A.L. 297 tal-2011

ATT DWAR L-AMMINISTRAZZJONI TAT-TAXXA (KAP. 372)

Regoli tal-2011 li jemendaw ir-Regoli dwar il-Formola tal-Prospetti tat-Taxxa fuq l-*Income* għal Kumpannija, Korp Magħqud jew Intrapriża

BIS-SAĦĦA tas-setgħat mogħtija bl-artikolu 58 tal-Att dwar l-Amministrazzjoni tat-Taxxa, il-Ministru tal-Finanzi, l-Ekonomija u Investiment għamel dawn ir-regoli li ġejjin:

Titolu u applikabbiltà.

1. (1) It-titolu ta' dawn ir-regoli hu r-Regoli tal-2011 li jemendaw ir-Regoli dwar il-Formola tal-Prospetti tat-Taxxa fuq l-*Income* għal Kumpannija, Korp Magħqud jew Intrapriża, u dawn ir-regoli għandhom jinqraw u jinftiehmu ħaġa waħda mar-Regoli dwar il-Formola tal-Prospetti tat-Taxxa fuq l-*Income* għal Kumpannija, Korp Magħqud jew Intrapriża, hawn iżjed 'il quddiem imsejħa "ir-regoli prinċipali". L.S. 372.09

(2) Dawn ir-regoli japplikaw fir-rigward ta' prospetti tat-taxxa mibgħuta għas-sena ta' stima 2011 u s-snin ta' stima ta' wara.

Temenda r-regola 2 tar-regoli prinċipali.

2. Ir-regola 2 tar-regoli prinċipali għandha tiġi emendata kif ġej:

(a) fis-subregola (1) tagħha, minflok il-kliem "għandu jsir fuq il-formola T.A.2 li hemm fl-Iskedi A u B ta' l-Ewwel Skeda." għandhom jidħlu l-kliem "għandhom ikunu fuq il-formola li hemm fl-Iskeda A."; u

(b) is-subregola (2) tagħha għandha tiġi sostitwita b'din li ġejja:

"(2) Kull partita fil-formola li hemm fl-Iskeda A li teħtieġ xi dokument li jimtela għandha ssir fuq dik il-formola li l-Kummissarju jista' jkun jeħtieġ.".

Temenda r-regola 3 tar-regoli prinċipali.

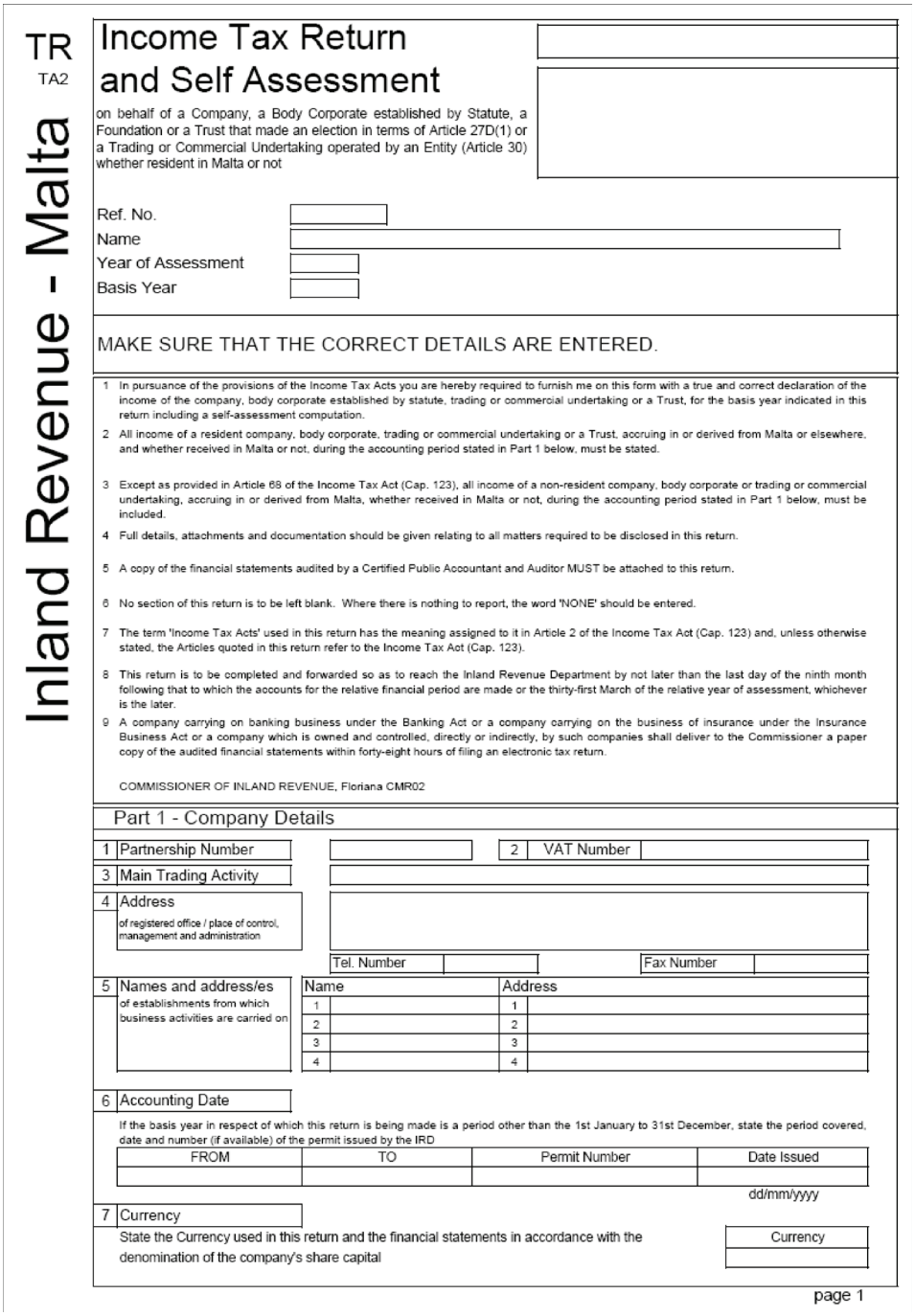
3. Fir-regola 3 tar-regoli prinċipali, minflok il-kliem "għandha timla u tibgħat lill-Kummissarju l-formola preskritta fl-Iskeda XLI fit-Tieni Skeda" għandhom jidħlu l-kliem "għandha timla u tibgħat il-formola li l-Kummissarju jista' jkun jeħtieġ".

Tissostitwixxi l-Iskedi li jinsabu mar-regoli prinċipali.

4. Minflok l-Ewwel u t-Tieni Skedi li jinsabu mar-regoli prinċipali, għandha tidħol l-Iskeda li ġejja:

"Skeda A

(Regola 2)



TR
TA2

Inland Revenue - Malta

Income Tax Return and Self Assessment

on behalf of a Company, a Body Corporate established by Statute, a Foundation or a Trust that made an election in terms of Article 27D(1) or a Trading or Commercial Undertaking operated by an Entity (Article 30) whether resident in Malta or not

Ref. No.
Name
Year of Assessment
Basis Year

MAKE SURE THAT THE CORRECT DETAILS ARE ENTERED.

1 In pursuance of the provisions of the Income Tax Acts you are hereby required to furnish me on this form with a true and correct declaration of the income of the company, body corporate established by statute, trading or commercial undertaking or a Trust, for the basis year indicated in this return including a self-assessment computation.

2 All income of a resident company, body corporate, trading or commercial undertaking or a Trust, accruing in or derived from Malta or elsewhere, and whether received in Malta or not, during the accounting period stated in Part 1 below, must be stated.

3 Except as provided in Article 68 of the Income Tax Act (Cap. 123), all income of a non-resident company, body corporate or trading or commercial undertaking, accruing in or derived from Malta, whether received in Malta or not, during the accounting period stated in Part 1 below, must be included.

4 Full details, attachments and documentation should be given relating to all matters required to be disclosed in this return.

5 A copy of the financial statements audited by a Certified Public Accountant and Auditor MUST be attached to this return.

6 No section of this return is to be left blank. Where there is nothing to report, the word 'NONE' should be entered.

7 The term 'Income Tax Acts' used in this return has the meaning assigned to it in Article 2 of the Income Tax Act (Cap. 123) and, unless otherwise stated, the Articles quoted in this return refer to the Income Tax Act (Cap. 123).

8 This return is to be completed and forwarded so as to reach the Inland Revenue Department by not later than the last day of the ninth month following that to which the accounts for the relative financial period are made or the thirty-first March of the relative year of assessment, whichever is the later.

9 A company carrying on banking business under the Banking Act or a company carrying on the business of insurance under the Insurance Business Act or a company which is owned and controlled, directly or indirectly, by such companies shall deliver to the Commissioner a paper copy of the audited financial statements within forty-eight hours of filing an electronic tax return.

COMMISSIONER OF INLAND REVENUE, Floriana CMR02

Part 1 - Company Details

1 Partnership Number
2 VAT Number
3 Main Trading Activity
4 Address of registered office / place of control, management and administration
Tel. Number
Fax Number
5 Names and address/es of establishments from which business activities are carried on

	Name	Address
1		
2		
3		
4		

6 Accounting Date

If the basis year in respect of which this return is being made is a period other than the 1st January to 31st December, state the period covered, date and number (if available) of the permit issued by the IRD

FROM	TO	Permit Number	Date Issued

dd/mm/yyyy

7 Currency

State the Currency used in this return and the financial statements in accordance with the denomination of the company's share capital

Currency

page 1

VERŻJONI ELETTRONIKA

Part 1 - Company Details

8 Taxation Data

(mark (Y)es or (N)o as appropriate)

State whether the Company

1	is claiming benefits under the Business Promotion Act (Cap. 325) and Regulations	
2	is claiming other fiscal benefits [legislation other than the BPA]	
3	is claiming any scientific research or research and development expenditure	
4	operates a foreign income account	
5	is an International Trading Company as defined in the Income Tax Act	
6	is owned in whole or in part by non-resident shareholders	
7	is exercising the option referred to in Articles 48(4A)(b)(i)(1) or 48(4A)(b)(i)(2) of the ITMA	
8	forms part of a group as defined in Article 18 of the Income Tax Act	
9	has paid out dividends during the year	
10	has carried out trading activities during the year	
11	was engaged in more than one trading activity during the year	
12	is in liquidation	
13	has filed the final scheme of distribution with this return, if the answer to 12 is yes	
14	has any investments in joint venture(s) or partnership(s)	
15	is an Investment Services Company as defined in Article 15 of the Income Tax Act	
16	is an Insurance Company or a non-resident or acting on behalf of a non-resident and receives dividends as its sole income	
17	is declaring income according to an agreement with the Tax Compliance Unit	
18	has relied on the written advice of a tax professional in terms of the Schedule to the Income Tax Act	
19	is a Collective Investment Scheme	
20	is claiming the participation exemption under article 12(1)(u) of the Income Tax Act	
21	is benefitting under the provisions of articles 5(9), 5(14), or 5A(4)(f) of the Income Tax Act	
22	is resident in Malta for tax purposes	
23	is resident in another EU member state for tax purposes	
24	the country of residence for tax purposes (EU only)	

Other Information

Please indicate the average number of persons employed during the accounting period

Please indicate in the space provided the PE number(s) under which wages, salaries, emoluments etc. paid by the company, have been reported. If you reported wages, salaries, etc. under more than three PE numbers, please attach the whole list.

9 Financial Statements

A Preparation and Audit

(mark (Y)es or (N)o as appropriate)

1	Have the annual accounts been prepared in accordance with the provisions and requirements of the Companies Act [CAP 386]?	
2	Are the annual accounts approved and signed?	
3	Has the audit report been prepared and signed ?	
4	Please indicate below the name of the holder of the auditing practicing certificate.	
5	Is the audit report qualified or was there any emphasis of matter?	
6	If the answer to question 5 is yes please indicate below the reason(s) for qualification or emphasis	

B Notes to the financial statements

1	Were notes to the financial statements prepared in accordance with the requirements of the Companies Act?	
2	Have there been any changes in accounting policies from the last return?	
3	Are any values presented other than cost?	
4	Were there any post-balance sheet events mentioned in the notes?	
5	Was there any revaluation of assets during the year?	
6	Were there any contingent liabilities at year end?	
7	Was there any change in the authorised share capital during the year?	
8	Was there any change in the issued share capital during the year?	
9	Was there any change in shareholding during the year?	
10	Were there any changes among directors during the year?	

VERŻJONI ELETTRONIKA

PART 2 - ADJUSTMENT OF PROFIT PER FINANCIAL STATEMENTS FOR TAX PURPOSES						
Item Description	Attach.					
Net Profit / (Loss) before tax as per financial statements	Inc. Stat	1a				
Add back						
Depreciation charge for the year		2a				
Amortisation of intangible assets		3a				
Realised losses on disposal of fixed assets [Please specify below]						
		4a				
		5a				
		6a				
Unrealised losses [Please specify below]						
		7a				
		8a				
		9a				
		10a				
Expenditure disallowed for tax purposes [Please specify below]						
		11a				
		12a				
		13a				
		14a				
Provisions and Impairment differences [Please specify below]						
		15a				
		16a				
		17a				
Other add-backs [Please specify below]						
Accounting expenditure added back to be replaced by statutory expenditure	TRA 60	18a				
		19a				
		20a				
Sub-total > add up values reported under fields 2a to 20a		21a				
Sub-total > add up values in fields 1a and 21a		22a				
Deduct						
Realised profits on disposal of fixed assets [Please specify below]						
		23a				
		24a				
		25a				
Part of profit chargeable under other articles of the Income Tax Act						
Article 4(1)(c) - Dividends, Interests, Discounts or Premiums		26a				
Article 4(1)(e) - Rents, Royalties and Premiums etc.		27a				
Article 4(1)(g) - Other Income		28a				
Other deductions including unrealised gains [Please specify below]						
Profits subject to a FWT and other Statutory deductions	TRA 60	29a				
Total Exempt Income	TRA 18	30a				
Untaxed Dividends	TRA 08	31a				
		32a				
		33a				
		34a				
Sub-total > add up values reported in fields 23a to 34a		35a				
Sub-total > deduct result in field 35a from the result in field 22a		36a				

Allocated to Taxed Account	Immovable Prop. A/c		Maltese Taxed A/c		Foreign Income A/c	
Income / (loss) before capital allowances	37a		37b		37c	
Loss before capital allowances	37d		37e		37f	
Grossed up amount for flat rate foreign tax credit					38a	
Net Income / (loss) before capital allowances [Article 4(1) (a) of the ITA]	39a		39b		39c	

PART 3 - SELF ASSESSMENT

Section 1 - COMPUTATION OF CHARGEABLE INCOME

ITA Article	Description [Allocation to Tax Accounts for tax computation purposes ONLY]	Attach.	Immovable Property Account [Total]	Maltese Taxed Account [total]	Foreign Income Account [total]
4(1)(a)	Income/(loss) from trade, business, etc. after tax adjustments but before capital allowances	Page 3	40a / 40d	40b / 40e	40c / 40f
	Balancing charge	TRA04	41a	41b	41c
	Capital Allowances				
	Brought forward		42a	42b	42c
	Income Tax Act - Wear & Tear	TRA 05	43a	43b	43c
	BPA [Article 7] - Investment Allowance	TRA 06	44a	44b	44c
	BPA [Article 8] - Accelerated Depreciation	TRA 07	45a	45b	45c
	Balancing allowance(s)	TRA04	46a	46b	46c
	Capital allowances absorbed		47a	47b	47c
	Unabsorbed capital allowances c/f		48a	48b	48c
Income from trade, business, etc. net of capital allowances / (Loss)			49a	49b	49c
4(1)(c)	Dividend(s)	TRA 08	50a	50b	50c
	Interest(s)	TRA 09	51a	51b	51c
	Discounts or premiums	TRA 10	52a	52b	52c
4(1)(e)	Net Income from Rent(s)	TRA 11	53a		53b
	Net Income from Ground Rent(s)	TRA 12	54a		54b
	Net income from Royalties, etc.	TRA 13	55a	55b	55c
4(1)(g)	Other income	TRA 14	56a	56b	56c
Net income/(loss)			57a	57b	57c
5	Capital gains charged for the year	TRA 15	58a	58b	58c
Net income/(Loss) after Capital Gains			59a	59b	59c
	Loss transferred between Tax Accounts		60a	60b	60c
Net Income / (Loss) after loss transfer between tax accounts			61a	61b	61c
16 to 22	GROUP LOSS RELIEF				
	Loss SURRENDERED to group company/companies	TRA 19	62a	62b	62c
Net Income/(Loss) after loss surrender to group companies			63a	63b	63c
16 to 22	Group Loss CLAIMED				
	Group Loss Absorbed this year	TRA 20	64a	64b	64c
Net Income /(Loss) after Group Relief			65a	65b	65c
	Unabsorbed Trading Losses b/fwd from previous year		66a	66b	66c
Total Income /(Loss)			67a	67b	67c
	Loss transferred between Tax Accounts		68a	68b	68c
Chargeable income for the year			69a	69b	69c
14(1)(g)d Trading Losses c/fwd			70a	70b	70c

VERŻJONI ELETTRONIKA

SECTION 2 - SELF ASSESSMENT COMPUTATION

TAXED ACCOUNTS [Allocation to Accounts for tax computation purposes only]		Immov. Property A/c		Maltese Taxed A/c		Foreign Income A/c	
Chargeable Income for the year [from page 4]		71a		71b		71c	
Chargeable Income subject to reduced rates of tax	TRA 33	72a		72b		72c	
Chargeable Income subject to normal rate of tax [@ 35c]		73a		73b		73c	
Totals		74a		74b		74c	
Tax Liability for the year							
Tax on Income taxed at reduced rates	TRA 33	75a		75b		75c	
Tax on Income taxed at normal rates		76a		76b		76c	
Total Tax Liability on chargeable income for the year		77a		77b		77c	
Deduct Tax Credits	TRA 35	78a		78b			
Tax due after deducting tax credits		79a		79b		79c	
Relief of double taxation	TRA 30						
Double Taxation Relief		80a		80b		80c	
Commonwealth Relief		81a		81b		81c	
Unilateral Relief		82a		82b		82c	
Flat-Rate Foreign Tax Credit						83a	
Tax due after relief of double taxation		84a		84b		84c	
Tax set off Tax at source on dividends	TRA 08	85a		85b		85c	
Tax due after tax at source on dividends		86a		86b		86c	
Tax Payments	TRA 31	87a		87b		87c	
TAX DUE ON DIFFERENT ACCOUNTS AFTER TAX PAYMENTS		88a		88b		88c	

TAX BALANCE DUE IN TERMS OF SECTION 42 OF THE ITMA	89a	
TAX REFUNDABLE IN TERMS OF SECTION 48 OF THE ITMA	90a	

FIELDS 89a and 90a SHOULD NEVER BE BLANK OR EMPTY! INDICATE NIL VALUES BY A '0'

PART 4 - RECORD OF RESERVES AND DISTRIBUTIONS

Allocation of Income to the Taxed Accounts after the tax computation and calculation

Allocation and adjustments		Final tax Account	Immovable property Account	Maltese Taxed account	Foreign Income Account
Income allocated to the Final Tax Account	TRA 61	91a			
Chargeable Income for the year per tax computation	Page 5		92a	92b	92c
Deduct					
Income Relieved by tax credits (allocated to FTA)	TRA 35		93a	93b	
Transfer to the Incentives & Benefits Reserve	TRA 23			94a	
Sub-total			95a	95b	95c
Deduct					
Tax thereon (net of tax credits - MTA)			96a	96b	96c
Chargeable Income after tax			97a	97b	97c
Relocation from the FTA - CIS & other		97d	97e	97f	
Further adjustment to relocate amounts to the IPA (First allocation - TRA62)			98a	98b	98c
Chargeable Income after tax for the year allocated			99a	99b	99c
Amount that stands to be allocated to IPA (Second Allocation -TRA 62)			100a		
Transfers from MTA and / or FIA to the IPA			101a	101b	101c
Income for the year allocated to the different tax accounts		102a	102b	102c	102d

MOVEMENT OF RESERVES [Reconciliation with Financial Statements - Total Resrves must reconcile with TIFD code 3950 in Balance Sheet]		BROUGHT FORWARD	CURRENT YEAR Allocated	CURRENT YEAR Dividends Paid	CARRIED FORWARD
Distributable profits [before PROPOSED DIVIDENDS]	B' Sheet	103a	103b	103c	103d
Final Tax Account	TRA 61	104a	104b	104c	104d
Immovable Property Account	TRA 62	105a	105b	105c	105d
Maltese Taxed Account	TRA 63	106a	106b	106c	106d
Foreign Income Account	TRA 63	107a	107b	107c	107d
Untaxed Account		108a	108b	108c	108d
Other Non Distributable profits and Reserves					
Incentives & Benefits Reserve [TIFD code 3904]		109a	109b	109c	109d
Other non distributable reserves		110a	110b	110c	110d
Less proposed dividends as per balance sheet					111a
TOTAL RESERVES					112a

DIVIDENDS PAID DURING THE YEAR	Final Tax Account	Immovable Property Account	Foreign Income Account: Participating Holding	Foreign Income Account: Other	Maltese Taxed Account: Participating Holding	Maltese Taxed Account: Other	Untaxed Account
Gross distribution		113a	113b	113c	113d	113e	113f
Deduct							
Malta tax charged, analysed as:							
Malta tax after relief of DT		114a	114b	114c	114d	114e	
Double taxation relief		115a	115b	115c	115d	115e	
Commonwealth relief		116a	116b	116c	116d	116e	
Unilateral relief		117a	117b	117c	117d	117e	
Flat-rate foreign tax credit			118a	118d			
Net distribution	119a	119b	119c	119d	119e	119f	119g
Total Net Distribution							120a
Deduct (Withholding Tax)							
(a) Article 62							121a
(b) Article 67							122a
(c) Article 67A							123a
Net dividends paid							124a
Unrelieved foreign tax	125a	125b	125c	125d	125e	125f	125g

VERŻJONI ELETTRONIKA

PART 5 - DETAILS OF COMPANY SET-UP

LIST OF SHAREHOLDERS, BENEFICIARIES [TRUSTS], DIVIDENDS RECEIVED AND ACCOUNT BALANCES

Income Tax Registration Number	Shareholder Registration Number [where a Refund Registration has been made]	Name			Number of Shares held	Class of Shares	NET DIVIDEND Final Tax Account	Gross Dividends				Account Balances with Company
		Indicate by a NO all persons who are no longer shareholders [default Yes]						Immovable Property Account	Maltese Taxed Account	Foreign Income Account	Untaxed Account	
		Surname	Name	Check								
				Yes								
				Yes								
				Yes								
				Yes								
				Yes								
				Yes								
				Yes								
				Yes								
				Yes								
				Yes								
				Yes								
				Yes								
				Yes								
				Yes								
				Yes								
				Yes								
				Yes								
				Yes								
				Yes								
				Yes								
				Yes								
				Yes								
				Yes								
				Yes								
				Yes								
				Yes								
				Yes								
TOTALS												

LIST OF DIRECTORS, TRUSTEES [TRUST] AND REMUNERATION RECEIVED

Income Tax Registration Number	Name			Directors' Remuneration		
	Indicate by a NO all persons who are no longer directors [default Yes]			Wages and salaries including fringe benefits but excluding directors' fees	Employer's Share of Social Security Contributions	Directors' fees
	Surname	Name	Check			
			Yes			
			Yes			
			Yes			
			Yes			
			Yes			
			Yes			
			Yes			
			Yes			
			Yes			
			Yes			
			Yes			
			Yes			
			Yes			
			Yes			
			Yes			
			Yes			
			Yes			
			Yes			
			Yes			
			Yes			
			Yes			
			Yes			
			Yes			
			Yes			
TOTALS						

PART 6 - SUPPLEMENTARY INFORMATION

Please give any other details and information you consider necessary.

PART 7 - DECLARATION

Name of company, body corporate established by statute, trading or commercial undertaking or trust in respect of which this return is made.

I declare that this form contains a full and correct return of the required particulars for the year.

Name of person making declaration (BLOCKS)	Designation	Signature	Date
			dd/mm/yyyy

Legal representation of the company is vested in:

Name (BLOCKS)	Address

HEAVY PENALTIES ARE PROVIDED UNDER THE INCOME TAX ACTS FOR FAILING TO SUBMIT A RETURN, FOR FILING A LATE RETURN OR FOR RENDERING AN INCOMPLETE OR INCORRECT RETURN.

This return is to be completed by the attorney, factor, receiver, administrator, manager or principal officer of the company, body corporate, trading or commercial undertaking or trust.