

Nagħti l-kunsens tiegħi.

(L.S.)

EDWARD FENECH ADAMI
President

28 ta' Ġunju, 2007

ATT Nru IX ta' l-2007

ATT li 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, ħareġ b'liġi dan li ġej:-

1. (1) It-titolu fil-qosor ta' dan l-Att huwa l-Att ta' l-2007 li jemenda l-Att dwar it-Taxxa fuq l-*Income*, u għandu jinqara u jiftiehem haġa waħda ma' l-Att dwar it-Taxxa fuq l-*Income*, hawnhekk iżjed 'il quddiem imsejjah "l-Att prinċipali".

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

(2) L-artikoli 2, 5 u 6 ta' dan l-Att għandhom jitqiesu li daħlu fis-schh mis-sena ta' stima 2008.

(3) L-artikolu 4 u l-paragrafu (b) ta' l-artikolu 7 ta' dan l-Att għandhom jitqiesu li bdew isehħu fl-1 ta' Jannar, 2007.

2. L-artikolu 2 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 2 ta' l-Att prinċipali.

(a) fil-paragrafu (b) tat-tifsira ta' "kont intaxxat f'Malta" minflok il-kliem "f'idejn l-azzjonisti;" għandhom jidhlu l-kliem "f'idejn l-azzjonisti: Izda dan il-paragrafu ma għandux japplika iżjed b'effett mis-sena ta' stima 2008;" u

(b) fil-paragrafu (e) tat-tifsira ta' "kont ta' *income* barrani" minflok il-kliem "barra minn Malta:" ghandhom jidhlu il-kliem "barra minn Malta: Iżda din id-disposizzjoni ghandha tapplika esklussivament ghal kumpanniji li allokaw profitti fil-kont ta' *income* barrani skond dan il-paragrafu ghal xi sena ta' stima sas-sena ta' stima 2007, u dawn il-kumpanniji jkunu biss intitolati jkomplu jallokaw profitti skond dan il-paragrafu sas-sena ta' stima 2011:".

Emenda ta' l-artikolu 9B ta' l-Att prinċipali.

3. L-artikolu 9B ta' l-Att prinċipali ghandu jiġi emendat kif ġej:

(a) fit-tieni proviso tas-subartikolu (4) tiegħu, minflok il-kliem "dik id-dikjarazzjoni.", ghandu jidhol il-kliem "dik id-dikjarazzjoni:"; u

(b) minnufih wara t-tieni proviso tas-subartikolu (4) tiegħu, ghandu jiżdied il-proviso ġdid li ġej:

Kap. 233.

"Iżda wkoll fil-każ ta' assi kwalifikattivi li jkunu reġistrati taht ir-Regolamenti ta' l-2007 dwar Skema ta' Reġistrazzjoni Speċjali, magħmula taht l-Att dwar it-Transazzjonijiet Esterni, ir-referenzi ghad-dati "31 ta' Marzu, 2005" u "1 ta' Jannar, 2005" fis-subartikoli (2) u (3) ta' dan l-artikolu ghandhom jinftiehem bħala referenzi ghad-dati "15 ta' Marzu, 2007" u "1 ta' Jannar, 2006", rispettivament.".

Emenda ta' l-artikolu 14 ta' l-Att prinċipali.

4. Fit-tielet proviso tal-paragrafu (h) tas-subartikolu (1) ta' l-artikolu 14 ta' l-Att prinċipali, minflok il-kliem "Iżda wkoll, jekk ir-riċerka xjentifika ssir f'Malta, it-tnaqqis" ghandhom jidhlu l-kliem "Iżda wkoll it-tnaqqis".

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

5. Is-subartikolu (1) ta' l-artikolu 68 ta' l-Att prinċipali ghandu jiġi emendat kif ġej:

(a) fil-paragrafu (a) tiegħu minnufih wara l-kliem "u li jirċievi dividend" ghandhom jidhlu l-kliem "li jkun imħallas minn profitti allokati lil xi wiehed mill-kontijiet intaxxati barra mill-kont tat-taxxa finali"; u

(b) minnufih wara l-paragrafu (b) tiegħu ghandu jidhol il-paragrafu ġdid (ċ) li ġej:

"(ċ) Kull dividend imħallas minn profitti allokati lill-kont tat-taxxa finali ma ghandux jkun intaxxat

izjed u ma ghandux jiffirma parti mid-dhul taxxabli ta' xi persuna u l-ebda persuna ma tista' titlob kreditu jew rifużjoni dwar xi taxxa diretta jew indiretta li tkun thallset fuq dawn il-profitti u għall-finijiet ta' dan il-paragrafu dividendi li jkunu riċevuti minn kumpannija mhux reġistrata f'Malta minn profitti li kienu jkunu allokati lill-kont tat-taxxa finali kieku kellha dik il-kumpannija tkun reġistrata f'Malta għandhom jitqiesu li jkunu dividendi mħallsa minn profitti allokati lill-kont tat-taxxa finali."

6. Il-proviso fl-ahhar tal-paragrafu (b) ta' l-artikolu 92 ta' l-Att prinċipali għandu jiġi sostitwit bil-proviso ġdid li ġej:

Emenda ta' l-artikolu 92 ta' l-Att prinċipali.

"Izda fil-każ ta' kumpannija residenti f'Malta qabel l-1 ta' Jannar 2007, l-ewwel kondizzjoni ta' dan il-paragrafu għandha tapplika mill-1 ta' Jannar 2011, jew, meta kumpannija bħal din tinforma lill-Kummissarju kif kontemplat fl-artikolu 48(4A)(b)(1) jew (2) ta' l-Att dwar l-Amministrazzjoni tat-Taxxa, mid-data li fiha tkun effettiva din l-informazzjoni, skond liema minnhom tiġi l-ewwel; u".

7. L-artikolu 48 ta' l-Att dwar l-Amministrazzjoni tat-Taxxa għandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 48 ta' l-Att dwar l-Amministrazzjoni tat-Taxxa. Kap. 372.

(a) fis-subartikolu (2F) tiegħu, minflok il-kliem "s-subartikolu (4) jew il-proviso li hemm mas-subartikolu (7)" għandhom jidhlu l-kliem "s-subartikoli (4) jew (4A) jew l-ewwel proviso li hemm mas-subartikolu (7)"; u

(b) fis-subparagrafu (i) tal-proviso għall-paragrafu (a) tas-subartikolu (4A) tiegħu, minnufih wara l-kliem "*royalties passivi*" għandhom jidhlu l-kliem "jew minn dividendi riċevuti minn sehem partċipanti f'korp ta' persuni li ma jissodisfax il-kundizzjonijiet imsemmija fil-proviso għall-artikolu 12(1)(u) ta' l-Att dwar it-Taxxa fuq l-*Income*".

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 542 tal-25 ta' Ġunju, 2007.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

EDWARD FENECH ADAMI
President

28th June, 2007

ACT No. IX of 2007

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) The short title of this Act is the Income Tax (Amendment) Act, 2007, and it shall be read and construed as one with the Income Tax Act, hereinafter referred to as "the principal Act".

(2) Articles 2, 5 and 6 of this Act shall be deemed to have come into force as from the year of assessment 2008.

(3) Article 4 and paragraph (b) of article 7 of this Act shall be deemed to have come into force on 1st January 2007.

Amendment of
article 2 of the
principal Act.

2. Article 2 of the principal Act shall be amended as follows:

(a) in paragraph (e) of the definition of "foreign income account" for the words "outside Malta:" there shall be substituted the words "outside Malta: Provided that this provision shall apply exclusively to companies which allocated profits to the foreign income account on the basis of this paragraph for any year of assessment up to and including year of assessment 2007, and such companies shall only be entitled to continue allocating profits on the basis of this paragraph up to and including year of assessment 2011:"; and

(b) in paragraph (b) of the definition of "Maltese taxed account" for the words "of the shareholders;" there shall be substituted the words "of the shareholders: Provided that this paragraph shall cease to apply with effect from year of assessment 2008;".

3. Article 9B of the principal Act shall be amended as follows:

Amendment of article 9B of the principal Act.

(a) in the second proviso to subarticle (4) thereof, for the words "of such declaration." there shall be substituted the words "of such declaration."; and

(b) immediately after the second proviso to subarticle (4) thereof, there shall be added the following new proviso:

Cap. 233. "Provided also that in the case of a qualifying asset that is registered under the the Special Registration Scheme Regulations, 2007, made under the External Transactions Act, the references to the dates "31st March, 2005" and "1st January, 2005" in subarticles (2) and (3) of this article shall be construed as references to "15th March, 2007" and "1st January, 2006", respectively."

4. In the third proviso to paragraph (h) of subarticle (1) of article 14 of the principal Act, for the words "Provided further that, if the scientific research is carried out in Malta, the deduction" there shall be substituted the words "Provided further that the deduction".

Amendment of article 14 of the principal Act.

5. Subarticle (1) of article 68 of the principal Act shall be amended as follows:

Amendment of article 68 of the principal Act.

(a) in paragraph (a) thereof immediately after the words "who is in receipt of a dividend" there shall be added the words "paid out of profits allocated to any of the taxed accounts other than the final tax account"; and

(b) immediately after paragraph (b) thereof there shall be added the following new paragraph (c):

"(c) Any dividends paid out of profits allocated to the final tax account shall not be charged to further tax and shall not form part of the chargeable income of any person and no person may claim a credit or refund in respect of any tax directly or indirectly paid on such profits and for the purpose of this paragraph any dividends

received from a company not registered in Malta from profits which would have been allocated to the final tax account had such company been registered in Malta shall be deemed to be dividends paid out of profits allocated to the final tax account."

Amendment of article 92 of the principal Act.

6. The proviso at the end of paragraph (b) of article 92 of the principal Act shall be substituted by the following new proviso:

"Provided that in the case of a company resident in Malta prior to the 1 January 2007, the first condition of this paragraph shall apply as from the 1 January 2011, or, where such company informs the Commissioner as contemplated in article 48(4A)(b)(1) or (2) of the Income Tax Management Act, as from the date on which such information is effective, whichever is the earlier; and".

Amendment of article 48 of the Income Tax Management Act. Cap. 372.

7. Article 48 of the Income Tax Management Act shall be amended as follows:

(a) in subarticle (2F) thereof, for the words "subarticle (4) or the proviso to subarticle (7) refers" there shall be substituted the words "subarticles (4) or (4A) or the first proviso to subarticle (7) refer"; and

(b) in sub-paragraph (i) of the proviso to paragraph (a) of subarticle (4A) thereof, immediately after the words "or royalties" there shall be added the words "or of dividends received from a participating holding in a body of persons which does not satisfy the conditions referred to in the proviso to article 12(1)(u) of the Income Tax Act,".

Passed by the House of Representatives at Sitting No. 542 of the 25th June, 2007.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives