

Suppliment tal-Gazzetta tal-Gvern ta' Malta Nru. 20,423, 16 ta' Ġunju, 2020

Taqsima B

A.L. 246 tal-2020

**ATT DWAR L-AMMINISTRAZZJONI TAT-TAXXA
(KAP. 372)**

Regoli tal-2020 li jemendaw ir-Regoli dwar *Final Settlement System* (FSS)

BIS-SAHHA tas-setgħat mogħtija bl-artikoli 23 and 58 tal-Att dwar l-Amministrazzjoni tat-Taxxa, il-Ministru għal-Finanzi u s-Servizzi Finanzjarji għamel dawn ir-regoli li ġejjin:-

1. (1) It-titolu ta' dawn ir-regoli hu r-Regoli tal-2020 li jemendaw ir-Regoli dwar *Final Settlement System* (FSS) u dawn ir-regoli għandhom jinqraw u jinftiehm u haġa waħda mar-Regoli dwar *Final Settlement System* hawn iżjed 'il quddiem imsejha "r-regoli prinċipali".

Titolu u bidu fis-sehħ.

L.S. 372. 14.

(2) Dawn ir-regoli għandhom jitqiesu li daħlu fis-sehħ fl-1 ta' Jannar 2020.

2. Fir-regola 2 tar-regoli prinċipali, minnufih wara t-tifsira "imħallas bi flus" għandha tiżdied it-tifsira ġdida li ġejja:

Jemenda r-regola 2 tar-regoli prinċipali.

"*income* minn sahra kwalifikanti" għandukollha l-istess tifsira kif mogħtija lilha fir-Regoli dwar Taxxa fuq is-Sahra;"

L.S. 123. 200.

3. Minnufih wara l-paragrafu (b) tar-regola 6 tar-regoli prinċipali għandu jiżdied il-paragrafu ġdid li ġej:

Jemenda r-regola 6 tar-regoli prinċipali.

"(bb) il-Metodu dwar Tnaqqis ta' Taxxa dwar Sahra FSS, bil-mod provdut taħt ir-regola 7A;"

4. Minnufih wara r-regola 7 tar-regoli prinċipali għandha tiżdied ir-regola ġdida li ġejja:

Iżid regola ġdida mar-regoli prinċipali.

"Applikazzjoni tal-Metodu dwar Tnaqqis ta' Taxxa dwar Sahra FSS.

7A. (1) Meta pagatur iħallas emolumenti li jirrapreżentaw *income* minn sahra kwalifikanti huwa għandu jnaqqas minnhom taxxa bir-rata ta' ħmistax-il ċenteżmu (€0.15) ta' kull euro (€1).

(2) Bla ħsara għad-dispożizzjonijiet l-oħra ta' din ir-regola -

(a) *income* minn sahra kwalifikanti li minnu tkun hekk tnaqqset it-taxxa ma għandux jagħmel parti mill-*income* taxxabbli tal-*payee* u ma għandux jiġi dikjarat minn dak l-individwu f'xi prospett mibgħut skont l-artikolu 10 tal-Att;

(b) it-taxxa li titnaqqas skont din ir-regola għandha tkun finali u ma għandhiex tingħata bħala kreditu jew tinqata' kontra taxxa dovuta minn xi persuna jew tithallas lura.

(3) *Payee* jista', fi kwalunkwe żmien, jagħti struzzjonijiet lill-pagatur biex ma japplikax il-Metodu dwar Tnaqqis ta' Taxxa dwar Sahra FSS għall-*income* tiegħu mis-sahra u jista', fi kwalunkwe żmien, iħassar dawk l-istruzzjonijiet. Avviż għall-fini ta' din is-subregola għandu jingħata bil-miktub fuq dik il-formola li tista' tkun approvata mill-Kummissarju.

(4) Struzzjonijiet mogħtija lil pagatur skont din ir-regola għandhom jidhlu fis-sehħ mid-data li l-avviż li jagħti dawk l-istruzzjonijiet jasal għand il-pagatur u jieqfu milli jkollhom effett mid-data li fiha jasal għand il-pagatur avviż ta' thassir.

(5) Kull *income* derivat bħala remunerazzjoni għal sahra li *payee* jagħmel waqt li jkunu fis-sehħ struzzjonijiet mogħtija kif ingħad ma għandux jittqies bħala *income* minn sahra kwalifikanti u d-dispożizzjonijiet ta' dawn ir-regoli għandhom japplikaw għal dak l-*income* mingħajr referenza għas-subregoli (1) u (2) u mingħajr referenza għall-artikolu 90B tal-Att dwar it-Taxxa fuq l-*Income* u għar-Regoli dwar it-Taxxa fuq is-Sahra.

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L.S. 123. 200.

(6) *Payee* jista', jekk jagħzel hekk, jiddikjara *income* minn sahra kwalifikanti li minnha tkun tnaqqset it-taxxa skont is-subregola (1) fi prospett mibgħut skont l-artikolu 10 tal-Att flimkien mal-*income* l-iehor tiegħu għas-sena ta' stima in kwistjoni, u f'dak il-każ dak l-*income* għandu jitqies bħala parti mill-*income* taxxabblil tal-*payee* u soġġett għat-taxxa bir-rati applikabbli għal dak il-*payee* skont l-artikolu 56 tal-Att dwar it-Taxxa fuq l-*Income* mingħajr referenza għall-artikolu 90B ta' dak l-Att. Kull taxxa mnaqqsa minn *income* minn sahra kwalifikanti f'dak il-każ għandha tkun disponibbli biex titpatta skont ir-regola 26.

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(7) Meta individwu li japplika għalih l-artikolu 12A tal-Att jirċievi *income* minn sahra kwalifikanti, u jirrizulta lill-Kummissarju li għażla msemmija fis-subregola (6) tipproduċi benefiċċju lil dak l-individwu, is-subregola (6) għandha tapplika daqs li kieku dak l-individwu għamel dik l-għażla u ddikjara dak l-*income* minn sahra kwalifikanti fi prospett mibgħut skont l-artikolu 10 tal-Att."

5. Ir-regola 20 tar-regoli prinċipali għandha tiġi emendata kif ġej: Jemenda r-regola 20 tar-regoli prinċipali.

(a) minnufih wara l-paragrafu (b) tagħha għandu jizdied il-paragrafu ġdid li ġej:

"(bb) l-ammont gross ta' emolumenti mħallsa lill-*payees* li jirrapreżenta *income* minn sahra kwalifikanti;" u

(b) minnufih wara l-paragrafu (d) tagħha għandu jizdied il-paragrafu ġdid li ġej:

"(dd) l-ammont totali ta' taxxa mnaqqsa dwar l-*income* imsemmi taht il-paragrafu (bb);".

6. Is-subregola (2) tar-regola 21 tar-regoli prinċipali għandha tiġi emendata kif ġej: Jemenda r-regola 21 tar-regoli prinċipali.

(a) minnufih wara l-paragrafu (a) tagħha għandu jizdied il-paragrafu ġdid li ġej:

"(aa) l-ammont gross ta' emolumenti mħallsa lill-*payee* li jirrapreżenta *income* minn sahra kwalifikanti u n-numru totali ta' sigħat ta' sahra li dwarhom ikun thallas dak l-*income*;" u

(b) minnufih wara l-paragrafu (c) tagħha għandu jizdied il-paragrafu ġdid li ġej:

"(c) it-taxxa mnaqqsa dwar l-*income* imsemmi taht il-paragrafu (aa);".

7. Is-subregola (2) tar-regola 22 tar-regoli prinċipali għandha tiġi emendata kif ġej: Jemenda r-regola 22 tar-regoli prinċipali.

(a) minnufih wara l-paragrafu (b) tagħha għandu jizdied il-paragrafu ġdid li ġej:

"(bb) l-ammont gross ta' emolumenti mħallsa lill-*payees* li jirrapreżenta *income* minn sahra kwalifikanti;" u

(b) minnufih wara l-paragrafu (d) tagħha għandu jizdied il-paragrafu ġdid li ġej:

"(dd) l-ammont totali ta' taxxa mnaqqsa dwar l-*income* imsemmi taht il-paragrafu (bb);".

Jemenda r-
regola 26 tar-
regoli prinċipali.

8. Fil-proviso tar-regola 26 tar-regoli prinċipali, il-kliem "għandu jithallas lura." għandhom jiġu sostitwiti bil-kliem "għandu jithallas lura:"u minnufih wara għandu jizdied il-proviso ġdid li ġej; u

"Izda wkoll li taxxa mnaqqas taht il-Metodu ta' Tnaqqis ta' Taxxa dwar Sahra FSS għandu jkun disponibbli biex jitpatta fiċ-ċirkostanzi msemmija fir-regola 7A(6) u (7) biss."

L.N. 246 of 2020

**INCOME TAX MANAGEMENT ACT
(CAP. 372)**

Final Settlement System (FSS) (Amendment) Rules, 2020

IN EXERCISE of the powers conferred by articles 23 and 58 of the Income Tax Management Act, the Minister for Finance and Financial Services has made the following rules:-

1. (1) The title of these rules is the Final Settlement System (FSS) (Amendment) Rules, 2020 and these rules shall be read and construed as one with the Final Settlement System (FSS) Rules, hereinafter referred to as "the principal rules".

Citation and commencement.
S.L. 372. 14.

(2) These rules shall be deemed to have come into force on 1 January 2020.

2. In rule 2 of the principal rules, immediately after the definition "payer" there shall be added the following new definition:

Amends rule 2 of the principal rules.

" "qualifying overtime income" shall have the meaning as assigned to it in the Tax on Overtime Rules;"

S.L. 123.200.

3. Immediately after paragraph (b) of rule 6 of the principal rules there shall be added the following new paragraph:

Amends rule 6 of the principal rules.

"(bb) the FSS Overtime Tax Deduction Method, in the manner provided under rule 7A;"

4. Immediately after rule 7 of the principal rules there shall be added the following new rule:

Adds new rule to the principal rules.

"Application of the FSS Overtime Tax Deduction Method.

7A. (1) When a payer pays emoluments that represent qualifying overtime income he shall deduct from them tax at the rate of fifteen cents (€0.15) of every one euro (€1).

(2) Saving the other provisions of this rule -

(a) qualifying overtime income from which tax has been so deducted shall not form part of the payee's chargeable income and shall not be declared by that individual in any return filed in accordance with article 10 of the Act;

(b) the tax deducted in accordance with this rule shall be final and shall not be available as a credit or set off against the tax liability of any person or as a refund.

(3) A payee may, at any time, give instructions to the payer not to apply the FSS Overtime Tax Deduction Method to his overtime income and may, at any time, revoke such instructions. A notice for the purpose of this sub-rule shall be given in writing on such form as may be approved by the Commissioner.

(4) Instructions given to a payer in accordance with this rule shall have effect as from the date when the notice giving such instructions is delivered to the payer and shall cease to have effect as from the date on which the notice of revocation is delivered to the payer.

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S.L. 123. 200.

(5) Any income derived for overtime that a payee performs while instructions given as aforesaid have effect shall not be treated as qualifying overtime income and the provisions these rules shall apply in respect of such income without reference to sub-rules (1) and (2) and without reference to article 90B of the Income Tax Act and to the Tax on Overtime Rules.

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(6) A payee may, if he so elects, declare qualifying employment income from which tax has been deducted in accordance with sub-rule (1) in a return filed in accordance with article 10 of the Act together with his other income for the year of assessment in question, and in that case that income shall be treated as part of the payee's chargeable income and subject to tax at the rates applicable to that payee in accordance with article 56 of the Income Tax Act without reference to article 90B of that Act. Any tax deducted from the qualifying overtime income in such a case shall be available for set-off in accordance with rule 26.

(7) When an individual to whom article 12A of the Act applies derives qualifying overtime income, and it results to the Commissioner that an election mentioned in sub-rule (6) produces a benefit to that individual, sub-rule (6) shall apply as if that individual has made that election and declared that qualifying overtime income in a return filed in accordance with article 10 of the Act."

5. Rule 20 of the principal rules shall be amended as follows: Amends rule 20 of the principal rules.

(a) immediately after paragraph (b) thereof there shall be added the following new paragraph:

"(bb) the gross amount of emoluments paid to the payees that represents qualifying overtime income;" ; and

(b) immediately after paragraph (d) thereof there shall be added the following new paragraph:

"(dd) the total amount of tax deducted in respect of the income referred to under paragraph (bb);".

6. Sub-rule (2) of rule 21 of the principal rules shall be amended as follows: Amends rule 21 of the principal rules.

(a) immediately after paragraph (a) thereof there shall be added the following new paragraph:

"(aa) the gross amount of emoluments paid to the payee that represents qualifying overtime income and the total number of hours of overtime in respect of which that income was paid;" ; and

(b) immediately after paragraph (c) thereof there shall be added the following new paragraph:

"(cc) the tax deducted in respect of the income referred to under paragraph (aa);".

7. Sub-rule (2) of rule 22 of the principal rules shall be amended as follows: Amends rule 22 of the principal rules.

(a) immediately after paragraph (b) thereof there shall be added the following new paragraph:

"(bb) the gross amount of emoluments paid to the payees that represents qualifying overtime income;" ; and

(b) immediately after paragraph (d) thereof there shall be added the following new paragraph:

"(dd) the total amount of tax deducted in respect of income referred to under paragraph (bb);".

8. In the proviso of rule 26 of the principal rules, the words "shall be refunded." shall be substituted by the words "shall be refunded."; and immediately thereafter there shall be added the Amends rule 26 of the principal rules.

following new proviso:

"Provided further that tax deducted under the FSS Overtime Tax Deduction Method shall only be available for set-off in the circumstances mentioned in rule 7A(6) and (7)."
