

e-CIRCULAR TO MEMBERS



CHARTERED TAX INSTITUTE OF MALAYSIA (225750-T)

e-CTIM No.52/2010

9 December 2010

TO ALL MEMBERS

PRACTICE UPDATES

1. Procedure On Submission Of Amended Return Form (GPHDN 01/2010)

The Inland Revenue Board (IRB) has issued the Operational Guidelines on 30 November 2010 with respect to the Procedure on Submission of Amended Return Form (GPHDN 01/2010). Some of the salient points clarified are as follows:

- i) Where the Amended Return Form or Borang Nyata Terpinda (BNT) is submitted on or before the filing due date of the original Income Tax Return Form or Borang Nyata Cukai Pendapatan (BNCP), it will be treated as normal appeal (Paragraph 3.1).
- ii) Self-amendment is only allowed once for a taxpayer who has filed the BNCP on or before the filing due date (Paragraph 3.2).
- iii) Self-amendment is only available to understatement or underdeclaration of income, expenses/claims overstated and capital allowances/incentives/reliefs overclaimed (Paragraph 3.3).
- iv) Submission of BNT will be regarded as voluntary disclosure for understatement of income and penalty will be imposed in accordance with the rates as stated in the Tax Audit Framework.
- v) Any tax payable, including penalties, must be settled on the date the BNT is submitted, failing which penalties will be imposed.

Members may view the Operational Guidelines at the website of the Institute at http://www.ctim.org.my/technical_techdev_direct.asp or at the website of the IRB at http://www.hasil.gov.my/pdf/pdfam/GPHDN1_2010.pdf.

2. Double Taxation Relief (The Government of the Lao People's Democratic Republic) Order 2010 [P.U.(A) 379/2010]

The double taxation agreement between the Malaysian Government and the Government of the Lao People's Democratic Republic has been gazetted. Each of the Contract States shall notify to the other through diplomatic channels the completion of the procedures required by its law for the bringing into force of this agreement. This Agreement shall enter into force on the date of the later of this notification and shall thereupon have effect:

(a) in Laos:

- (i) in respect of taxes withheld at source, to income arising on or after the first day of January of the calendar year next following the year in which this agreement enters into force;
- (ii) in respect of other taxes, to income for taxable periods beginning on or after the first day of January of the calendar year next following the year in which this agreement enters into force;

(b) in Malaysia:

in respect of Malaysian tax, to tax chargeable for any year of assessment beginning on or after the first day of January in the calendar year following the year in which this agreement enters into force;

3. Stamp Duty (Remission) Order 2010

The duty on any instrument executed between a customer and a financier pursuant to the change of scheme for financing an existing loan from conventional to Shariah is remitted to the extent of the duty that would be payable on the balance of the principal amount of the existing loan.

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OTHER EVENT

Transfer Pricing Programme organised by the Tax Academy of Singapore together with the Australian School of Taxation (Atax) of the University of New South Wales

Date : 7 - 11 March 2011
Venue : The Tax Academy of Singapore
55 Newton Road
B1-01 Revenue House , Singapore
Fee : SGD3,500.00

Members who are interested to participate in the programme, please fill up the registration form attached and fax to (65) 62531214 or email to Ms Toh Sher Lin at tohsheerlin@taxacademy.sg latest by 14 January 2011.

For more information please click on

[http://ctim.org.my/ectim/TP%20Flyer%20-%20Final%20%20\(4%20Nov%202010\).pdf](http://ctim.org.my/ectim/TP%20Flyer%20-%20Final%20%20(4%20Nov%202010).pdf)

<http://ctim.org.my/ectim/ITP%20Flyer%20-%203%20November%202010.pdf>

CHARTERED TAX INSTITUTE OF MALAYSIA IS RECRUITING AN ASSISTANT MANAGER / TECHNICAL MANAGER

The Chartered Tax Institute of Malaysia is inviting suitably qualified candidates to apply for the position in the premier body for tax professionals.

Interested applicants, please click on http://www.ctim.org.my/ectim/Advert_techmgr_Jul10.pdf

For queries or feedback on the CTIM e-circular, please email secretariat@ctim.org.my

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