

INCOME TAX ACT
(CAP. 123)

Part-time Work (Amendment) Rules, 2001

IN virtue of the powers conferred by articles 90A and 96 of the Income Tax Act, the Minister of Finance has made the following rules:-

Title and
commencement.

L.N. 157 ta' 1996.

1. (1) The title of these rules is the Part-time Work (Amendment) Rules, 2001, and they shall be read and construed as one with the Part-time Work Rules, 1996, hereinafter referred to as "the principal rules".

(2) The provisions of these rules shall come into force and be deemed to have effect as follows:

(a) rule 3 and paragraph (b) of rule 4 shall be deemed to have come into force on the 1st January, 2000 in respect of the year of assessment 2001 and subsequent years of assessment;

(b) rule 5 shall have effect in respect of the year of assessment 2003 and subsequent years of assessment;

(c) the other provisions shall be deemed to have come into force on 1st January, 1996 with respect to the year of assessment 1997 and subsequent years of assessment.

Amends rule 2 of
the principal rules.

Cap. 343.

2. In paragraph (a) of rule 2 of the principal rules, immediately after the words "full time employment" there shall be added the words "registered as such with the Employment and Training Corporation established under the Employment and Training Services Act".

Substitutes rule 3 of
the principal rules.

3. For rule 3 of the principal rules there shall be substituted the following:

"Scope.

3. (1) For the purpose of these rules but subject to the other provisions of this rule, income from part-time work shall be construed as consisting only of that income of an individual which is chargeable to tax under paragraph (a) or paragraph (b) of sub-article (1) of article 4 of the Act.

(2) Where the income from part-time work derived by the individual from any part-time activities exceeds

Lm 3,000 in the aggregate, such excess shall be charged to tax under the Act without having regard to the provisions of article 90A thereof and shall be declared by that person in a return furnished in accordance with the provisions of article 10 of the Income Tax Management Act, together with all his other income.

(3) For the purpose of these rules, any income which is deemed to constitute a benefit provided by reason of an employment or office in terms of paragraph (b) of sub-article (1) of article 4 of the Act or regulations made thereunder and the value of any such benefit shall not be construed as constituting income derived from part-time activities for the purpose of sub-rule (2) hereof and shall be declared in a return furnished in accordance with the provisions of article 10 of the Income Tax Management Act together with all the other income.

4. Rule 4 of the principal rules shall be amended as follows:-

Amends rule 4 of the principal rules.

(a) in paragraph (a) thereof, after the words "VAT purposes" there shall be added the words "where the economic activity in which he is engaged is an activity in respect of which he is required to be so registered";

(b) the proviso thereto shall be deleted.

5. In subrule (2) of rule 5 of the principal rules for paragraph numbered (i) there shall be substituted the following:

Amends rule 5 of the principal rules.

"(i) remuneration paid by Government to holders of an office, including members on boards or tribunals, and members of parliament and local councils, and remuneration paid to pensioners who take up employment with or provide services in any capacity to Government, parastatal bodies, corporations or other government organisations or companies in which the Government has a controlling interest;"

6. Rule 6 of the principal rules shall be substituted by the following:

Substitutes rule 6 of the principal rules.

"6. For the purposes of paragraph (b) of subrule (1) of rule 5:

(a) companies falling within the same group of companies as defined in the Act shall be considered as the same employer; and

(b) the Government, local councils, the University of Malta, parastatal bodies, corporations and other organisations or companies in which the Government, a local council or the University of Malta has a controlling interest shall be considered as the same employer:

Provided that with respect to income derived on or after the 1st January, 2000 a company shall not be deemed to be the same employer as the Government and the other bodies and entities referred to in this paragraph by reason of the fact that the Government has a controlling interest therein.”.