



UNDANG-UNDANG MALAYSIA

Akta 364

AKTA KEWANGAN 1988

Tarikh Persetujuan Diraja 31hb Disember 1988

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UNDANG-UNDANG MALAYSIA**Akta 364****AKTA KEWANGAN 1988**

SUSUNAN SEKSYEN

BAB I**PERMULAAN****Seksyen**

1. Tajuk ringkas.
2. Pindaan dan pemansuhan Akta-Akta.

BAB II**PINDAAN-PINDAAN KEPADA AKTA CUKAI
PENDAPATAN 1967**

3. Mula berkuatkuasanya pindaan-pindaan kepada Akta Cukai Pendapatan 1967.
4. Pindaan seksyen 18.
5. Seksyen baru 38A.
6. Pindaan seksyen 39.
7. Pindaan seksyen 43.
8. Pindaan seksyen 44.
9. Pindaan seksyen 108.
10. Pindaan seksyen 110.
11. Pindaan Jadual 1.
12. Jadual baru 4A.
13. Pindaan Jadual 6.
14. Pindaan Jadual 7A.

BAB III**PINDAAN-PINDAAN KEPADA AKTA PETROLEUM
(CUKAI PENDAPATAN) 1967**

15. Mula berkuatkuasanya pindaan-pindaan kepada Akta Petroleum (Cukai Pendapatan) 1967.
16. Pindaan seksyen 2.
17. Pindaan seksyen 4.
18. Pindaan seksyen 10.

[Susunan Seksyen]

4

AKTA 364

Seksyen

19. Pindaan seksyen 16.
20. Pindaan seksyen 18.
21. Pindaan Jadual 1.
22. Pindaan Jadual 2.

BAB IV

PINDAAN-PINDAAN KEPADA AKTA CUKAI
KEUNTUNGAN HARTA TANAH 1976

23. Mula berkuatkuasanya pindaan-pindaan kepada Akta Cukai Keuntungan Harta Tanah 1976.
24. Pindaan Jadual 2.
25. Pindaan Jadual 3.

BAB V

PEMANSUHAN DAN KECUALIAN AKTA CUKAI
PEMINDAHAN SYER (SYARIKAT BERASASKAN
TANAH) 1984

26. Pemansuhan dan kecualian Akta Cukai Pemindahan Syer (Syarikat Berasaskan Tanah) 1984.

UNDANG-UNDANG MALAYSIA

Akta 364

AKTA KEWANGAN 1988

Suatu Akta untuk meminda Akta Cukai Pendapatan 1967, Akta Petroleum (Cukai Pendapatan) 1967 dan Akta Cukai Keuntungan Harta Tanah 1976 dan untuk memansuhkan Akta Cukai Pemindahan Syer (Syarikat Berasaskan Tanah) 1984.

[]

MAKA INILAH DIPERBUAT UNDANG-UNDANG oleh Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong dengan nasihat dan persetujuan Dewan Negara dan Dewan Rakyat yang bersidang dalam Parlimen, dan dengan kuasa daripadanya, seperti berikut:

BAB I

PERMULAAN

1. Akta ini bolehlah dinamakan Akta Kewangan 1988. Tajuk ringkas.
2. (1) Akta Cukai Pendapatan 1967, Akta Petroleum (Cukai Pendapatan) 1967 dan Akta Cukai Keuntungan Harta Tanah 1976 adalah dipinda mengikut cara yang masing-masingnya dinyatakan dalam Bab II, III dan IV. Pindaan dan pemansuhan Akta-Akta. Akta 53. 45/67. Akta 169.
- (2) Akta Cukai Pemindahan Syer (Syarikat Berasaskan Tanah) 1984 adalah dimansuhkan mengikut cara yang dinyatakan dalam Bab V. Akta 310.

BAB II

PINDAAN-PINDAAN KEPADA AKTA CUKAI PENDAPATAN 1967

3. (1) Kecuali bagi seksyen 14 (b) dan (e), Bab ini hendaklah berkuatkuasa bagi tahun taksiran 1989 dan tahun-tahun taksiran yang berikutnya. Mula berkuatkuasanya pindaan-pindaan kepada Akta Cukai Pendapatan 1967.

(2) Seksyen 14 (b) dan (e) hendaklah berkuatkuasa bagi tahun taksiran 1990 dan tahun-tahun taksiran yang berikutnya.

Pindaan
seksyen 18.
Akta 53.

4. Seksyen 18 Akta Cukai Pendapatan 1967, yang disebut “Akta ibu” dalam Bab ini, adalah dipinda dengan memasukkan, selepas sahaja takrif “economic rent”, takrif baru “entertainment” yang berikut:

‘ “entertainment” includes—

(a) the provision of food, drink, recreation or hospitality of any kind; or

(b) the provision of accommodation or travel in connection with or for the purpose of facilitating entertainment of the kind mentioned in paragraph (a),

by a person or an employee of his in connection with a trade or business carried on by that person;’.

Seksyen baru
38A.

5. Akta ibu adalah dipinda dengan memasukkan, selepas sahaja seksyen 38, seksyen baru 38A yang berikut:

“Limitation on deduction of entertainment expenses. 38A. Where an employee’s gross income from an employment under section 13 (1) includes for the basis period for a year of assessment any entertainment allowance, the amount of expenses deductible under section 33 (1) in respect of entertainment by the employee, shall not exceed the amount of such entertainment allowance included in that gross income.”.

Pindaan
seksyen 39.

6. Subseksyen (1) seksyen 39 Akta ibu adalah dipinda—

(a) dengan memotong perkataan “or” di hujung subperenggan (ii) perenggan (e);

(b) dengan menggantikan koma di hujung subperenggan (iii) perenggan (e) dengan koma bertitik dan memasukkan, selepas itu, perkataan “or”;

(c) dengan memasukkan, selepas sahaja subperenggan (iii) perenggan (e), subperenggan baru (iv) yang berikut:

“(iv) qualifying farm expenditure for the purposes of Schedule 4A,”;

(d) dengan menggantikan perenggan (h) dengan yang berikut:

“(h) any sum paid by way of a bonus to an employee in excess of—

(i) two thousand ringgit; or

(ii) two-twelfths of his wages or salary plus a proportionate increase, if any, of that sum which is not more than twice the percentage increase of the net profits before taxation of the business of that basis period over such net profits, if any, of the preceding basis period,

whichever is the greater;”;

(e) dengan memotong perkataan “or” di hujung perenggan (j);

(f) dengan menggantikan noktah di hujung perenggan (k) dengan koma bertitik; dan

(g) dengan memasukkan, selepas sahaja perenggan (k), perenggan baru (l) dan (m) yang berikut:

“(l) any expenses incurred in the provision of entertainment including any sums paid to an employee of that person for the purpose of defraying expenses incurred by that employee in the provision of entertainment:

Provided that this paragraph shall not apply to the following expenses:

(i) the provision of entertainment to his employees except where such

provision is incidental to the provision of entertainment for others;

- (ii) the provision of entertainment by a person who carries on a business which consists of or includes the provision for payment of entertainment to clients or customers of that business and that entertainment is provided for payment by the clients or customers in the ordinary course of that business;
 - (iii) the provision of promotional gifts at trade fairs or trade or industrial exhibitions held outside Malaysia for the promotion of exports from Malaysia;
 - (iv) the provision of promotional samples of products of the business of that person; or
 - (v) the provision of entertainment for cultural or sporting events open to members of the public, wholly to promote the business of that person; or
- (m) notwithstanding subparagraph (i) of paragraph (l), any expenditure incurred in the provision of a benefit or amenity to an employee consisting of a leave passage within or outside Malaysia.”.

8. Seksyen 44 Akta ibu adalah dipinda dengan memasukkan, selepas sahaja perkataan-perkataan “Schedule 4” dalam perenggan (b) subseksyen (1), perkataan-perkataan “or 4A”. Pindaan seksyen 44.

9. Seksyen 108 Akta ibu adalah dipinda— Pindaan seksyen 108.

(a) dengan memasukkan, selepas sahaja subseksyen (2), subseksyen baru (2A) yang berikut:

“(2A) Notwithstanding any other provision of this Act, where a dividend is paid, credited or distributed with or without deduction of tax during the basis year for the year of assessment 1989, the amount of the dividend received by the shareholder shall be deemed to be a dividend of such a gross amount as after deduction of tax at the rate of thirty-five per cent would be equal to—

(a) the amount in fact paid or credited; or

(b) where the dividend consists of property other than money, the amount of the market value of that property at the time of the dividend’s distribution,

and a sum equal to the difference between that gross amount and the amount mentioned in paragraph (a) or (b), as the case may be, shall be deemed to have been deducted from the dividend as tax.”;

(b) dengan memasukkan, selepas sahaja subseksyen (4), subseksyen baru (4A) yang berikut:

“(4A) In any case where tax has been deducted at the rate of forty per cent on any dividend paid, credited or distributed during the basis year for the year of assessment 1989 to which subsection (2A) applies, the difference between the amount of tax deducted at forty per cent from such

dividend and the amount deemed to have been so deducted under that subsection shall be carried forward as a balance in accordance with subsection (6).”.

Pindaan
seksyen 110.

10. Seksyen 110 Akta ibu adalah dipinda dengan memasukkan, selepas sahaja subseksyen (1), subseksyen baru (1A) yang berikut:

“(1A) Notwithstanding subsection (1), where tax on any dividend paid, credited or distributed during the basis year for the year of assessment 1989 has been deducted at the rate of forty per cent, the tax to be set off under subsection (1) shall be the sum deemed to be the tax deducted from such dividend under subsection (2A) of section 108.”.

Pindaan
Jadual 1.

11. Jadual 1 kepada Akta ibu adalah dipinda dengan menggantikan angka “40” dalam perenggan (2) Bahagian I dengan angka “35”.

Jadual
baru 4A.

12. Akta ibu adalah dipinda dengan memasukkan, selepas sahaja Jadual 4, Jadual baru 4A yang berikut:

“

SCHEDULE 4A

(Sections 43 and 44)

CAPITAL EXPENDITURE ON APPROVED
AGRICULTURAL PROJECTS

1. Subject to this Schedule, qualifying farm expenditure for the purposes of this Schedule is capital expenditure within the meaning of paragraph 2, incurred by a person for the purposes of a business of that person consisting of the carrying on of an approved agricultural project, within the period stipulated by the Minister for the purposes of this Schedule, in respect of which expenditure that person would have been entitled to an allowance under Schedule 3 but for an election under this Schedule.

2. Subject to paragraph 1, qualifying farm expenditure is capital expenditure incurred for the purposes of an approved agricultural project on—

(a) the clearing and preparation of land;

(b) the planting (but not replanting) of a crop relating to an approved agricultural project;

- (c) the construction on a farm of a road or bridge;
 - (d) the construction on a farm of a building used for the purposes of an approved agricultural project which is carried out on that farm or the construction on that farm of a building provided for the welfare and accommodation of persons employed in that project and which, if that project ceased to be carried out, is likely to be of little or no value to any person except in connection with the working of another farm; or
 - (e) the construction of a pond or the installation of an irrigation or drainage system which is used for the purposes of an approved agricultural project.
3. A person who has incurred qualifying farm expenditure may elect to claim within three months after the beginning of the year of assessment in the basis period in which that business commenced or within such further period as the Director General may allow, a deduction to be made under this Schedule:

Provided that—

- (a) this paragraph shall not apply where the total area of the land utilised for the approved agricultural project is below the hectarage stipulated by the Minister for the purposes of this Schedule;
 - (b) where a person has made an election for a deduction under this Schedule in respect of an approved agricultural project he shall not be entitled to make a further election in respect of another project relating to the same crop or product.
4. Subject to this Schedule, there shall be deducted for a year of assessment under section 44 (1) an amount equal to so much of the qualifying farm expenditure as was incurred in the basis period for the year of assessment (in this Schedule that year of assessment being referred to as “the relevant year”).
5. A person entitled to a deduction in respect of any expenditure relating to an approved agricultural project under this Schedule shall not be entitled to a deduction in connection with another approved agricultural project in respect of the same expenditure.
6. Where by reason of the fact that there is for the relevant year no or no sufficient defined aggregate, a deduction which would otherwise be made under section 44 (1) pursuant to this Schedule cannot be made or can be made only in part, the deduction (or, where the deduction can be made only in part, so much of the deduction as cannot be made) shall be made for the first year of assessment (being a year of assessment subsequent to the relevant

year) for which in computing the total income there is a defined aggregate, and so on for the years of assessment subsequent to that first year until the whole amount of the deduction has been made.

7. Where a person who has incurred qualifying farm expenditure and claimed a deduction in respect of such expenditure under this Schedule, receives an amount as consideration for the disposal of an asset in relation to which such qualifying farm expenditure was incurred, the amount so received shall be added under section 43 (1) (c) in ascertaining his aggregate income for the year of assessment in the basis period in which that amount was received:

Provided that—

- (a) the amount so added shall not exceed the total deductions allowed in relation to that asset under this Schedule;
- (b) this paragraph shall not apply where in the case of an asset in relation to which an agricultural allowance would have been made to him under Schedule 3 but for a claim under this Schedule, the disposal takes place after the end of ten years commencing from the date on which the qualifying farm expenditure in relation to that asset was incurred.

8. (1) In this Schedule—

“approved agricultural project” means an agricultural project which is approved by the Minister by statutory order in the *Gazette* for the purposes of this Schedule;

“asset” means an asset in relation to which qualifying farm expenditure has been incurred;

“defined aggregate”, in relation to a year of assessment, means the aggregate income for that year reduced by a deduction made pursuant to section 44 (2) or Schedule 4.

(2) The period and minimum hectarage in relation to an approved agricultural project for purposes of this Schedule shall be stipulated by the Minister in a statutory order in the *Gazette*.”.

Pindaan
Jadual 6.

13. Jadual 6 kepada Akta ibu adalah dipinda dengan menggantikan perenggan 13 dengan yang berikut:

“13. (1) Subject to this paragraph, the income, other than dividend income, of—

- (a) a charitable institution, trust body of any trust or body of persons, if the institution, trust body or body of persons in question is

established in Malaysia for charitable purposes only and approved by the Director General for the purposes of this paragraph;

- (b) a building fund approved under section 44 (6) or a religious institution or organisation which is not operated or conducted primarily for profit and which is established in Malaysia exclusively for the purposes of religious worship or the advancement of religion.

(2) An institution, a trust body or body of persons referred to in subparagraph (1) (a)—

- (a) shall apply for approval from the Director General; and

- (b) shall apply its income, whether exempt or otherwise, solely for its charitable purposes or charitable objects within Malaysia and the amount so applied in a year of assessment shall not be less than seventy per cent (or such percentage as may be permitted by the Director General) of such income for the basis period for that year of assessment.

(3) Where a business is carried on by an institution, a trust body, body of persons or an organisation referred to in subparagraph (1) the income from the business shall be exempt from tax if—

- (a) the business is carried on in the course of the actual carrying out of a primary purpose of the institution, trust body, body of persons or organisation; or

- (b) the work in connection with the business is mainly carried on by persons for whose benefit the institution, trust body, body of persons or organisation was established.”.

Pindaan
Jadual 7A.

14. Jadual 7A kepada Akta ibu adalah dipinda dengan—

(a) dengan menggantikan perkataan “twenty-five” dalam perenggan 1 dengan perkataan “forty”;

(b) dengan memasukkan, sebelum sahaja proviso yang ada dalam perenggan 1, proviso baru yang berikut:

Act 327. “Provided that in the case of a small scale company as defined under section 33 (4) of the Promotion of Investments Act 1986 there shall be given to the company a reinvestment allowance of fifty per cent of that expenditure.”;

(c) dengan memasukkan, selepas sahaja perkataan “Provided” dalam proviso yang ada dalam perenggan 1, perkataan “further”;

(d) dengan menggantikan perkataan “ten” dalam subperenggan (b) perenggan 2 dengan perkataan “twelve”; dan

(e) dengan memasukkan, selepas sahaja angka “33,” dalam subperenggan (c) perenggan 7, angka “33A,”.

BAB III

PINDAAN-PINDAAN KEPADA AKTA PETROLEUM (CUKAI PENDAPATAN) 1967

Mula berkuatkuasanya pindaan-pindaan kepada Akta Petroleum (Cukai Pendapatan) 1967.

15. Bab ini hendaklah berkuatkuasa bagi tahun taksiran 1989 dan tahun-tahun taksiran yang berikutnya.

16. Subseksyen (1) seksyen 2 Akta Petroleum (Cukai Pendapatan) 1967, yang disebut “Akta ibu” dalam Bab ini, adalah dipinda—

Pindaan
seksyen 2.
45/67.

(a) dengan menggantikan subperenggan (ii) dalam takrif “chargeable person” dengan yang berikut:

“(ii) in relation to each petroleum agreement, any other person carrying on petroleum operations thereunder,”;

(b) dengan memasukkan, selepas sahaja takrif “disposal” and “disposed of”’, takrif baru “entertainment” yang berikut:

“entertainment” includes—

(a) the provision of food, drink, recreation or hospitality of any kind; or

(b) the provision of accommodation or travel in connection with or for the purpose of facilitating entertainment of the kind mentioned in paragraph (a),

by a chargeable person or an employee of his in connection with petroleum operations carried on by that chargeable person;’; dan

(c) dengan memasukkan, selepas itu, subseksyen baru (2), (3) dan (4) yang berikut:

“(2) For the purposes of this Act, where a person, other than Petroleum Nasional Berhad, carries on petroleum operations under more than one petroleum agreement, he shall be regarded as a separate chargeable person in respect of each of those agreements.

(3) Where a partnership is succeeded by another at any time during the period of its petroleum agreement, and at least one of the original parties to that agreement who

was a member of the succeeded partnership is a member of the succeeding partnership, both partnerships shall be treated for the purposes of this Act as one continuing partnership.

(4) For the purposes of this Act—

(a) (i) where a partnership carries on petroleum operations under two or more petroleum agreements and the areas under those agreements are contiguous, the petroleum operations in those areas shall be treated as being carried on under one petroleum agreement; and

(ii) agreement areas which would otherwise be contiguous with each other shall be treated as being contiguous with each other notwithstanding that any part of those agreement areas has been surrendered to Petroleum Nasional Berhad; or

(b) where prior to 21st October 1988 a partnership has more than one petroleum agreement and there is no change in the members of the partnership after that date in respect of those petroleum agreements, that partnership shall be regarded as carrying on petroleum operations under one petroleum agreement.”.

Pindaan
seksyen 4.

17. Seksyen 4 Akta ibu adalah dipinda dengan memasukkan, selepas sahaja subseksyen (2), subseksyen baru (3) yang berikut:

“(3) For the avoidance of doubt, it is hereby declared that for the purposes of this Act, the chargeable income from petroleum operations of

any person other than Petroleum Nasional Berhad shall be ascertained by reference to each petroleum agreement separately.”.

18. Akta ibu adalah dipinda dengan menggantikan seksyen 10 dengan yang berikut: Pindaan seksyen 10.

“Chargeable petroleum delivered to refinery or gas processing plant. 10. Where in the relevant period any chargeable petroleum of the relevant chargeable person is delivered to a refinery in Malaysia for refining or to a gas processing plant in Malaysia for processing by or on behalf of that chargeable person, an amount equal to the market value of the chargeable petroleum shall be treated as gross income of that chargeable person for that period.”.

19. Seksyen 16 Akta ibu adalah dipinda dengan memotong proviso dalam subseksyen (4). Pindaan seksyen 16.

20. Subseksyen (1) seksyen 18 Akta ibu adalah dipinda— Pindaan seksyen 18.

(a) dengan menggantikan perenggan (l) dengan yang berikut:

“(l) any sum paid by way of a bonus to an employee in excess of—

- (i) two thousand ringgit; or
- (ii) two-twelfths of his wages or salary plus a proportionate increase, if any, of that sum which is not more than twice the percentage increase of the net profits before taxation of the chargeable person from petroleum operations of that basis period over such net profits, if any, of the preceding basis period,

whichever is the greater; or”;

(b) dengan menggantikan noktah di hujung perenggan (m) dengan koma bertitik dan memasukkan, selepas itu, perkataan “or”; dan

- (c) dengan memasukkan, selepas sahaja perenggan (*m*), perenggan baru (*n*) dan (*o*) yang berikut:

“(n) any expenses incurred in the provision of entertainment including any sums paid to an employee of that chargeable person for the purpose of defraying expenses incurred by that employee in the provision of entertainment:

Provided that this paragraph shall not apply to the expenses incurred in the provision of entertainment to his employees except where such provision is incidental to the provision of entertainment for others; or

- (o) notwithstanding the proviso to paragraph (*n*), any expenditure incurred in the provision of a benefit or amenity to an employee consisting of a leave passage within or outside Malaysia.”.

Pindaan
Jadual 1.

21. Jadual 1 kepada Akta ibu adalah dipinda dengan menggantikan perkataan “one-twentieth” dalam subperenggan (2) perenggan 5 dengan perkataan “three-twentieths”.

Pindaan
Jadual 2.

22. Jadual 2 kepada Akta ibu adalah dipinda—

- (a) dengan menggantikan perkataan “six” dalam subsubperenggan (*a*) subperenggan (1) perenggan 12 dengan perkataan “ten”;
- (b) dengan menggantikan perkataan-perkataan “subparagraph (*b*)” dalam subperenggan (*a*) perenggan 41 dengan perkataan-perkataan “subparagraphs (*b*) and (*c*)”;
- (c) dengan menggantikan noktah di hujung subperenggan (*b*) perenggan 41 dengan koma bertitik;

- (d) dengan memasukkan, selepas sahaja subperenggan (b) perenggan 41, subperenggan baru (c) yang berikut:

“(c) subject to subparagraph (b), where an asset of the kind to which paragraph 2 (2) applies is disposed of, the disposal value shall be deemed to be an amount which bears the same proportion to the disposal value ascertained under subparagraph (a) as the qualifying plant expenditure ascertained under paragraph 2 (2) bears to the qualifying plant expenditure ascertained under paragraph 2 (1).”;

- (e) dengan menggantikan koma di hujung subperenggan (c) perenggan 51 dengan koma bertitik dan memasukkan, selepas itu, perkataan “or”;

- (f) dengan memasukkan, selepas sahaja subperenggan (c) perenggan 51, subperenggan baru (d) yang berikut:

“(d) the asset is used for the purposes of petroleum operations under more than one petroleum agreement,”; dan

- (g) dengan memasukkan, selepas sahaja perkataan-perkataan “carried on in Malaysia” dalam perenggan 51, perkataan-perkataan “or wholly for the purposes of petroleum operations under one petroleum agreement”.

BAB IV

PINDAAN-PINDAAN KEPADA AKTA CUKAI KEUNTUNGAN HARTA TANAH 1976

23. Bab ini hendaklah disifatkan telah mula berkuatkuasa pada 21hb Oktober 1988.

Mula berkuatkuasanya pindaan-pindaan kepada Akta Cukai Keuntungan Harta Tanah 1976.

Pindaan
Jadual 2.
Akta 169.

24. Jadual 2 kepada Akta Cukai Keuntungan Harta Tanah 1976, yang disebut "Akta ibu" dalam Bab ini, adalah dipinda—

(a) dengan menggantikan noktah di hujung subperenggan (c) perenggan 33 dengan koma bertitik dan memasukkan, selepas itu, perkataan "atau";

(b) dengan memasukkan, selepas sahaja subperenggan (c) perenggan 33, subperenggan baru (d) yang berikut:

"(d) pelupusan itu adalah pelupusan aset yang boleh dikenakan cukai di bawah perenggan 34A."; dan

(c) dengan memasukkan, selepas sahaja perenggan 34, perenggan baru 34A yang berikut:

34A. (1) Perolehan syer-syer dalam suatu syarikat harta tanah (kemudian daripada ini disebut "syarikat yang relevan" dalam perenggan ini) hendaklah disifatkan sebagai perolehan suatu aset yang boleh dikenakan cukai, dan jika syer-syer itu dilupuskan, pelupusan yang sedemikian hendaklah disifatkan sebagai pelupusan suatu aset yang boleh dikenakan cukai walaupun pada masa pelupusan syer-syer tersebut syarikat yang relevan itu tidaklah boleh dianggapkan sebagai suatu syarikat harta tanah.

"Perolehan dan pelupusan syer-syer dalam syarikat harta tanah.

(2) Aset yang boleh dikenakan cukai dalam perenggan ini hendaklah disifatkan diperolehi—

(a) pada tarikh syarikat yang relevan itu menjadi suatu syarikat harta tanah; atau

(b) pada tarikh perolehan aset yang boleh dikenakan cukai itu:

Dengan syarat bahawa jika syarikat yang relevan itu memperolehi harta tanah atau syer-syer tambahan atau kedua-duanya, yang

nilai tertentu adalah setara dengan atau melebihi lima puluh peratus daripada nilai tertentu bagi harta tanah atau syer-syer itu atau kedua-duanya yang telahpun dimilikinya, maka tarikh perolehan aset yang boleh dikenakan cukai hendaklah disifatkan sebagai tarikh perolehan harta tanah atau syer-syer tambahan atau kedua-duanya itu.

(3) Walau apa pun perenggan 4 dan 9, aset yang boleh dikenakan cukai dalam perenggan ini hendaklah disifatkan diperolehi pada harga perolehan yang sama dengan sejumlah wang yang ditentukan mengikut formula

$$\frac{A \times C}{B}$$

di mana A ialah bilangan syer yang disifatkan sebagai aset yang boleh dikenakan cukai;

B ialah jumlah bilangan syer terbitan dalam syarikat yang relevan pada tarikh perolehan aset yang boleh dikenakan cukai; dan

C ialah nilai tertentu bagi harta tanah atau syer-syer atau kedua-duanya yang dimiliki oleh syarikat yang relevan pada tarikh perolehan aset yang boleh dikenakan cukai.

(4) Walau apa pun perenggan 5, harga pelupusan bagi aset yang boleh dikenakan cukai dalam perenggan ini ialah amaun atau nilai balasan berupa wang atau nilai wang bagi pelupusan aset yang boleh dikenakan cukai.

(5) Perenggan ini tidaklah terpakai bagi perolehan atau pelupusan apa-apa syer di bawah perenggan 34.

(6) Bagi maksud-maksud perenggan ini—

“nilai jumlah aset ketaranya” ertinya agregat nilai tertentu bagi harta tanah atau syer-syer atau kedua-duanya dan nilai bagi aset ketara lain;

“nilai tertentu” ertinya nilai pasaran bagi harta tanah atau harga perolehan bagi syer-syer sebagaimana yang ditentukan di bawah perenggan-kecil (3);

“syarikat harta tanah” ertinya—

(a) syarikat terkawal yang, seperti pada 21hb Oktober 1988, memiliki harta tanah atau syer-syer atau kedua-duanya, yang nilai tertentunya ialah tidak kurang daripada tujuh puluh lima peratus daripada nilai jumlah aset ketaranya; atau

(b) syarikat terkawal yang perenggan-kecil (a) tidak terpakai baginya, tetapi yang, pada mana-mana tarikh selepas 21hb Oktober 1988, memperolehi harta tanah atau syer-syer atau kedua-duanya yang menurutnya nilai tertentu bagi harta tanah atau syer-syer atau kedua-duanya yang dimiliki pada tarikh tersebut ialah tidak kurang daripada tujuh puluh lima peratus daripada nilai jumlah aset ketaranya:

Dengan syarat bahawa jika pada mana-mana tarikh syarikat itu melupuskan harta tanah atau syer-syer atau kedua-duanya yang menurutnya nilai tertentu bagi harta tanah atau syer-syer atau kedua-duanya yang dimiliki pada tarikh tersebut dan selepasnya itu ialah kurang daripada tujuh puluh lima peratus daripada nilai jumlah aset ketaranya, syarikat itu tidaklah boleh dianggapkan sebagai suatu syarikat harta tanah mulai dari tarikh itu;

Akta 53. “syarikat terkawal” ertinya syarikat terkawal sebagaimana yang ditakrifkan di bawah Akta Cukai Pendapatan 1967;

“syer-syer” merujuk kepada syer-syer yang dimiliki dalam syarikat harta tanah.”.

25. Jadual 3 kepada Akta ibu adalah dipinda—

Pindaan
Jadual 3.

(a) dengan menggantikan perenggan 4 dengan yang berikut:

“4. Tertakluk kepada Jadual ini, sesuatu tempat kediaman persendirian adalah suatu bangunan atau sebahagian daripada suatu bangunan dalam Malaysia yang dimiliki oleh orang perseorangan dan diduduki atau yang diperakui layak untuk diduduki sebagai tempat kediaman.”; dan

(b) dengan memotong perkataan-perkataan “dan tidak lebih daripada sepuluh peratus dari bangunan itu diduduki terutamanya sebagai suatu tempat kediaman” dalam subperenggan (a) dan (b) perenggan 12.

BAB V

PEMANSUHAN DAN KECUALIAN AKTA CUKAI PEMINDAHAN SYER (SYARIKAT BERASASKAN TANAH) 1984

26. Akta Cukai Pemindahan Syer (Syarikat Berasaskan Tanah) 1984 adalah dimansuhkan mulai dari 21hb Oktober 1988, tetapi tanpa menjejaskan hak Ketua Pengarah untuk mengambil apa-apa tindakan yang dia diberikuasa untuk mengambilnya di bawah Akta yang dimansuhkan sedemikian untuk mentaksirkan cukai pemindahan syer, atau untuk mendapatkan pembayarannya, yang pada tarikh pemansuhan tersebut masih kena ditaksirkan atau dibayar.

Subs. A420
Pemansuhan
dan
kecualian
Akta
Cukai
Pemindahan
Syer
(Syarikat
Berasaskan
Tanah)
1984.
Akta 310.