

MALTA

ATT Nru. XIII ta' l-1992

ATT mahruġ b'ligi mill-Parlament ta' Malta.

ATT biex jemenda l-Att dwar it-Taxxa fuq l-*Income*, Kap. 123.

ACT No. XIII of 1992

AN ACT enacted by the Parliament of Malta.

AN ACT to amend the Income Tax Act, Cap. 123.

Naghti l-kunsens tiegħi.

(L.S.)

ĊENSU TABONE
President

28 ta' Lulju, 1992

ATT Nru. XIII ta' l-1992

ATT biex jemenda l-Att dwar it-Taxxa fuq l-Income, Kap. 123.

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità ta' l-istess, hareġ b'ligi dan li ġej:—

1. Dan l-Att jista' jissejjaħ l-Att ta' l-1992 li jemenda l-Att dwar it-Taxxa fuq l-*Income*, u għandu jinqara u jftiehem haġa waħda ma' l-Att dwar it-Taxxa fuq l-*Income* hawnhekk iżjed 'il quddiem imsejjaħ "l-Att prinċipali".

Titolu fil-qosor
u bidu fis-seħħ
Kap. 123.

(2) Id-disposizzjonijiet ta' dan l-Att għandhom jibdew isehhu kif ġej:

(a) id-disposizzjonijiet ta' dan l-artikolu u ta' l-artikoli 3, 4, 5 u 6 għandhom jibdew isehhu mal-pubblikazzjoni ta' dan l-Att fil-Gazzetta; u

(b) id-disposizzjonijiet ta' l-artikolu 2 għandhom jibdew isehhu mal-pubblikazzjoni ta' dan l-Att fil-Gazzetta, dwar is-sena ta' stima li tibda fl-1 ta' Jannar, 1993 u dwar is-snin sussegwenti ta' stima.

2. Is-subartikolu (1) ta' l-artikolu 11 ta' l-Att prinċipali għandu jġi emendat kif ġej:

Emenda ta'
l-artikolu 11
ta' l-Att
prinċipali.

(a) fil-paragrafu (l) tiegħu, minflok il-kliem "tmintax-il lira Maltija" għandhom jidhru l-kliem "tletin lira Maltija"; u

(b) minnufih wara l-paragrafu (o) tiegħu għandu jidhol dan il-paragrafu ġdid li ġej —

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“(p) dividendi mħallsa lil individwu dwar ishma li jkollu f'kumpannija li jkollha l-*istatus* ta' kumpannija kwotata għall-finijiet ta' l-Att ta' l-1990 dwar il-Borża ta' Malta, iżda d-disposizzjonijiet tal-paragrafu (l) ta' dan is-subartikolu għandhom japplikaw *mutatis mutandis* għal dan il-paragrafu.”.

Emenda ta'
l-artikolu 63
ta' l-Att
prinċipali.

3. Minnufih wara l-kliem “u għat-taxxa stabbilita b'dawk l-istimi.” fis-subartikolu (1) ta' l-artikolu 63 ta' l-Att prinċipali, għandhom jiżdedu dawn il-kliem li ġejjin: “Id-disposizzjonijiet tal-paragrafu (b) tas-subartikolu (2) ta' l-artikolu 62 ta' dan l-Att għandhom japplikaw għal stima magħmula mill-Kummissarju taħt dan is-subartikolu.”.

Emenda ta'
l-artikolu 64
ta' l-Att
prinċipali.

4. Minnufih wara s-subartikolu (2) ta' l-artikolu 64 ta' l-Att prinċipali, għandu jidhol is-subartikolu li ġejj:

“(3) Minkejja kull disposizzjoni oħra ta' dan l-Att fejn aktar minn tmien snin ikunu għaddew minn għeluq is-sena ta' stima li għaliha tkun tapplika stima magħmula mill-Kummissarju qabel l-1 ta' Jannar, 1992 u dik l-istima tkun għadha mhux finali u konklussiva skond l-artikolu 70 ta' dan l-Att, u l-Kummissarju jkun jidhirlu li dik l-istima tkun invalida jew bla effett minhabba xi żball, difett jew ommissjoni mill-Kummissarju fl-għemil ta' dik l-istima jew fl-avviż t'hekk, il-Kummissarju jista' fi żmien ħames snin mill-1 ta' Jannar, 1992 jew fi żmien sentejn mid-data li t-*taxpayer* japplika bil-miktub lill-Kummissarju fejn jindika bħala raġuni oħra għal oġġezzjoni dak l-iżball, difett jew ommissjoni, jagħmel stima ġdida, skond l-artikolu 62 ta' dan l-Att għas-sena ta' stima in kwestjoni u d-disposizzjonijiet ta' dan l-Att dwar l-avviż ta' stima, appelli u proċeduri oħra ta' dan l-Att għandhom japplikaw għal dik l-istima u għat-taxxa stabbilita bis-saħħa tagħha.”.

Emenda ta'
l-artikolu 68
ta' l-Att
prinċipali.

5. Fil-paragrafu (b) ta' l-artikolu 68 ta' l-Att prinċipali, wara l-kliem “jew tas-subartikolu (3) ta' l-artikolu 62” għandhom jiżdedu l-kliem “jew tas-subartikolu (1) ta' l-artikolu 63”.

Emenda ta'
l-artikolu 71
ta' l-Att
prinċipali.

6. Minnufih wara s-subartikolu (3) ta' l-artikolu 71 ta' l-Att prinċipali, għandu jiżded dan is-subartikolu li ġejj:

“(4) Meta jkun tressaq xi appell minn xi stima magħmula mill-Kummissarju u dik l-istima tiġi b'deċiżjoni jew sentenza finali dikjarata invalida jew bla effett, il-Kummissarju jista', fi żmien sena mid-deċiżjoni jew sentenza skond il-każ, fejn stima ġdida ma tistax tinhareg taħt xi provvedimenti iehor taħt dan l-Att, jagħmel stima ġdida dwar it-*taxpayer* fuq l-*income* kollu jew xi parti mill-*income* taxxabli tat-*taxpayer* kif dikjarat mit-*taxpayer* għas-sena ta' stima

in kwestjoni li dwarha ma tkunx giet maghmula stima valida; u d-disposizzjonijiet ta' dan l-Att dwar avviż ta' stima, appell u proċeduri oħra taht dan l-Att ghandhom japplikaw għal dik l-istima u għat-taxxa stabbilita bis-sahha tagħha, jekk ikun il-każ.”.

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 40 ta' l-20 ta' Lulju, 1992.

LAWRENCE GONZI
Speaker

RICHARD J. CAUCHI
Skrivan tal-Kamra tad-Deputati.

I assent.

(L.S.)

ĊENSU TABONE
President

28th July, 1992

ACT No. XIII of 1992

AN ACT to amend the Income Tax Act, Cap. 123.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title
and
commencement.
Cap. 123.

1. (1) This Act may be cited as the Income Tax (Amendment) Act, 1992, and shall be read and construed as one with the Income Tax Act hereinafter referred to as “the principal Act”.

(2) The provisions of this Act shall come into force as follows:

(a) the provisions of this section and of sections 3, 4, 5 and 6 shall come into force upon the publication of this Act in the Gazette; and

(b) the provisions of section 2 shall come into force upon the publication of this Act in the Gazette, in respect of the year of assessment commencing on the 1st January, 1993 and of subsequent years of assessment.

Amendment
of section 11
of the
principal Act.

2. Subsection (1) of section 11 of the principal Act shall be amended as follows:

(a) in paragraph (l) thereof for the words “eighteen Maltese liri” there shall be substituted the words “thirty Maltese liri”; and

(b) immediately after paragraph (o) thereof there shall be inserted the following new paragraph —

“(p) dividends paid to an individual in respect of shares held in a company which has the status of a quoted company for the purposes of the Malta Stock Exchange Act, 1990, provided that the provisions of paragraph (l) of this subsection shall apply *mutatis mutandis* to this paragraph.”.

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3. Immediately after the words “and to the tax charged thereunder.” in subsection (1) of section 63 of the principal Act, there shall be added the following words: “The provisions of paragraph (b) of subsection (2) of section 62 of this Act shall apply to an assessment made by the Commissioner under this subsection.”.

Amendment
of section 63
of the
principal Act.

4. Immediately after subsection (2) of section 64 of the principal Act, there shall be added the following new subsection:

Amendment
of section 64
of the
principal Act.

“(3) Notwithstanding the other provisions of this Act where more than eight years have elapsed since the expiration of the year of assessment to which an assessment raised by the Commissioner before 1st January, 1992 refers and such assessment is still not final and conclusive in terms of section 70 of this Act, and it appears to the Commissioner that such assessment may be invalid or void because of any mistake, defect or omission by the Commissioner in making such assessment or in the notice thereof, the Commissioner may within five years from 1st January, 1992 or within two years from the date the taxpayer applies to the Commissioner in writing indicating as a further ground of objection such mistake, defect or omission raise a new assessment in terms of section 62 of this Act for the year of assessment in question and the provisions of this Act as to notice of assessment, appeal and other proceedings under this Act shall apply to such an assessment and to the tax charged thereon.”.

5. In paragraph (b) of section 68 of the principal Act, after the words “or of subsection (3) of section 62” there shall be added the words “or of subsection (1) of section 63”.

Amendment
of section 68
of the
principal Act.

6. Immediately after subsection (3) of section 71 of the principal Act, there shall be added the following subsection:

Amendment
of section 71
of the
principal Act.

“(4) Where any appeal has been entered from any assessment raised by the Commissioner and such assessment is by final decision or judgement declared invalid or void, the Commissioner may, within one year of the final decision or judgement as the case may be, where a new assessment cannot be issued under any other provision of this Act, raise a new assessment on the taxpayer on all or any part of the chargeable income of the taxpayer as declared by the taxpayer for the year of assessment in

question upon which no valid assessment has been raised; and the provision of this Act as to notice of assessment, appeal and other proceedings under this Act shall apply to such assessment and to any tax chargeable thereunder.”.

Passed by the House of Representatives at Sitting No. 40 of the 20th July, 1992.

LAWRENCE GONZI
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives.

