L.N. 75 of 1999

INCOME TAX ACT
(CAP. 123)

INCOME TAX MANAGEMENT ACT, 1994
(ACT NO. XVIII OF 1994)

Income Tax Return (Exemption) Order, 1999

BY virtue of the powers vested in him by subsection (2) of section 12 of the Income Tax Act, and by sections 23 and 57 of the Income Tax Management Act, 1994, the Minister of Finance has made the following Order: —

1. The individuals to whom this Order applies shall, for the year of assessment 1999, be exempt from the provisions of sections 10 and 11 of the Income Tax Management Act, 1994 subject to the terms and conditions of this Order.

2. This Order applies to:

(a) any individual resident in Malta whose income during 1998 (excluding any income which that individual has an option to disclose or not disclose in terms of any provision of the Income Tax Act) did not include any income falling under paragraph (a) of subsection (1) of section 4 of the Income Tax Act and did not exceed the amount to which a nil rate of tax applies in terms of the relevant provisions of subsection (1) of section 56 of that Act;

(b) any individual resident in Malta whose income during 1998 (excluding any income which that individual has an option to disclose or not disclose in terms of any provision of the Income Tax Act) consisted solely of income that was subject to deduction at source, including income subject to a nil rate of deduction, in terms of the Final Settlement System (FSS) Rules, 1998 (L.N. 88 of 1998) and fully reported in a statement or statements of earnings prepared in accordance with the said Rules and held in his possession:

Provided that this Order shall not apply to any individual who does not furnish the Commissioner by not later than noon of the 15th June, 1999 with a signed declaration in the form set out in the Schedule to this Order.

3. With respect to a married individual living with his or her spouse references in this Order to an individual shall be construed as references to the responsible spouse and references to the income of an individual shall be construed as references to the income of both spouses.

4. When a person to whom this Order applies is eligible to make an election for a separate computation under section 50 of the Income Tax Act, that person shall be exempt, with respect to the year of assessment 1999, from the requirement to make that election in writing and shall be deemed to have taken the more advantageous option under that section according to his particular circumstances.

5. Any income which a person to whom this Order applies would have been required to declare in a tax return were it not for this Order shall form part of his total income.

6. Nothing in this Order shall be construed as affecting the tax chargeable on the total income of any individual to whom this Order applies or his obligation to keep records or to furnish returns, documents or information under any provision of the Income Tax Acts other than the provisions of sections 10 and 11 of the Income Tax Management Act, 1994.

SCHEDULE

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Inland Revenue - Malta

Declaration Form

(in lieu of an Income Tax Return and Self Assessment)

for the Year 1998 (Year of assessment 1999)

Personal Details

Complete only if printed information is missing or incorrect

ID No./Ref No.

Title

Surname

Name

House No./Name

Street

Locality

Postcode

Country

Tax Status

Your current status known to the department	If your status has changed tick the appropriate box		Date of change
	1 Single		d d m m y y y y
	2 Married and living together		

You may submit this declaration ONLY if you satisfy condition 'A' or 'B' (read carefully the explanatory notes overleaf)

Condition 'A'

To satisfy this condition your income for 1998 (and, if married, that of your spouse) must have been derived solely from one or more of the following sources:

1. Emoluments (*example:* income from full time and part-time employment) subject to tax deduction under the Final Settlement System (FSS);
2. Investment income on which tax was withheld at source at the rate of 15%;
3. Dividends paid by companies resident in Malta;
4. Pensions and other benefits payable under the Social Security Act; and
5. Income from Part-time self-employment, not exceeding Lm3000, on which tax at the fixed rate of 15% was paid.

Condition 'B'

To satisfy this condition your chargeable income for 1998 (and, if married, that of your spouse) must not have exceeded the applicable tax free bracket (see table overleaf), and no part of your income was derived from the carrying of a trade, business, profession or vocation.

Declaration

I declare that, to the best of my knowledge, I satisfy at least one of the conditions set out above and hereby opt to submit this Declaration Form in lieu of my Income Tax Return and Self Assessment for the Year of Assessment 1999.

Date

Signature

Spouse's Signature

This Declaration is to be completed and forwarded so as to reach the Inland Revenue Department by the date shown below. The Declaration, duly filled and signed by you (and, if married, by your spouse) will be considered as the return which you are required to file in terms of the Income Tax Acts.

Kindly refer to the explanatory notes overleaf to determine whether you are eligible to complete this Declaration. The Department reserves the right to request a complete Income Tax Return from any individual submitting this Declaration.

Acting Commissioner of Inland Revenue

This declaration must reach the Inland Revenue by 15th June, 1999.

Attach to this Declaration all supporting Documents (FS3 Statement of Earnings). Please indicate number of separate FS3's attached.