

BUSINESS TAX

Table of Contents

	<i>Page</i>
<i>Principal</i>	
Business Tax Act 2016	
Table of Provisions	153
Table of Amendments	155
Business Tax Act 2016	157
<i>Subsidiary</i>	
Business Tax Regulations 2016	
Table of Provisions	197
Table of Amendments	199
Business Tax Regulations 2016	201
Business Tax (Transfer Pricing) Regulations 2016	
Table of Provisions	203
Table of Amendments	205
Business Tax (Transfer Pricing) Regulations 2016	207
Public Ruling No 1/2017 SL No 19 — Schedule of Depreciation Rates	
Table of Amendments	221
Public Ruling No 1/2017 SL No 19 — Schedule of Depreciation Rates .	223

Business Tax Act 2016

TABLE OF PROVISIONS

Section

Title

PART 1 — PRELIMINARY MATTERS

1	Short title
2	Commencement and application
3	Definitions
4	Associate
5	Fair market value
6	Non-profit organisation
7	Permanent establishment
8	Resident individual
9	Source of income
10	Act binds the Republic

PART 2 — IMPOSITION OF TAX

11	Imposition of business profits tax
12	Imposition of small business tax
13	Imposition of non-resident tax
14	Imposition of international transportation business tax
15	General provisions relating to taxes imposed under this Act

PART 3 — BUSINESS PROFITS TAX

DIVISION 1 — TAXABLE INCOME

16	Taxable income
----	----------------

DIVISION 2 — GROSS REVENUE AND ALLOWABLE DEDUCTIONS

17	Gross revenue
18	Exempt income
19	Deductions
20	Non-deductible expenditures and losses
21	Depreciation of depreciable assets and business intangibles
22	Bad debts
23	Net loss carry forward

DIVISION 3 — TAX ACCOUNTING

24	Method of tax accounting
25	Change in tax accounting method

<i>Section</i>	<i>Title</i>
	DIVISION 3A — FOREIGN TAX RELIEF AND FOREIGN LOSSES
25A	Foreign Tax Credit
25B	Foreign losses
	DIVISION 4 — BUSINESS ASSETS
26	Jointly owned business assets
27	Acquisition of a business asset
28	Disposal of a business asset
29	Cost of a business asset
30	Net book value of a business asset
31	Consideration for the disposal of a business asset
32	Deferral of recognition of gain or loss
33	Registration of transferred assets
	PART 4 — ANTI-AVOIDANCE
34	Transfer pricing
35	Thin capitalisation
36	Tax avoidance schemes
	PART 5 — PROCEDURE
37	Application of the Revenue Administration Act
38	Records
39	Tax returns
40	Payment of tax
41	Instalments of business profit tax
42	Collection of international transportation business tax from non-resident ship owners or charterers
43	Collection of international transportation business tax from non-resident aircraft owners or charterers
44	Withholding tax
	PART 6 — ADMINISTRATIVE MATTERS
45	Currency translation
46	Regulations
47	Consequential amendments to Employment and Services Tax Act
48	Transitional provisions
	SCHEDULE 1 — RATES OF TAX
	SCHEDULE 2 — BUSINESS PROFITS TAX THRESHOLD
	SCHEDULE 3 — AMENDMENT OF EMPLOYMENT AND SERVICES TAX ACT 2014

Business Tax Act 2016

TABLE OF AMENDMENTS

The Business Tax Act 2016 No 31 was certified on 9 June 2016 and commenced on 10 June 2016 (s 2(1) and GN No 432/2016; Gaz 103/2016). The Act applies from 1 July 2016 (s 2(2)) except Sch 3 cl 3 which applies from 1 October 2014 (s 2(4)), and s 35 which is yet to receive notice in the Gazette (2(3)).

Amending Legislation	Certified	Date of Commencement
Business Tax (Amendment) Act 2016 No 43	8 September 2016	8 September 2016
Business Tax (Amendment) No 2 Act 2016 No 49	4 November 2016	4 November 2016
Business Tax (Rates of Tax) Regulations 2017 SL 17	3 August 2017	Sch cl 1(d) and cl 2: 1 July 2017; Sch remainder: 1 July 2016
Business Tax (Rates of Tax) (Amendment) Regulations 2017 SL 31	5 December 2017	5 December 2017
Business Tax (Amendment) Act 2017 No 34	21 December 2017	21 December 2017
Business Tax (Rates of Tax) (Amendment) Regulations 2018 SL 15	25 June 2018	1 July 2018
Business Tax (Amendment) Act 2020 No 27	23 October 2020	1 January 2021
Revised Written Laws Act 2021 No 7	1 June 2021	1 June 2021