

MALTA

**ATT Nru. XXII ta' l-1995**

**ACT No. XXII of 1995**

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

AN ACT enacted by the Parliament of Malta.

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

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

Naghti l-kunsens tieghi.

(L.S.)

UGO MIFSUD BONNICI  
President  
28 ta' Lulju, 1995

**ATT Nru. XXII ta' l-1995**

*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. (1) Dan l-Att jista' jissejjah l-Att ta' l-1995 li jemenda l-Att dwar it-Taxxa fuq l-Income, u għandu jinqara u jiftiehem haġa wahda ma' l-Att dwar it-Taxxa fuq l-Income, hawnhekk iżjed, 'il quddiem imsejjah "l-Att prinċipali".

Titolu fil-qosor u bidu fis-sehh.

Kap. 123.

(2) L-artikoli 4 u 6 ta' dan l-Att għandhom jibdeu isehhu hekk kif dan l-Att jiġi pubblikat fil-Gazzetta għar-rigward tas-sena ta' stima li tibda fl-1 ta' Jannar 1996 u s-snin ta' stima li jiġu wara.

2. Minflok il-paragrafu (b) tas-subartikolu (6) ta' l-artikolu 5 ta' l-Att prinċipali, għandu jidhol dan li ġej:

Emenda ta' l-artikolu 5 ta' l-Att prinċipali.

“(b) it-trasferiment ta' titoli elenkati fil-Borża ta' Malta; u”.

3. Minnufih wara l-artikolu 9 ta' l-Att prinċipali għandu jiżdied dan l-artikolu ġdid li ġej:

Żieda ta' l-artikolu 9A ġdid ma' l-Att prinċipali.

"Dikjarazzjoni  
Spontanja ta'  
*Income*  
Mhux  
Dikjarat.

9A. (1) Minkejja kull dispożizzjoni oħra ta' l-Atti dwar it-Taxxi, persuna, minbarra l-prospett għas-sena ta' stima 1995, tista' tippreżenta wkoll Dikjarazzjoni Spontanja fuq il-formola preskritta u l-*income* ta' dik il-persuna taht l-artikoli 4 u 5 ta' dan l-Att għas-snin ta' stima li jiġu qabel is-sena ta' stima msemmija għandu jitqies bħala l-*income* kif maħdum skond id-dispożizzjonijiet li ġejjin ta' dan l-artikolu.

(2) Id-Dikjarazzjoni Spontanja għandha turi bħala *income* taht is-subartikolu (1) ta' l-artikolu 4 ta' dan l-Att għas-snin ta' stima 1994, 1993, 1992 u 1991 ammont bażat fuq dikjarazzjoni vera ta' l-*income* dikjarat minn dik il-persuna taht l-imsemmi subartikolu (1) ta' l-artikolu 4 (iżda eskluż kull *income* minn investiment kif imfisser fl-artikolu 41 ta' dan l-Att u qliegħ kapitali taht l-artikolu 5 ta' dan l-Att) għas-sena ta' stima 1995 kif ġej:

(a) għas-sena ta' stima 1994, ammont li jkun ekwivalenti għal 80% ta' l-*income* relattiv dikjarat fil-prospett għas-sena ta' stima 1995, bl-esklużjoni ta' kull *income* minn investiment kif imfisser fl-artikolu 41 ta' dan l-Att u qliegħ kapitali taht l-artikolu 5 ta' dan l-Att kif imsemmi qabel;

(b) għas-sena ta' stima 1993, ammont ekwivalenti għal 90% ta' l-ammont dikjarat taht il-paragrafu (a) ta' dan is-subartikolu;

(ċ) għas-sena ta' stima 1992, ammont ekwivalenti għal 90% ta' l-ammont dikjarat taht il-paragrafu (b) ta' dan is-subartikolu; u

(d) għas-sena ta' stima 1991, ammont ekwivalenti għal 90% ta' l-ammont dikjarat taht il-paragrafu (ċ) ta' dan is-subartikolu:

Iżda meta persuna matul xi wahda mis-snin ta' stima mill-1991 sa l-1994 ma kintx registrata bħala persuna li thallas it-taxxa u ma kellhiex *income* taxxabli skond dan l-Att, hija għandha tiddikjara biss skond il-paragrafi (a) sa (d) ta' dan is-subartikolu, li ma tkunx irċeviet *income* għas-snin ta' stima hemm imsemmija li jiġu qabel is-sena ta' stima meta l-ewwel kellha thallas it-taxxa skond dan l-Att.

(3) Fid-Dikjarazzjoni Spontanja għandu wkoll ikun hemm dikjarazzjoni dwar kull qliegħ kapitali mhux

dikjarat taht l-artikolu 5 ta' dan l-Att dwar kull sena ta' stima li fiha dak il-qliegħ ma jkunx ġie hekk dikjarat.

(4) Meta tkun saret Dikjarazzjoni Spontanja skond id-dispożizzjonijiet ta' dan l-artikolu:

(a) *l-income* tal-persuna li tkun qed tagħmel id-dikjarazzjoni u li tkun sugġetta għat-taxxa taht id-dispożizzjonijiet ta' dan l-Att minbarra dan l-artikolu għandu jitqies li jkun *l-income* dikjarat minn dik il-persuna fil-prospett għas-sena ta' stima relattiva:

Izda:

(i) meta għar-rigward ta' xi sena ta' stima *l-income* ta' dik il-persuna jkun inhadem fi stima li tkun finali u konklusiva *l-income* hekk maħdum għandu jitqies li jkun *l-income* hekk dikjarat; u

(ii) meta xi *income* taht is-subartikolu (1) ta' l-artikolu 4 ta' dan l-Att ikun ġie jew ikun rapportat minn prinċipal jew minn persuna oħra li tkun qed thallas dak *l-income* lill-Kummissarju f'xi prospett meħtieġ għall-ghanijiet tar-Regoli ta' l-1972 dwar Tnaqqis ta' Taxxa (P.A.Y.E.), jew skond dawk ir-regoli jkollu jiġi hekk rapportat, dak *l-income* għandu jitqies bħala dikjarat minn dik il-persuna;

(b) *l-istima* għas-sena ta' stima relattiva għandha ssir fuq il-bażi ta' *l-income* dikjarat jew li jitqies li jkun dikjarat skond il-paragrafu (a) ta' dan is-subartikolu:

Izda fil-każ meta l-prospett ma jkunx ġie preżentat lill-Kummissarju sal-31 ta' Marzu, 1995, *l-istima* għas-sena ta' stima relattiva għandu jsir fuq il-bażi li ġejja:

(i) Jekk il-prospett ikun għar-rigward ta' xi waħda mis-snin ta' stima 1991 sa 1994, *l-income* għas-sena ta' stima relattiva għandu jitqies, bla hsara għad-dispożizzjonijiet tas-subparagrafu (ii) tal-paragrafu (a) ta' dan is-subartikolu, li jkun dak li jiġi hekk dikjarat minn dik il-persuna fil-prospett relattiv jew *l-income* stabbilit skond is-subartikolu (2) ta' dan l-artikolu, skond liema jkun l-oghla;

(ii) Jekk il-prospett ikun ghar-rigward ta' sena ta' stima li tigi qabel is-sena ta' stima 1991, *l-income* ghas-sena ta' stima relattiva ghandu jitqies, bla hsara ghad-dispozizzjonijiet tas-subparagrafu (ii) tal-paragrafu (a) ta' dan is-subartikolu, li jkun dak li jigi hekk dikjarat minn dik il-persuna fil-prospett relattiv jew somma li tkun daqs *l-income* stabbilit skond il-paragrafu (d) tas-subartikolu (2) ta' dan l-artikolu, skond liema jkun l-oghla; u

(c) kull taxxa addizzjonali taht is-subartikolu (12) ta' l-artikolu 56 ta' dan l-Att ghar-rigward ta' xi sena ta' stima li dwarha ma jkunx hemm stima finali u konklusiva, ghandha tithassar.

(5) Ghall-ghanijiet tas-subartikoli (2), (4) u (7) ta' dan l-artikolu, *income* taht is-subartikolu (1) ta' l-artikolu 4 u qliegh kapitali taht l-artikolu 5 ta' dan l-Att, ifisser *l-income* kif aggstat skond id-dispozizzjonijiet ta' dan l-Att.

(6) *L-income* dikjarat f'Dikjarazzjoni Spontanja skond dan l-artikolu ghandu jitqies li jkun *income* taxxabli separat ghas-sena ta' stima 1995, u ghandu, kif suggett biss ghat-tnaqqis kif hemm provdut fis-subartikolu (7) ta' dan l-artikolu, ikun suggett ghat-taxxa bir-rata ta' 25 centezmu fil-lira.

(7) Ghandu jitnaqqas biss mill-*income* dikjarat dwar kull sena ta' stima taht is-subartikolu (2) ta' dan l-artikolu, *l-income* dikjarat jew meqjus bhala dikjarat skond is-subartikolu (4) ta' dan l-artikolu, minn min ihallas it-taxxa ghas-sena ta' stima rispettiva li jkun *income* taht is-subartikolu (1) ta' l-artikolu 4 ta' dan l-Att li ma jkunx *income* minn investment kif imfisser fl-artikolu 41 ta' dan l-Att jew qliegh kapitali taht l-artikolu 5 ta' dan l-Att:

Izda:

(a) meta dwar xi sena ta' stima *l-income* taht il-paragrafu (a) tas-subartikolu (1) ta' l-artikolu 4 kif dikjarat skond is-subartikolu (4) ta' dan l-artikolu jkun wiehed ta' telf, dak *l-income* ghandu jitqies ghall-ghanijiet ta' dan l-artikolu li ma jkun xejn; u

(b) meta dwar xi sena ta' stima l-*income* dikjarat skond is-subartikolu (4) ta' dan l-artikolu taht is-subartikolu (1) ta' l-artikolu 4 ta' dan l-Att (eskluż *income* minn investment kif imfisser fl-artikolu 41 ta' dan l-Att jew qliegħ kapitali taht l-artikolu 5 ta' dan l-Att) ikun iktar mill-*income* dikjarat taht is-subartikolu (2) ta' dan l-artikolu dwar l-istess sena ta' stima, l-*income* dikjarat skond is-subartikolu (4) ta' dan l-artikolu għandu jitqies li jkun daqs dak dikjarat taht is-subartikolu (2) dwar l-istess sena ta' stima.

(8) It-taxxa fuq l-*income* li tithallas taht dan l-artikolu għandha tithallas fi tlett pagamenti rateali kif ġej:

(a) 50 fil-mija sa mhux aktar tard mill-31 ta' Ottubru, 1995 flimkien mas-sottomissjoni tad-Dikjarazzjoni Spontanja lill-Kummissarju;

(b) 20 fil-mija sa mhux aktar tard mid-29 ta' Marzu, 1996; u

(c) 30 fil-mija sa mhux aktar tard mit-30 ta' Settembru, 1996.

(9) Il-Kummissarju għandu jibgħat bil-posta registrata lil kull persuna li tagħmel Dikjarazzjoni Spontanja valida skond dan l-artikolu, avviż li jkun fih l-ammont ta' l-*income* taxxabbli separat tiegħu għas-sena ta' stima 1995 u l-ammont ta' taxxa li għandha tithallas fuqu minnu, u d-dispożizzjonijiet tat-Taqsima VII u ta' l-artikolu 32 ta' l-Att ta' l-1994 dwar l-Amministrazzjoni tat-Taxxa għandhom ikunu japplikaw għal dak l-avviż.

(10) Id-Dikjarazzjoni Spontanja msemmija fis-subartikoli ta' qabel ta' dan l-artikolu għandhom jitqiesu li ma jkunux ġew preżentati għand il-Kummissarju kemm-il darba:

(a) il-formola preskritta ma tkunx giet mimlija kompletament u bl-eżatt u ppreżentata in duplikat lill-Kummissarju mhux iktar tard mill-31 ta' Ottubru, 1995;

(b) il-prospetti kollha għas-snin ta' stima sa u inkluża s-sena ta' stima 1995 ma jkunux ġew ippreżentati lill-Kummissarju sa meta ssir id-dikjarazzjoni; u

(ċ) il-hlas ta' l-ewwel pagament rateali ta' taxxa isir kif stabbilit fis-subartikolu (8) ta' dan l-artikolu.

(11) Meta l-Kummissarju jirrizultalu li persuna li tkun ipprezentat Dikjarazzjoni Spontanja valida taht dan l-artikolu tkun iddikjarat bin-nieqes l-*income* taghha ghas-sena ta' stima 1995 jew tkun iddikjarat bin-nieqes xi *income* li kellu jiġi dikjarat taht is-subartikolu (3) ta' dan l-artikolu jew tkun taht il-proviso ghas-subartikolu (2) ta' dan l-artikolu iddikjarat li ma tkun irċeviet ebda *income* ghal ebda sena ta' stima li matulha kienet sugġetta ghat-taxxa, il-Kummissarju ghandu jerga' jikkalkola l-*income* taxxabli separat fuq il-bażi ta' l-*income* kif stmat mill-ġdid ghas-sena ta' stima 1995, u, jew kif kellu jiġi dikjarat taht is-subartikolu (3) ta' dan l-artikolu, u, jew bla ma jittiehed każ tad-dispożizzjonijiet tal-proviso ghas-subartikolu (2) ta' dan l-artikolu skond kif ikun il-każ, u jaghmel taxxa fuqu bir-rata ta' 65 ċenteżmu fil-lira. Il-Kummissarju ghandu wara dan johroġ avviż ta' stima ġdida u kull avviż ta' qabel mahruġ taht dan l-artikolu ghandu jithassar u kull taxxa diġà imhallsa dwar l-avviż ta' qabel jew flimkien mal-prezentata tad-Dikjarazzjoni Spontanja ghandha ssir tpaċija dwarha ma' kull taxxa dovuta skond dan is-subartikolu.

(12) Id-dispożizzjonijiet rilevanti tat-Taqsima VII ta' l-Att ta' l-1994 dwar l-Amministrazzjoni tat-Taxxa ghandhom japplikaw ghat-taxxa dovuta taht is-subartikolu (11) ta' dan l-artikolu:

Iżda persuna jkollha jedd li taghmel oġġezzjoni u appell kif stabbilit fl-artikoli 33, 35 u 37 ta' l-Att ta' l-1994 dwar l-Amministrazzjoni tat-Taxxa, kontra avviż ta' stima mahruġ skond is-subartikolu (11) ta' dan l-artikolu.

(13) (a) It-taxxa li tithallas skond id-dispożizzjonijiet ta' dan l-artikolu ma ghandhiex titqies li tkun taghmel sehem minn xi taxxa mhallsa jew li tithallas skond dan l-Att ghall-ghanijiet ta' l-artikoli 59, 76 u 89 ta' dan l-Att.

(b) Ebda haġa li tinsab f'dan l-artikolu ma ghandha tolqot id-dispożizzjonijiet ta' l-artikoli 43, 44 u 45 ta' dan l-Att.

(14) Meta persuna taghmel Dikjarazzjoni Spontanja skond id-dispożizzjonijiet ta' dan l-artikolu, il-

Kummissarju ma ghandux jaghti każ tad-dispożizzjonijiet tal-paragrafu (ġ) tas-subartikolu (1) ta' l-artikolu 14 ta' dan l-Att dwar il-kalkolu ta' kull telf li jkun sar matul xi sena li tiġi qabel is-sena ta' stima 1995 dwar is-sena ta' stima 1995 u snin ta' stima li jiġu wara.

(15) Il-Ministru jista' jagħmel regoli b'mod ġenerali għat-thaddim tad-dispożizzjonijiet ta' dan l-artikolu u jista' b'mod partikolari jipprovdi b'dawk ir-regoli dwar kif għandha tkun il-formola ta' prospetti, talbiet, dikjarazzjonijiet u avviżi taht dan l-artikolu.”.

4. Minnufih wara l-artikolu 48 ta' l-Att prinċipali għandu jiżdied dan l-artikolu ġdid li ġej:

Zieda ta' l-artikolu 48A ġdid ma' l-Att prinċipali.

“Dispożizzjonijiet speċjali dwar ċertu *income* miksub minn artigġjani fid-dar fuq bażi *part-time*.

48A. (1) Meta persuna li tkun reġistrata għall-finijiet tat-Taxxa dwar il-Valur Miżjud tqabba lil xi hadd sabiex dan jagħmel xi hdim ta' maljar bl-idejn, bizzilla, xogħol tal-ganċ u rakkmu ġewwa d-dar b'rimunerazzjoni għal xi sena li tiġi qabel sena ta' stima li ma tkunx ta' aktar minn Lm200 it-taxxa dovuta dwar l-*income* imhallas lil dak l-artigġjan fid-dar u t-tnaqqis li jista' jsir dwar dan mill-persuna li tkun qegħda thaddem għandhom ikunu regolati skond dawk ir-regoli li jistghu isiru taht dan l-artikolu:

Iżda x-xogħol magħmul minn dawk l-artigġjani fid-dar għandu f'kull każ ikun magħmul bl-idejn u mhux bil-makna.

(2) Il-Ministru jista' jagħmel ordni li biha jestendi d-dispożizzjonijiet tas-subartikolu (1) ta' dan l-artikolu għar-rimunerazzjoni ta' dawk il-haddiema li jistghu jiġu hekk preskritti fl-Ordni taht dawk il-kondizzjonijiet li jistghu jiġu stabbiliti f'dak l-Ordni.”.

5. Fl-ahhar tas-subartikolu (13) ta' l-artikolu 56 ta' l-Att prinċipali għandu jiżdied dan il-proviso:

Emenda ta' l-artikolu 56 ta' l-Att prinċipali.

“Iżda f'kas ta' Kuntratt ta' *Production Sharing* iffirmit wara l-1 ta' Jannar, 1996, it-taxxa tithallas bir-rata stipulata fis-subartikolu (6) ta' dan l-artikolu.”.

Emenda ta'  
l-artikolu 58  
ta' l-Att  
prinċipali.

6. Fl-artikolu 58 ta' l-Att prinċipali minflok il-kliem "mija u disgha u ghoxrin lira" u "mija u tliet liri" ghandhom jidhlu l-kliem "mija u erbgha u sittin lira" u "mija u tmienja u tletin lira" rispettivament.

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Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 446 ta' l-24 ta' Lulju, 1995.

LAWRENCE GONZI  
*Speaker*

RICHARD J. CAUCHI  
*Skriivan tal-Kamra tad-Deputati.*

I assent.

(L.S.)

UGO MIFSUD BONNICI  
President  
28th July, 1995

**ACT No. XXII of 1995***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:—

1. (1) This Act may be cited as the Income Tax (Amendment) Act, 1995, and shall be read and construed as one with the Income Tax Act, hereinafter referred to as “the principal Act”. Short title and commencement.  
Cap. 123.

(2) Sections 4 and 6 of this Act shall come into force upon the publication of this Act in the Gazette in respect of year of assessment commencing on 1st January 1996 and subsequent years of assessment.

2. For paragraph (b) of subsection (6) of section 5 of the principal Act, there shall be substituted the following: Amendment of section 5 of the principal Act.

“(b) transfer of securities listed on the Malta Stock Exchange; and”.

3. Immediately after section 9 of the principal Act there shall be added the following new section: Addition of new section 9A to the principal Act.

“Spontaneous Declaration of Undeclared Income.

9A. (1) Notwithstanding any other provision of the Income Tax Acts, a person, apart from the return for the year of assessment 1995, may present a Spontaneous

Declaration on the prescribed form and the income of that person falling under sections 4 and 5 of this Act for the years of assessment prior to the said year of assessment shall be deemed to be the income as arrived at under the following provisions of this section.

(2) The Spontaneous Declaration shall show as income falling under subsection (1) of section 4 of this Act for the years of assessment 1994, 1993, 1992 and 1991 a sum based on a true declaration of the income declared by that person falling under the said subsection (1) of section 4 (but excluding any investment income as defined in section 41 of this Act and capital gains falling under section 5 of this Act) for the year of assessment 1995 as follows:

(a) for the year of assessment 1994, a sum equivalent to 80% of the relative income declared in the return for the year of assessment 1995, excluding any investment income as defined in section 41 of this Act and capital gains falling under section 5 of this Act as aforesaid;

(b) for the year of assessment 1993, a sum equivalent to 90% of the sum declared under paragraph (a) hereof;

(c) for the year of assessment 1992, a sum equivalent to 90% of the sum declared under paragraph (b) hereof; and

(d) for the year of assessment 1991 a sum equivalent to 90% of the sum declared under paragraph (c) hereof:

Provided that where a person was in any of the years of assessment 1991 to 1994 not registered as a taxpayer and had no income liable to tax under this Act, he shall under paragraphs (a) to (d) hereof, only declare that he received no income for the years of assessment therein referred to previous to the year of assessment in which he first became liable to tax under this Act.

(3) The Spontaneous Declaration shall also make a statement of any undeclared capital gains falling under section 5 of this Act in respect of each year of assessment where such gains were so undeclared.

(4) Where a Spontaneous Declaration has been made in accordance with the provisions of this section:

(a) the income of the person making the declaration and subject to tax under the provisions of this Act other than this section shall be deemed to be the income declared by that person in the return for the relative year of assessment:

Provided that:

(i) where in respect of any year of assessment the income of that person has been arrived at in an assessment which is final and conclusive the income so arrived at shall be deemed to be the income so declared; and

(ii) where any income falling under subsection (1) of section 4 of this Act has been or is reported by an employer or other person paying the income to the Commissioner in any return required for the purposes of the Deduction of Tax (PAYE) Rules, 1972, or in accordance with such rules ought to be so reported, such income shall be deemed declared by such person;

(b) the assessment for the relative year of assessment shall be raised on the basis of the income declared or deemed declared in accordance with paragraph (a) hereof:

Provided that in the case where a return was not submitted to the Commissioner by the 31st March 1995, the assessment for the relative year of assessment shall be raised on the following basis:

(i) If the return is in respect of any of the years of assessment 1991 to 1994, the income for the relative year of assessment shall subject to the provisions of subparagraph (ii) of paragraph (a) hereof be considered to be that declared by such person in the relative return or the income determined in accordance with subsection (2) of this section, whichever is the higher;

(ii) If the return is in respect of a year of assessment prior to year of assessment 1991, the income for the relative year of assessment shall subject to the provisions of subparagraph (ii) of paragraph (a) hereof be considered to be that declared by such person in the relative return or a sum equal to the income determined in accordance with paragraph (d) of subsection (2) of this section, whichever is the higher; and

(c) any additional tax under subsection (12) of section 56 of this Act in respect of any year of assessment for which there is not an assessment which is final and conclusive, shall be waived.

(5) For the purposes of subsection (2), (4) and (7) of this section, income under subsection (1) of section 4 and capital gains falling under section 5 of this Act, means the income as adjusted in accordance with the provisions of this Act.

(6) The income declared in a Spontaneous Declaration in accordance with this section shall be deemed to be separate chargeable income for the year of assessment 1995, and shall, subject only to the deductions as provided in subsection (7) of this section be subject to tax at the rate of 25 cents in the lira.

(7) There shall only be deducted from the income declared in respect of each year of assessment under subsection (2) of this section, the income declared or deemed declared in accordance with subsection (4) of this section, by the taxpayer for the respective year of assessment being income falling under subsection (1) of section 4 of this Act not being investment income as defined in section 41 of this Act or capital gains falling under section 5 of this Act:

Provided that:

(a) where in respect of a year of assessment the income falling under paragraph (a) of subsection (1) of section 4 as declared in accordance with subsection (4) of this section is a loss, such income shall for the purposes of this section be deemed to be nil; and

(b) where in respect of a year of assessment the

income declared in accordance with subsection (4) of this section falling under subsection (1) of section 4 of this Act (excluding investment income as defined in section 41 of this Act or capital gains falling under section 5 of this Act) is greater than the income declared under subsection (2) of this section in respect of the same year of assessment, the income declared in accordance with subsection (4) of this section shall be deemed to be equal to that declared under subsection (2) in respect of the same year of assessment.

(8) The tax on income chargeable under this section shall be payable in three instalments as follows:

(a) 50 per cent by not later than the 31st October 1995 together with the submission of the Spontaneous Declaration to the Commissioner;

(b) 20 per cent by not later than the 29th March, 1996, and

(c) 30 per cent by not later than the 30th September, 1996.

(9) The Commissioner shall send by registered post to each person who makes a valid Spontaneous Declaration in accordance with this section, a notice stating the amount of his separate chargeable income for the year of assessment 1995 and the amount of tax payable thereon by him, and the provisions of Part VII and of section 32 of the Income Tax Management Act, 1994, shall apply to such notice.

(10) The Spontaneous Declaration referred to in the previous subsections to this section shall be deemed not to have been filed with the Commissioner unless:

(a) the prescribed form is fully and accurately completed and is submitted in duplicate to the Commissioner not later than the 31st October, 1995;

(b) all returns for the years of assessment up to and including the year of assessment 1995 are submitted to the Commissioner by the time the declaration is made; and

(c) payment of the first instalment of tax is made as laid down in subsection (8) of this section.

(11) Where it results to the Commissioner that a person who filed a valid Spontaneous Declaration under this section has underdeclared his income for the year of assessment 1995 or has underdeclared any income which ought to be declared under subsection (3) hereof or has under the proviso to subsection (2) hereof declared that he has received no income for any year of assessment in which he was liable to tax, the Commissioner shall recompute the separate chargeable income on the basis of the reassessed income for the year of assessment 1995, and, or as ought to have been declared under subsection (3) of this section, and, or disregarding the provisions of the proviso to subsection (2) hereof as the case may be, and raise a tax thereon at the rate of 65 cents in the lira. The Commissioner shall thereupon issue a fresh notice of assessment and any previous notice issued under this section shall be cancelled and any tax already paid in respect of the previous notice or together with the filing of the Spontaneous Declaration shall be set off from any tax due in accordance with this subsection.

(12) The relevant provisions of Part VII of the Income Tax Management Act, 1994, shall apply to the tax due under subsection (11) of this section:

Provided that a person shall have a right of objection and appeal as laid down in sections 33, 35 and 37 of the Income Tax Management Act, 1994, against a notice of assessment issued in accordance with subsection (11) of this section.

(13) (a) Tax charged under the provisions of this section shall not be deemed to be part of any tax paid or payable under this Act for the purposes of sections 59, 76 and 89 of this Act.

(b) Nothing contained in this section shall affect the provisions of sections 43, 44 and 45 of this Act.

(14) Where a person makes a Spontaneous Declaration in accordance with the provisions of this section, the Commissioner shall disregard the provisions

of paragraph (g) of subsection (1) of section 14 of this Act regarding the carrying forward of losses incurred during any year preceding the year of assessment 1995 with respect to the year of assessment 1995 and subsequent years of assessment.

(15) The Minister may make rules generally for carrying out the provisions of this section and may in particular by those rules provide for the form of returns, claims, statements and notices under this section.”.

4. Immediately after section 48 of the principal Act there shall be added the following new section:

Addition of new section 48A to the principal Act.

“Special provisions regarding certain income derived by outworkers on a part-time basis.

48A. (1) Where a VAT registered person engages any individual for the carrying out of hand knitting, lace making, crochet and embroidery activities at home against a net remuneration in any one year preceding a year of assessment not exceeding Lm200 the tax due in respect of the income paid to any such outworker and the deductions that may be made in respect thereof by the person engaging them shall be regulated in accordance with such rules as may be made under this section:

Provided that the work carried out by such outworkers shall in all cases be handmade and not machine-made.

(2) The Minister may by order extend the provisions of subsection (1) of this section to the remuneration of such workers as may be prescribed in the Order under such conditions as may be set out in the said Order.”.

5. In subsection (13) of section 56 of the principal Act, there shall be added the following proviso at the end thereof:

Amendment of section 56 of the principal Act.

“Provided that in the case of a Production Sharing Contract signed after 1 January, 1996, the tax shall be charged at the rate stipulated in subsection (6) hereof.”.

Amendment of  
section 58 of the  
principal Act.

6. In section 58 of the principal Act for the words "one hundred and twenty-nine liri" and "one hundred and three liri" there shall be substituted the words "one hundred and sixty-four liri" and "one hundred and thirty-eight liri" respectively.

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Passed by the House of Representatives at Sitting No. 446 of the 24th July, 1995.

LAWRENCE GONZI  
*Speaker*

RICHARD J. CAUCHI  
*Clerk to the House of Representatives*

