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WARTA KERAJAAN PERSEKUTUAN

FEDERAL GOVERNMENT GAZETTE

KAEDAH-KAEDAH PETROLEUM (CUKAI PENDAPATAN) (ELAUN MODAL DIPERCEPAT) (KONTRAK PERKONGSIAN PENGELUARAN *LATE-LIFE ASSETS*) 2022

PETROLEUM (INCOME TAX) (ACCELERATED CAPITAL ALLOWANCES) (LATE-LIFE ASSETS PRODUCTION SHARING CONTRACT) RULES 2022

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AKTA PETROLEUM (CUKAI PENDAPATAN) 1967

KAEDAH-KAEDAH PETROLEUM (CUKAI PENDAPATAN) (ELAUN MODAL DIPERCEPAT)
(KONTRAK PERKONGSIAN PENGELUARAN *LATE-LIFE ASSETS*) 2022

PADA menjalankan kuasa yang diberikan oleh perenggan 83(1)(a) Akta Petroleum (Cukai Pendapatan) 1967 [*Akta 543*], Menteri membuat kaedah-kaedah yang berikut:

Nama dan permulaan kuat kuasa

1. (1) Kaedah-kaedah ini bolehlah dinamakan **Kaedah-Kaedah Petroleum (Cukai Pendapatan) (Elaun Modal Dipercepat) (Kontrak Perkongsian Pengeluaran *Late-Life Assets*) 2022**.

(2) Kaedah-Kaedah ini disifatkan telah mula berkuat kuasa pada 1 Januari 2020.

Pemakaian

2. Kaedah-Kaedah ini hendaklah terpakai bagi orang yang boleh dikenakan cukai yang—

(a) menandatangani suatu kontrak perkongsian pengeluaran *Late-Life Assets* dalam tempoh dari 1 Januari 2020 hingga 31 Disember 2029; dan

(b) dalam tempoh asas bagi suatu tahun taksiran telah melakukan perbelanjaan loji yang layak di bawah Jadual Kedua kepada Akta semata-mata bagi maksud menjalankan suatu operasi petroleum berhubung dengan kontrak perkongsian pengeluaran *Late-Life Assets* itu.

Tafsiran

3. Dalam Kaedah-Kaedah ini, “medan minyak atau gas *brownfield*” ertinya suatu medan minyak atau gas yang pernah dibangunkan dan telah mencapai tahap puncak kadar pengeluaran minyak atau gas.

Late-Life Assets

4. Menteri boleh menentukan suatu projek sebagai projek *Late-Life Assets* iaitu suatu medan minyak atau gas *brownfield* dan mempunyai jangka hayat ekonomi tidak melebihi sepuluh tahun bermula dari tahun sesuatu kontrak perkongsian pengeluaran *Late-Life Assets* itu ditandatangani.

Elaun permulaan

5. Elaun permulaan di bawah subperenggan 8(b) Jadual Kedua kepada Akta atas perbelanjaan loji yang layak di bawah Kaedah-Kaedah ini hendaklah bersamaan dengan dua puluh peratus.

Elaun tahunan

6. Elaun tahunan di bawah subsubperenggan 12(1)(b) Jadual Kedua kepada Akta atas perbelanjaan loji yang layak di bawah Kaedah-Kaedah ini hendaklah bersamaan dengan empat puluh peratus.

Pelupusan

7. (1) Jika suatu aset yang layak bagi elaun yang disebut dalam kaedah 5 dan 6 dilupuskan dalam tempoh satu tahun dari tarikh pemerolehannya, elaun yang telah dibenarkan kepada orang yang boleh dikenakan cukai di bawah Kaedah-Kaedah ini hendaklah ditarik balik dalam tempoh asas bagi tahun taksiran yang mana aset itu dilupuskan.

(2) Bagi maksud subkaedah (1), “dilupuskan” mempunyai erti yang sama yang diberikan kepadanya dalam perenggan 40 Jadual Kedua kepada Akta.

Ketidakpakaian

8. Kaedah-Kaedah ini tidak terpakai bagi seseorang yang boleh dikenakan cukai dalam tempoh asas bagi suatu tahun taksiran jika orang yang boleh dikenakan cukai itu—

- (a) telah diberikan suatu elaun modal dipercepat di bawah Kaedah-Kaedah Petroleum (Cukai Pendapatan) (Elaun Modal Dipercepatkan) (Medan Marginal) 2013 [*P.U. (A) 119/2013*];
- (b) telah diberikan suatu elaun pelaburan di bawah Peraturan-Peraturan Petroleum (Cukai Pendapatan) (Elaun Pelaburan) 2013 [*P.U.(A) 120/2013*];
- (c) telah diberikan pengecualian cukai di bawah Perintah Petroleum (Cukai Pendapatan) (Pengecualian) 2013 [*P.U. (A) 122/2013*];
- (d) telah diberikan suatu elaun modal dipercepat di bawah Kaedah-Kaedah Petroleum (Cukai Pendapatan) (Elaun Modal Dipercepat) (Medan Marginal PETRONAS) 2014 [*P.U. (A) 304/2014*];
- (e) telah diberikan pengecualian cukai di bawah Perintah Petroleum (Cukai Pendapatan) (Pengecualian) 2014 [*P.U. (A) 305/2014*];
- (f) telah diberikan suatu elaun pelaburan di bawah Peraturan-Peraturan Petroleum (Cukai Pendapatan) (Elaun Pelaburan bagi PETRONAS) 2021 [*P.U.(A) 336/2021*];
- (g) menjalankan operasi petroleum di dalam Kawasan Pembangunan Bersama; atau
- (h) menjalankan operasi petroleum di dalam suatu kawasan di bawah mana-mana perjanjian atau perkiraan yang dibuat oleh Kerajaan dengan mana-mana kerajaan mana-mana wilayah di luar Malaysia bagi eksplorasi dan eksploitasi petroleum bersama di dalam kawasan pertindihan.

Dibuat 13 September 2022

[MOF.TAX(S)700-3/1/755; LHDN.AY.A.600-21/1/7(29)-81; PN(PU2)474/IV]

TENGGU DATUK SERI UTAMA ZAFRUL BIN TENGGU ABDUL AZIZ
Menteri Kewangan

*[Akan dibentangkan di Dewan Rakyat menurut subseksyen 83(2)
Akta Petroleum (Cukai Pendapatan) 1967]*

PETROLEUM (INCOME TAX) ACT 1967

PETROLEUM (INCOME TAX) (ACCELERATED CAPITAL ALLOWANCES)
(LATE-LIFE ASSETS PRODUCTION SHARING CONTRACT) RULES 2022

IN exercise of the powers conferred by paragraph 83(1)(a) of the Petroleum (Income Tax) Act 1967 [Act 543], the Minister makes the following rules:

Citation and commencement

1. (1) These rules may be cited as the **Petroleum (Income Tax) (Accelerated Capital Allowances) (Late-Life Assets Production Sharing Contract) Rules 2022**.

(2) These Rules are deemed to have come into operation on 1 January 2020.

Application

2. These Rules shall apply to a chargeable person who—

(a) has signed a Late-Life Assets production sharing contract within the period from 1 January 2020 to 31 December 2029; and

(b) in a basis period for a year of assessment has incurred qualifying plant expenditure under the Second Schedule to the Act solely for the purpose of carrying out a petroleum operation in relation to that Late-Life Assets production sharing contract.

Interpretation

3. In these Rules, “brownfield oil or gas field” means an oil or gas field that has been developed and has reached a peak level of oil or gas production rate.

Late-Life Assets

4. The Minister may determine a project as a Late-Life Assets project which is a brownfield oil or gas field and has an economic lifespan not exceeding ten years commencing from the year a Late-Life Assets production sharing contract is signed.

Initial allowance

5. The initial allowance under subparagraph 8(b) of the Second Schedule to the Act on qualifying plant expenditure under these Rules shall be equal to twenty per cent.

Annual allowance

6. The annual allowance under subsubparagraph 12(1)(b) of the Second Schedule to the Act on qualifying plant expenditure under these Rules shall be equal to forty per cent.

Disposal

7. (1) Where an asset which qualifies for the allowances referred to in rules 5 and 6 is disposed of within one year from the date of its acquisition, the allowances which have been allowed to the chargeable person under these Rules shall be withdrawn in the basis period for the year of assessment in which the asset is disposed of.

(2) For the purpose of subrule (1), “disposed of” has the same meaning assigned to it in paragraph 40 of the Second Schedule to the Act.

Non-application

8. These Rules shall not apply to a chargeable person in the basis period for a year of assessment where the chargeable person—

(a) has been granted accelerated capital allowance under the Petroleum (Income Tax) (Accelerated Capital Allowances) (Marginal Field) Rules 2013 [*P.U. (A) 119/2013*];

(b) has been granted an investment allowance under the Petroleum (Income Tax) (Investment Allowance) Regulations 2013 [*P.U.(A) 120/2013*];

(c) has been granted tax exemption under the Petroleum (Income Tax) (Exemption) Order 2013 [*P.U. (A) 122/2013*];

- (d) has been granted accelerated capital allowance under the Petroleum (Income Tax) (Accelerated Capital Allowances) (PETRONAS Marginal Field) Rules 2014 [*P.U. (A) 304/2014*];
- (e) has been granted tax exemption under the Petroleum (Income Tax) (Exemption) Order 2014 [*P.U. (A) 305/2014*];
- (f) has been granted an investment allowance under the Petroleum (Income Tax) (Investment Allowance for PETRONAS) Regulations 2021 [*P.U.(A) 336/2021*];
- (g) carries on petroleum operations in the Joint Development Area; or
- (h) carries on petroleum operations in an area under any agreement or arrangement made by the Government with any government of any territory outside Malaysia for the joint exploration and exploitation of petroleum in overlapping areas.

Made 13 September 2022

[MOF.TAX(S)700-3/1/755; LHDN.AY.A.600-21/1/7(29)-81; PN(PU2) 474/IV]

TENGGU DATUK SERI UTAMA ZAFRUL BIN TENGGU ABDUL AZIZ
Minister of Finance

[To be laid before the Dewan Rakyat pursuant to subsection 83(2) of the Petroleum (Income Tax) Act 1967]