

## A.L. 37 ta' l-2007

ATT DWAR IT-TAXXA FUQ L-*INCOME*

## (KAP. 123)

## Regoli ta' l-2007 li jemendaw ir-Regoli dwar Qligh Kapitali

BIS-SAHHA tas-setghat moghtija bl-artikoli 5 u 96 ta' l-Att dwar it-Taxxa fuq l-*Income*, il-Prim Ministru u Ministru tal-Finanzi ghamel dawn ir-regoli li ġejjin:-

1. It-titolu ta' dawn ir-regoli hu Regoli ta' l-2007 li jemendaw ir-Regoli dwar Qligh Kapitali u għandhom jinqraw u jiftiehem haġa waħda mar-Regoli ta' l-1993 dwar Qligh Kapitali, hawn iżjed 'il quddiem f'dawn ir-regoli msejha "ir-regoli prinċipali". Titolu.  
A.L. 102 ta' l-1993.
2. Fis-subregola (14) tar-regola 5 tar-regoli prinċipali, minflok il-kliem "5(9), u 12(1)(ċ)(ii) ta' l-Att" għandhom jidhlu l-kliem "5(9), 5(14), u 12(1)(ċ)(ii) ta' l-Att". Temenda r-regola 5 tar-regoli prinċipali.
3. Fl-Iskeda A li tinsab mar-regoli prinċipali, il-klawsola 5 għandha tithassar u minflokha jidhol dan li ġejj: Temenda l-Iskeda A li tinsab mar-regoli prinċipali.

"5. Ma' dan l-Avviż għandu jkun hemm rapport iffirmit minn awditur u dan ir-rapport jiffirma parti integrali mill-avviż u jagħti assigurazzjoni dwar (a) li l-prezz tax-xiri tal-proprjetà jaqbel ma' dak imsemmi fil-kuntratt ta' l-akkwist, u (b) dwar jekk il-valuri li jirrapreżentaw l-imsemmi prezz tax-xiri u l-benefikati relattivi ġewx mehuda kif suppost mill-kotba u d-dokumenti tal-kumpannija, u (ċ) li l-valuri msemmija jirrapreżentaw il-kost storiku tal-proprjetà."
4. L-Iskeda Ċ li tinsab mar-regoli prinċipali għandha tiġi emendata kif ġejj: Temenda l-Iskeda Ċ li tinsab mar-regoli prinċipali.
  - (a) it-Taqsima 4 għandha tithassar u t-Taqsimiet 5 u 6 għandhom jiġu numerati mill-ġdid bhala t-Taqsima 4 u t-Taqsima 5 rispettivament; u
  - (b) il-kaxxa li hemm fl-aħhar ta' l-Iskeda għandha tithassar u għandha tiżdied it-Taqsima 6 ġdida kif ġejj:

**"Taqsimha 6 - Dikjarazzjoni**

Jiena b'dan niddikjara li l-informazzjoni moghtija f'din il-formola hija vera u shiħa:

Min qed jittrasferixxi: ..... (firma) ..... (isem)

Ma' dan l-Avviż għandu jkun hemm rapport iffirmit minn awditur u dan ir-rapport jifforma parti integrali mill-avviż u għandu jagħti assigurazzjoni dwar (a) il-fatt li t-trasferiment huwa trasferiment ta' interess fil-kontroll (inkluża l-bażi li fuqha qed issir din id-dikjarazzjoni), u (b) jekk il-komputazzjoni tal-valur fis-suq ta' l-azzjonijiet li qed jiġu trasferiti gietx magħmula kif suppost skond id-disposizzjonijiet tar-Regoli dwar Qligh Kapitali."

Temenda L-Iskeda D li tinsab mar-regoli prinċipali.

5. Fl-Iskeda D li tinsab mar-regoli prinċipali, il-kaxxa li hemm fl-aħħar ta' l-Iskeda għandha tithassar u għandha tiżdied it-Taqsima 4 ġdida kif ġej:

**"Taqsima 4 - Dikjarazzjoni**

Jiena b'dan niddikjara li l-informazzjoni mogħtija f'din il-formola hija vera u shiha:

Min qed jittrasferixxi: ..... (firma) ..... (isem)

Ma' dan l-Avviż għandu jkun hemm rapport iffirmit minn awditur u dan ir-rapport jifforma parti integrali mill-avviż u għandu jagħti assigurazzjoni dwar il-fatt li t-trasferiment m'huwix trasferiment ta' interess fil-kontroll. Mar-rapport għandu jkun hemm valutazzjoni mill-awditur fejn jafferma li l-valur ta' l-imsemmija azzjonijiet huwa korrett kif meħtieġ mid-disposizzjonijiet tar-regola 5(10) tar-Regoli dwar Qligh Kapitali."

Temenda L-Iskeda E li tinsab mar-regoli prinċipali.

6. L-Iskeda E li tinsab mar-regoli prinċipali għandha tiġi emendata kif ġej:

(a) it-Taqsimiet 2 u 3 li hemm bħalissa għandhom jiġu numerati mill-ġdid bħala t-Taqsima 3 u t-Taqsima 4 rispettivament, u għandha tiżdied it-Taqsima 2 ġdida kif ġej:

**"Taqsima 2 - Dettalji dwar il-kumpannija li l-azzjonijiet tagħha qed jiġu trasferiti**

Isem tal-kumpannija	
Numru ta' referenza tat-taxxa	
Data ta' l-għeluq tal-kontijiet	
Data ta' registrazzjoni	
Numru tal-ROC	

Kapital azzjonarju awtorizzat	
Kapital azzjonarju mahruġ	”;

(b) it-Taqsima 4, kif numerata mill-ġdid, għandha tithassar u minflokha jidhol dan li ġej:

#### **"Taqsima 4 - Dettalji dwar l-eżenzjoni**

Niżżel liema minn dawn id-disposizzjonijiet li ġejjin ta' l-Att dwar it-Taxxa fuq l-*Income* teżenta t-trasferiment ta' l-azzjonijiet:

Artikolu 5(2)(e)	
Artikolu 5(6)(e)	
Artikolu 5(9)	
Artikolu 5(14)	
Artikolu 12(1)(ċ)(ii)	”;

u

(ċ) il-kaxxa li hemm fl-aħhar ta' l-Iskeda għandha tithassar u għandha tiżdied it-Taqsima 5 ġdida kif ġej:

#### **"Taqsima 5 - Dikjarazzjoni**

Jiena b'dan niddikjara li l-informazzjoni mogħtija f'din il-formola hija vera u sħiħa:

Min qed jittrasferixxi: ..... (firma) ..... (isem)

Ma' dan l-Avviż għandu jkun hemm rapport iffirmit minn awditur u dan ir-rapport jiffirma parti integrali mill-avviż u għandu jagħti assigurazzjoni dwar il-fatt li t-trasferiment huwa eżenti mit-taxxa taħt waħda miċ-ċirkostanzi msemmija fir-regola 5(14) tar-Regoli dwar Qligh Kapitali."

**L.N. 37 of 2007**

**INCOME TAX ACT**

**(CAP. 123)**

**Capital Gains (Amendment) Rules, 2007**

IN exercise of the powers conferred by articles 5 and 96 of the Income Tax Act, the Prime Minister and Minister of Finance has made the following rules:-

Title. **1.** The title of these rules is the Capital Gains (Amendment) Rules, 2007 and they shall be read and construed as one with the Capital Gains Rules, 1993, hereinafter in these rules referred to as "the principal rules".

L.N. 102 of 1993.

Amends rule 5 of the principal rules.

**2.** In sub-rule (14) of rule 5 of the principal rules, for the words "5(9) and 12(1)(c)(ii) of the Act" there shall be substituted the words "5(9), 5(14) and 12(1)(c)(ii) of the Act".

Amends Schedule A to the principal rules.

**3.** In Schedule A to the principal rules, item 5 shall be deleted and substituted by the following:

"5. This Notice shall be accompanied by an auditor's signed report which shall form an integral part of the notice giving assurance (a) as to the agreement with the deed of acquisition of the purchase price of the relative property and (b) as to whether the values representing the said purchase price and the relative improvements have been properly extracted from the books and records of the company and (c) that the said values represent the historical cost of the property."

Amends Schedule C to the principal rules.

**4.** Schedule C to the principal rules shall be amended as follows:

(a) Part 4 thereof shall be deleted and Parts 5 and 6 shall be renumbered as Part 4 and Part 5 respectively; and

(b) The box at the end of the Schedule shall be deleted and a new Part 6 shall be added as follows:

**"Part 6 - Declaration**

I do hereby declare that the information submitted through this form is true and complete:

Transferor's signature ..... Transferor's name .....

This Notice shall be accompanied by an auditor's signed report which shall form an integral part of the notice, giving assurance as to (a) the fact that the transfer is a transfer of a controlling interest (including the grounds on which such statement is based) and (b) whether the computation of the market value of the shares being transferred has been properly prepared in accordance with the Capital Gains Rules."

5. In Schedule D to the principal rules, the box at the end of the Schedule shall be deleted and a new Part 4 shall be added as follows: Amends Schedule D to the principal rules.

**"Part 4 - Declaration**

I do hereby declare that the information submitted through this form is true and complete:

Transferor's signature ..... Transferor's name .....

This Notice shall be accompanied by an auditor's signed report which shall form an integral part of the notice and shall give assurance as to the fact that the transfer does not constitute a transfer of a controlling interest. The report shall be accompanied by a valuation by the auditor attesting the value of the said shares as required by the provisions of rule 5(10) of the Capital Gains Rules."

6. Schedule E to the principal rules shall be amended as follows: Amends Schedule E to the principal rules.

- (a) the present Parts 2 and 3 shall be renumbered as Part 3 and Part 4 respectively and a new Part 2 shall be added as follows:

**"Part 2 - Details of Company in which shares are being transferred**

Company Name	
Income Tax Registration No	
Company year end	
Date of incorporation	
ROC No	
Authorised share capital	
Issued share capital	";

(b) Part 4 thereof, as renumbered, shall be deleted and substituted by the following:

**"Part 4 - Details of exemption**

State under which of the following provisions of the Income Tax Act the share transfer is exempt:

Article 5(2)(e)	
Article 5(6)(e)	
Article 5(9)	
Article 5(14)	
Article 12(1)(c)(ii)	";

and

(c) the box at the end of the Schedule shall be deleted and a new Part 5 shall be added as follows:

**"Part 5 - Declaration**

I do hereby declare that the information submitted through this form is true and complete:

Transferor's signature ..... Transferor's name .....

This Notice shall be accompanied by an auditor's signed report which shall form an integral part of the notice and shall give assurance as to the fact that the transfer is exempt from tax under one of the circumstances mentioned in rule 5(14) of the Capital Gains Rules."

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