

(9) If an event referred to in section 167(1) occurs in relation to a supply of imported services that is, or would be because of the event, a taxable supply, the recipient of the supply of services is treated as if it were also the supplier of the services.

### 153. Sale of an economic activity as a going concern

(1) Where a registered person makes supplies in The Gambia as part of a transaction for the supply of an economic activity as a going concern by that registered person to another registered person—

- (a) the supplies are treated as a single supply; and
- (b) that single supply is treated as if it were not a supply.

(2) An economic activity is supplied as a going concern if—

- (a) everything necessary for the continued operation of the economic activity is supplied to the person to whom the economic activity is supplied; and
- (b) the acquirer makes the acquisition in the course of, or for the purposes of, an economic activity it carries on or will carry on after the supply.

(3) Part of an economic activity is itself an economic activity if that part is capable of separate operation.

(4) For the purposes of working out the supplier's entitlement to input tax credits—

- (a) any input tax incurred in acquiring goods or services for the purposes of making the transfer —
  - (i) if the supplier otherwise makes only taxable supplies, is treated as relating to those supplies;
  - (ii) in any other case, is calculated in accordance with section 177; and
- (b) the value of the supply of the going concern is not included in any calculations made under section 177.

(5) From the date of the transfer, the acquirer is treated as the successor of the supplier and the Minister may make such

regulations as are necessary to ensure that the supplier provides the acquirer with the information necessary to comply with this Chapter accordingly.

(6) The supplier and the acquirer are jointly and severally liable for any VAT payable in connection with the economic activity being supplied.

### 154. Exempt supply

To the extent provided in regulations, any of the following is an exempt supply: a supply of —

- (a) subject to paragraph (b), financial services, excluding financial services rendered for a fee, commission, or a similar charge;
- (b) life insurance, health insurance and reinsurance in respect of life or health insurance, whether or not rendered for a fee, commission or a similar charge;
- (c) education services;
- (d) medical, dental, optical and veterinary services, as prescribed in regulations;
- (e) prescription drugs, as prescribed in regulations;
- (f) services provided in and by nursing homes for persons who need permanent care;
- (g) the rental or supply of residential property described in section 115;
- (h) unprocessed agricultural and aquaculture products, supplied by the producer;
- (i) basic foods;
- (j) inputs to agriculture and aquaculture, such as fertilizer, seeds, fishing nets and machinery exclusively used in agriculture or aquaculture;
- (k) domestic passenger transport, other than —
  - (i) transport by air or water (except for ferries operated by a public authority or a public authority/private person joint venture); or