

L.N. 29 of 2021

**INCOME TAX ACT
(CAP. 123)**

Highly Qualified Persons (Amendment) Rules, 2021

IN EXERCISE of the powers conferred by articles 56(21) and 96 of the Income Tax Act, the Minister responsible for finance, has made the following rules:-

1. (1) The title of these rules is the Highly Qualified Persons (Amendment) Rules, 2021, and these rules shall be read and construed as one with the Highly Qualified Persons Rules, hereinafter referred to as the "principal rules".

Title and commencement.

S.L. 123.126.

(2) These rules shall be deemed to come into force on 31st December, 2020.

2. Rule 6 of the principal rules shall be amended as follows:

Amends rule 6 of the principal rules.

(a) in sub-rule (4) thereof, the words "either – (a) physically stays in Malta, in the aggregate, for more than 1,460 days unless such stay is in accordance with an extension granted in terms of sub-rule 5 of this rule; or (b)" shall be deleted; and

(b) sub-rule (5) thereof, shall be substituted by the following:

"(5) Notwithstanding anything to the contrary contained in these rules, but subject to rule 14, any person who falls under the provisions of sub-rule (1) or (2), irrespective of whether he has opted to benefit from the provisions of these rules or otherwise, upon submitting an application, shall be eligible to two further extensions of four or five years, as the case may be, for his qualifying period, subject to the continued adherence to the other provisions of these rules:

Provided that, this extension shall not be available to any person who was resident in Malta prior to the 1st January 2008, and that the maximum qualifying period shall not exceed a consecutive period of twelve or fifteen years, as the case may be, in the case of a person who is not domiciled in Malta, commencing from the year preceding the first year of assessment in which that person

is first liable to tax under the provisions of the Act."

Substitutes rule
14 of the
principal rules.

3. Rule 14 of the principal Rules shall be substituted by the following:

"14. No determination made by the competent authority in accordance with rule 11 shall be issued after 31st December 2025, and any such determination issued must refer to any employment in respect of which the benefit provided by these rules commences by 31st December 2026 and ceases to apply by 31st December 2030."

Amends the
Schedule
annexed to the
principal rules.

4. In paragraph 1 of the Schedule annexed to the principal rules the words "with companies" shall be substituted by the words "or offices with companies".