D.R. 14/2011

RANG UNDANG-UNDANG

b e r n a m a

Suatu Akta untuk meminda Akta Petroleum (Cukai Pendapatan) 1967.

[ ]

DIPERBUAT oleh Parlimen Malaysia seperti yang berikut:

Tajuk ringkas dan permulaan kuat kuasa

1. (1) Akta ini bolehlah dinamakan Akta Petroleum (Cukai Pendapatan) (Pindaan) 2011.

(2) Akta ini disifatkan telah mula berkuat kuasa pada 30 November 2010.

Bab baru 6 kepada Bahagian III

2. Akta Petroleum (Cukai Pendapatan) 1967 [*Akta 543*], yang disebut "Akta ibu" dalam Akta ini, dipinda dengan memasukkan selepas Bab 5 dalam Bahagian III Bab yang berikut:

"*Chapter 6 – Special treatment*

Power to direct special treatment in the computation of income from petroleum operations in certain cases

22A. (1) Notwithstanding any other provision in this Part, where the Director General is satisfied that there is a need for some treatment in computing the gross income, adjusted

income, statutory income and assessable income from petroleum operations, he may give directions and formulate regulations to be published in the *Gazette* for special treatment with respect to such petroleum operations:

Provided that no such directions and regulations shall have effect in relation to petroleum operations for any year of assessment with respect to which an assessment wholly or partly relating to income from that petroleum operations has become final and conclusive or is the subject of an appeal which has been sent forward to the Special Commissioners.

(2) Any direction given under subsection (1) with respect to the gross income, adjusted income, statutory income and assessable income from the petroleum operations may–

(a) provide that the gross income to which it relates (or any part thereof) shall be taken to be gross income for such basis period or periods for such year or years of assessment with respect to that petroleum operations as may be specified in the direction; and

(b) provide for special treatment with respect to the ascertainment of the adjusted income, statutory income and assessable income from that petroleum operations for the basis period or periods for any year or years of assessment.”.

Seksyen baru 65C

3. Akta ibu dipinda dengan memasukkan selepas seksyen 65B seksyen yang berikut:

“**Exemption from tax: general**

65C. (1) The Minister may, by statutory order, exempt any chargeable person from all or any of the provisions of this Act, either generally or in respect of any income of a particular kind.

(2) Any order made under subsection (1) shall be laid before the Dewan Rakyat.

(3) Nothing in subsection (1) shall absolve or be deemed to have absolved the said chargeable person from complying with any requirement to submit any return or statement of accounts or to furnish any other information under the provisions of this Act in respect of the income exempted under this section.".

Pindaan Jadual Pertama

4. Jadual Pertama kepada Akta ibu dipinda dengan memasukkan selepas perenggan 3 perenggan yang berikut:

"**3A.** (1) Where prior to the basis period for the first year of assessment for which a chargeable person under a petroleum agreement is chargeable to tax and that chargeable person incurs qualifying exploration expenditure, there may be deducted from the gross income of another chargeable person in another petroleum agreement in the basis period for a year of assessment of the second-mentioned chargeable person the qualifying exploration expenditure referred to in paragraph 3:

Provided that the original parties to the petroleum agreements are the same.

(2) The amount of qualifying exploration expenditure incurred by the first-mentioned chargeable person to be allowed as deduction against the gross income of the second-mentioned chargeable person shall be determined in accordance with the following formula:

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

where A is the gross income of the second-mentioned chargeable person from a petroleum operation;

B is the total gross income of the second-mentioned chargeable person from petroleum operations; and

C is the qualifying exploration expenditure; and

in the case where the qualifying exploration expenditure exceeds the amount of gross income of petroleum operations or the gross income in respect of a petroleum operation of the second-mentioned chargeable person, the excess of the expenditure—

(a) shall be allowed to be deducted from the gross income of that petroleum operations for the subsequent years of assessment of the second-mentioned chargeable person; or

(b) may be deducted from the gross income of another chargeable person in another petroleum agreement in accordance with this subparagraph if the original parties to the petroleum agreements are the same.

(3) Subparagraph (1) shall not apply to chargeable persons carrying on petroleum operations—

(a) in the Joint Development Area; or

(b) in an area under any agreement or arrangement made by the Government with the government of any territory outside Malaysia for the joint exploration and exploitation of petroleum in overlapping areas referred to in subsection 65B(1).

(4) Any amount deducted under subparagraphs (1) and (2) shall be disregarded for the purpose of ascertaining the adjusted income—

(a) of the first-mentioned chargeable person; or

(b) where subsubparagraph (2)*(b)* applies, of the second-mentioned chargeable person.".

HURAIAN

Rang Undang-Undang ini bertujuan untuk meminda Akta Petroleum (Cukai Pendapatan) 1967.

2. *Fasal 2* bertujuan untuk memasukkan Bab baru 6 ke dalam Bahagian III yang memperuntukkan seksyen baru 22A untuk memberi Ketua Pengarah kuasa untuk memberikan arahan dan membuat peraturan-peraturan bagi layanan khas berkenaan dengan pengiraan pendapatan kasar, pendapatan larasan, pendapatan berkanun dan pendapatan tertaksir daripada operasi petroleum.

3. *Fasal 3* bertujuan untuk memasukkan seksyen baru 65C ke dalam Akta 543. Ini adalah untuk membolehkan Menteri mengecualikan mana-mana orang yang boleh dikenakan cukai daripada kesemua atau mana-mana peruntukan Akta ini, sama ada secara am atau berkenaan dengan apa-apa jenis pendapatan. Pengecualian hendaklah dibuat melalui perintah yang disiarkan dalam *Warta*.

4. *Fasal 4* bertujuan untuk memasukkan perenggan baru 3A ke dalam Jadual Pertama kepada Akta 543 untuk membenarkan perbelanjaan eksplorasi yang layak yang telah dilakukan oleh orang yang boleh dikenakan cukai ditolak daripada pendapatan kasar orang yang boleh dikenakan cukai yang lain di bawah perjanjian petroleum yang lain dengan syarat bahawa pihak asal kepada perjanjian petroleum dalam had kawasan di bawah perjanjian tidak berdampingan adalah sama.

Fasal 4 seterusnya bertujuan untuk memperuntukkan bahawa perenggan baru 3A tidaklah terpakai bagi operasi petroleum dalam Kawasan Pembangunan Bersama atau kawasan yang berkenaan dengannya perjanjian atau perkiraan dibuat mengenai kawasan bertindih sebagaimana yang diperuntukkan dalam seksyen 65B Akta 543.

IMPLIKASI KEWANGAN

Rang Undang-Undang ini tidak akan melibatkan Kerajaan dalam apa-apa perbelanjaan wang tambahan.

[PN(U^2)2807]