25 Julai 2012
25 July 2012
P.U. (A) 223

WARTA KERAJAAN PERSEKUTUAN

FEDERAL GOVERNMENT GAZETTE

PERINTAH JAMINAN PINJAMAN (PERTUBUHAN PERBADANAN) (PEREMITAN CUKAI DAN DUTI SETEM) (NO. 5) 2012

LOANS GUARANTEE (BODIES CORPORATE) (REMISSION OF TAX AND STAMP DUTY) (NO. 5) ORDER 2012

DISIARKAN OLEH/
PUBLISHED BY
JABATAN PEGUAM NEGARA/
ATTORNEY GENERAL'S CHAMBERS

Copyright of the Attorney General's Chambers of Malaysia

AKTA JAMINAN PINJAMAN (PERTUBUHAN PERBADANAN) 1965

PERINTAH JAMINAN PINJAMAN (PERTUBUHAN PERBADANAN)
(PEREMITAN CUKAI DAN DUTI SETEM) (NO. 5) 2012

PADA menjalankan kuasa yang diberikan oleh subseksyen 10(1) Akta Jaminan Pinjaman (Pertubuhan Perbadanan) 1965 [*Akta 96*], Menteri membuat perintah yang berikut:

Nama dan permulaan kuat kuasa

1. (1) Perintah ini bolehlah dinamakan **Perintah Jaminan Pinjaman (Pertubuhan Perbadanan) (Peremitan Cukai dan Duti Setem) (No. 5) 2012**.

(2) Perintah ini mula berkuat kuasa pada 25 Julai 2012.

Peremitan cukai

2. Apa-apa cukai yang kena dibayar di bawah Akta Cukai Pendapatan 1967 [*Akta 53*] hendaklah diremitkan sepenuhnya berkenaan dengan apa-apa wang yang kena dibayar di bawah perjanjian novasi ("Perjanjian Novasi") berhubung dengan novasi segala hak, obligasi dan liabiliti Penerbangan Malaysia Berhad ("Peminjam") dibawah perjanjian kemudahan ("Perjanjian Kemudahan") yang dibuat antara Peminjam dengan Bank of Tokyo-Mitsubishi UFJ, Ltd., Labuan Branch ("Pemberi Pinjaman") berhubung dengan peruntukan kemudahan pinjaman pusingan hingga jumlah prinsipal agregat maksimum Dolar Amerika Tiga Ratus Juta (USD300,000,000.00) ("Kemudahan") kepada Pulau Melaka Ltd. ("Pengganti Peminjam"), yang kena dibayar oleh—

(a) Pengganti Peminjam yang baginya Akta ini terpakai menurut kuasa Perintah Jaminan Pinjaman (Penetapan Pertubuhan Perbadanan) (Pulau Melaka Ltd.) 2012 [*P.U. (A) 222/2012*];

(b) Kerajaan Malaysia di bawah suatu jaminan yang akan diberikan oleh Kerajaan Malaysia menurut Kemudahan ini; dan

(c) mana-mana pihak lain dalam Perjanjian Novasi itu termasuk mana-mana penerima pindahan atau penerima serah hak, Perjanjian Novasi itu.

Copyright of the Attorney General's Chambers of Malaysia

Peremitan duti setem

3. Apa-apa duti setem yang kena dibayar di bawah Akta Setem 1949 [*Akta 378*] berkenaan dengan apa-apa perjanjian, nota, surat cara atau jaminan berhubung dengan Perjanjian Novasi (yang, bagi mengelakkan keraguan, termasuk perakuan pindah milik yang berhubungan dengannya) hendaklah diremitkan sepenuhnya.

Dibuat 24 Julai 2012
[KK/BPKA/M1(S)/168/1/1 Jld.8; PN(PU2)232/VIII]

DATO' SERI HAJI AHMAD HUSNI BIN MOHAMAD HANADZLAH
Menteri Kewangan Kedua

Copyright of the Attorney General's Chambers of Malaysia

LOANS GUARANTEE (BODIES CORPORATE) ACT 1965

LOANS GUARANTEE (BODIES CORPORATE)
(REMISSION OF TAX AND STAMP DUTY) (NO. 5) ORDER 2012

IN exercise of the powers conferred by subsection 10(1) of the Loans Guarantee (Bodies Corporate) Act 1965 [*Act 96*], the Minister makes the following order:

Citation and commencement

1. (1) This order may be cited as the **Loans Guarantee (Bodies Corporate) (Remission of Tax and Stamp Duty) (No. 5) Order 2012**.

(2) This Order comes into operation on 25 July 2012.

Remission of tax

2. Any tax payable under the Income Tax Act 1967 [*Act 53*] shall be remitted in full in respect of any money payable under the novation agreement (the "Novation Agreement") in relation to the novation of all rights, obligations and liabilities of the Penerbangan Malaysia Berhad (the "Borrower") under the the facility agreement (the "Facility Agreement") made between the Borrower and Bank of Tokyo-Mitsubishi UFJ, Ltd., Labuan Branch (the "Lender") in relation to the provision of a revolving loan facility of up to the maximum aggregate principal amount United States Dollar Three Hundred Million (USD300,000,000.00) (the "Facility") to Pulau Melaka Ltd. (the "Substitute Borrower"), which is payable by—

(a) the Substitute Borrower, to which this Act applies by virtue of the Loans Guarantee (Declaration of Bodies Corporate) (Pulau Melaka Ltd.) Order 2012 [*P.U. (A) 222/2012*];

(b) the Government of Malaysia under a guarantee to be provided by the Government of Malaysia pursuant to the Facility; and

Copyright of the Attorney General's Chambers of Malaysia

(c) any party to the Novation Agreement, including any transferees or assignees, of the Novation Agreement.

Remission of stamp duty

3. Any stamp duty payable under the Stamp Act 1949 [*Act 378*] in respect of any agreement, note, instrument or guarantee in relation to the Novation Agreement (which, for the avoidance of doubt, includes transfer certificates relating thereto) shall be remitted in full.

Made 24 July 2012
[KK/BPKA/M1(S)/168/1/1 Jld.8; PN(PU2)232/VIII]

DATO' SERI HAJI AHMAD HUSNI BIN MOHAMAD HANADZLAH
Second Minister of Finance

Copyright of the Attorney General's Chambers of Malaysia