



23 November 2021
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P.U. (A) 425

WARTA KERAJAAN PERSEKUTUAN

FEDERAL GOVERNMENT GAZETTE

PERINTAH CUKAI PENDAPATAN (PENGECUALIAN) (NO. 11) 2021

INCOME TAX (EXEMPTION) (NO. 11) ORDER 2021

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AKTA CUKAI PENDAPATAN 1967

PERINTAH CUKAI PENDAPATAN (PENGECUALIAN) (NO. 11) 2021

PADA menjalankan kuasa yang diberikan oleh perenggan 127(3)(b) Akta Cukai Pendapatan 1967 [*Akta 53*], Menteri membuat perintah yang berikut:

Nama dan permulaan kuat kuasa

1. (1) Perintah ini bolehlah dinamakan **Perintah Cukai Pendapatan (Pengecualian) (No. 11) 2021**.

(2) Perintah ini disifatkan telah mula berkuat kuasa pada 1 Januari 2019.

(3) Subsubperenggan 3(1)(a) dan (c) disifatkan telah berkuat kuasa mulai tahun taksiran 2019 hingga tahun taksiran 2025.

Tafsiran

2. Dalam Perintah ini—

“Insentif Global bagi Perdagangan” ertinya suatu program insentif bagi Syarikat Perdagangan Komoditi Antarabangsa Labuan untuk menggunakan Malaysia sebagai pangkalan perdagangan antarabangsa bagi menjalankan aktiviti yang layak;

“Syarikat Perdagangan Komoditi Antarabangsa Labuan” ertinya suatu syarikat Labuan yang—

(a) diperbadankan atau didaftarkan di bawah Akta Syarikat Labuan 1990 [*Akta 441*];

(b) dilesenkan di bawah seksyen 92 Akta Perkhidmatan Kewangan dan Sekuriti Labuan 2010 [*Akta 704*];

- (c) mengekalkan suatu pejabat berdaftar di Labuan tetapi dibenarkan menubuhkan pejabat operasinya di mana-mana dalam Malaysia; dan
- (d) menjalankan suatu aktiviti yang layak di bawah program Insentif Global bagi Perdagangan;

“aktiviti yang layak” ertinya perdagangan produk fizikal dan instrumen terbitan yang berkaitan berhubung dengan—

- (a) petroleum dan produk berkaitan petroleum termasuk gas asli cecair;
- (b) galian;
- (c) produk pertanian;
- (d) bahan mentah yang ditapis;
- (e) bahan kimia; dan
- (f) galian asas.

Pengecualian

3. (1) Menteri mengecualikan mana-mana pemastautin di Malaysia dalam tempoh asas bagi suatu tahun taksiran daripada peruntukan perenggan 39(1)(r) Akta berkenaan dengan amaun pembayaran yang dibuat oleh pemastautin itu—

- (a) kepada suatu syarikat Labuan yang menjalankan suatu aktiviti yang layak di bawah program Insentif Global bagi Perdagangan;
- (b) kepada suatu syarikat Labuan yang telah membuat suatu pilihan di bawah seksyen 3A Akta Cukai Aktiviti Perniagaan Labuan 1990 [Akta 445]; dan

(c) tertakluk kepada subperenggan (2), kepada suatu syarikat Labuan yang menjalankan suatu aktiviti perniagaan Labuan di bawah seksyen 2B Akta Cukai Aktiviti Perniagaan Labuan 1990 [Akta 445].

(2) Bagi maksud subsubperenggan (c), pemastautin yang disebut dalam subperenggan (1) adalah suatu syarikat Labuan yang menjalankan suatu aktiviti perniagaan yang tidak dinyatakan dalam Jadual kepada Peraturan-Peraturan Cukai Aktiviti Perniagaan Labuan (Kehendak bagi Aktiviti Perniagaan Labuan) 2021 [P.U. (A) 423/2021] atau suatu aktiviti selain aktiviti perniagaan Labuan di bawah Akta Cukai Aktiviti Perniagaan Labuan 1990.

(3) Tiada apa-apa jua dalam subperenggan (1) boleh melepaskan atau disifatkan telah melepaskan pemastautin itu daripada mematuhi apa-apa kehendak untuk mengemukakan apa-apa penyata atau penyata akaun atau memberikan apa-apa maklumat lain di bawah Akta.

Dibuat 19 November 2021
[MOF.TAX(S)700-2/1/75; PN(PU2)80/JLD.102]

TENGGU DATUK SERI UTAMA ZAFRUL BIN TENGGU ABDUL AZIZ
Menteri Kewangan

[Akan dibentangkan di Dewan Rakyat menurut subseksyen 127(4)
Akta Cukai Pendapatan 1967]

INCOME TAX ACT 1967

INCOME TAX (EXEMPTION) (NO. 11) ORDER 2021

IN exercise of the powers conferred by paragraph 127(3)(b) of the Income Tax Act 1967 [*Act 53*], the Minister makes the following order:

Citation and commencement

1. (1) This order may be cited as the **Income Tax (Exemption) (No. 11) Order 2021**.

(2) This Order is deemed to have come into operation on 1 January 2019.

(3) Subsubparagraphs 3(1)(a) and (c) are deemed to have effect from the year of assessment 2019 until the year of assessment 2025.

Interpretation

2. In this Order—

“Global Incentives for Trading” means a programme of incentives for the Labuan International Commodity Trading Company to use Malaysia as their international trading base to undertake qualifying activity;

“Labuan International Commodity Trading Company” means a Labuan company which—

(a) is incorporated or registered under the Labuan Companies Act 1990 [*Act 441*];

(b) is licensed under section 92 of the Labuan Financial Services and Securities Act 2010 [*Act 704*];

- (c) maintains a registered office in Labuan but is allowed to establish its operational office anywhere in Malaysia; and
- (d) undertakes a qualifying activity under the Global Incentives for Trading programme;

“qualifying activity” means the trading of physical products and related derivative instruments in relation to—

- (a) petroleum and petroleum related products including liquefied natural gas;
- (b) minerals;
- (c) agriculture products;
- (d) refined raw materials;
- (e) chemicals; and
- (f) base minerals.

Exemption

3. (1) The Minister exempts any resident in Malaysia in the basis period for a year of assessment from the provision of paragraph 39(1)(r) of the Act in respect of the amount of payment made by the resident—

- (a) to a Labuan company which undertakes a qualifying activity under the Global Incentives for Trading programme;
- (b) to a Labuan company which has made an election under section 3A of the Labuan Business Activity Tax Act 1990 [*Act 445*]; and

(c) subject to subparagraph (2), to a Labuan Company which carries on a Labuan business activity under section 2B of the Labuan Business Activity Tax Act 1990 [Act 445].

(2) For the purpose of subsubparagraph (c), the resident referred to in subparagraph (1) is a Labuan company which carries on a business activity which is not specified in the Schedule to the Labuan Business Activity Tax (Requirements for Labuan Business Activity) Regulations 2021 [P.U. (A) 423/2021] or an activity other than a Labuan business activity under the Labuan Business Activity Tax Act 1990.

(3) Nothing in subparagraph (1) shall absolve or be deemed to have absolved the resident from complying with any requirement to submit any return or statement of accounts or to furnish any other information under the Act.

Made 19 November 2021
[MOF.TAX(S)700-2/1/75; PN(PU2)80/Jld.102]

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

[To be laid before the Dewan Rakyat pursuant to subsection 127(4) of the Income Tax Act 1967]