (the "recipient") by a non-resident person which are not considered as made in The Gambia under section 158 or 159, to the extent that the recipient—

(a) uses the services in The Gambia; and

(b) would not be entitled to an input credit for the full amount of VAT relating to the supply if the supply were considered as made in The Gambia.