



**LEMBAGA HASIL DALAM NEGERI
INLAND REVENUE BOARD**

PUBLIC RULING

**COMPUTATION OF
INCOME TAX PAYABLE BY A
RESIDENT INDIVIDUAL**

Translation from the original Bahasa Malaysia text.

PUBLIC RULING NO. 2/2005

DATE OF ISSUE: 6 JUNE 2005

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**LEMBAGA HASIL DALAM NEGERI
MALAYSIA**

**Public Ruling No. 2/2005
Date of Issue: 6 June 2005**

DIRECTOR GENERAL'S PUBLIC RULING

A Public Ruling is issued for the purpose of providing guidance for the public and officers of the Inland Revenue Board. It sets out the interpretation of the Director General of Inland Revenue in respect of the particular tax law, and the policy and procedure that are to be applied.

A Public Ruling may be withdrawn, either wholly or in part, by notice of withdrawal or by publication of a new ruling which is inconsistent with it.

**Director General of Inland Revenue,
Malaysia**

1. This Ruling explains:
 - i. the deductions that are allowable against the total income of an individual in computing his chargeable income for a year of assessment; and
 - ii. the income tax computation for an individual for a year of assessment.
2. The provisions of the Income Tax Act, 1967 (ITA) related to this Public Ruling are sections 2, 5, 6 to 6C, 7, 18, 45 to 51, 110, 132, 133, Schedule 1, Schedule 6 and Schedule 7 of the ITA.
3. The words used in this Ruling have the following meanings:
 - 3.1 "Child" in relation to an individual or his wife, means a legitimate child or step-child or an adopted child of the individual or his wife.
 - 3.2 "Step-child" in relation to an individual or his wife, means a son or daughter of one's husband or wife by a former marriage.
 - 3.3 "Adopted child" in relation to an individual or his wife, means a child adopted by the individual or his wife under the Registration of Adoptions Act 1952 (*Act 253*) or in accordance with any law (not necessarily Malaysian law) where the adoption is recognised by the Director General.
 - 3.4 "Individual" means a natural person.
 - 3.5 "Wife" in relation to an individual, means a woman who (whether or not she has gone through any religious or other ceremony) is regarded by virtue of any law or custom as the wife of a man or as one of his wives.
 - 3.6 "Wife who elects" in relation to an individual, means the wife who elects that her total income be aggregated with the total income of her husband and the assessment be made in his name.
 - 3.7 "Total income" for a year of assessment is the aggregate income less business losses for the basis year, expenditure under Schedule 4, 4A and gifts of money, contributions in kind, manuscripts, artefacts and paintings under section 44 of the ITA.
 - 3.8 "Disabled person" means any individual certified in writing by the Department of Social Welfare to be a disabled person.
 - 3.9 "Medical practitioner" in relation to deductions on medical expenses for parents, means a medical practitioner (doctor) registered with the Malaysian Medical Council (MMC).
 - 3.10 "Husband who elects" in relation of a wife, means the husband who elects that his total income be aggregated with the total income of his wife and the assessment be made in her name.

3.11 "Basis period" for a year of assessment for each source of income in relation to an individual is year ended 31 December.

3.12 "Year of assessment" means calendar year.

4. Allowable deductions

4.1 This Public Ruling is a continuation of the Public Ruling No.1/2005. Subsection 45(1) of the ITA states that the chargeable income of an individual is computed as follows:

	RM	RM
Total income		XX
Less: Deductions under		
section 45A ITA	XX	
section 46 ITA	XX	
section 46A ITA	XX	
section 47 ITA	XX	
section 48 ITA	XX	
section 49 ITA	<u>XX</u>	<u>XX</u>
Chargeable income		<u>XX</u>

Detailed explanation of the above deductions can be obtained beginning from paragraph 6 of this Ruling.

4.2 Taxation of husband and wife - section 45 ITA

4.2.1 Under the ITA, an individual and his spouse are taxed as two separate individuals. As such, income from all sources that are earned by the wife will be assessed separately from the income of her husband. However, if a married couple finds it beneficial in terms of a lower tax liability to have their total income aggregated, the ITA allows the wife or the husband to elect to have their total income aggregated in a combined assessment subject to the conditions as stated in paragraphs 4.2.3 and 4.2.4 of this Public Ruling.

4.2.2 If a wife elects to have her total income aggregated with the total income of her husband, the assessment shall be made in the husband's name - (paragraph 45(2)(a) of the ITA). Similarly, if a husband elects to have his total income aggregated with the total income of his wife, the assessment shall be made in the wife's name - (paragraph 45(2)(b) of the ITA).

4.2.3 A wife can elect to have her total income aggregated with the total income of her husband, if all the following conditions are fulfilled:-

- a. the wife and the husband were living together in the basis year for a year of assessment and did not in that basis year cease to live together or to be husband and wife of each other;
 - b. the wife must have total income to be aggregated with the total income of the husband; and
 - c. if the wife is not a resident for the basis year for that year of assessment, she must be a Malaysian citizen.
- 4.2.4 A husband can elect to have his income aggregated with the income of his wife, if all the following conditions are fulfilled:-
- a. the husband and the wife were living together in the basis year for a year of assessment and did not in that basis year cease to live together or to be husband and wife of each other;
 - b. the husband must have total income to be aggregated with the total income of the wife;
 - c. if the husband is not a resident for the basis year for that year of assessment, he must be a Malaysian citizen;
 - d. the aggregation can be made with one wife only; and
 - e. the election is valid only if no other wife/wives of his elects to combine her total income with his total income.

Example 1

Lim and his wife, both resident in Malaysia were living together in the basis year 2004. They have income from the following sources for year ended 31.12.2004. Lim elects for combined assessment.

Income	Lim (RM)	Wife (RM)
Employment	12,000	48,000
Dividend (gross)	Nil	3,000
Rent	3,000	12,000

The computation of total income of the husband and wife for the year of assessment 2004 is:

Income	Combined assessment	
	Lim (RM)	Wife (RM)
<i>Employment</i>	<i>12,000</i>	<i>48,000</i>
<i>Dividend</i>	<i>Nil</i>	<i>3,000</i>
<i>Rent</i>	<i><u>3,000</u></i>	<i><u>12,000</u></i>
<i>Total income</i>	<i><u>15,000</u></i>	<i><u>63,000</u></i>

The aggregate of the husband's and wife's total income is RM15,000 + RM63,000 = RM78,000 and is assessed in the wife's name.

Example 2

Suhaimi and his wife, Juriah, were resident in Malaysia for the basis year 2004. They have income from the following sources for the year ended 31.12.2004:

Income	Suhaimi (RM)	Juriah (RM)
Business (loss)	(15,000)	Nil
Employment	Nil	37,000
Rent	4,000	Nil

The computation of total income for the year of assessment 2004 for the purpose of aggregation is as follows:

Income	Suhaimi (RM)	Juriah (RM)
<i>Statutory income from business</i>	<i>(loss 15,000) Nil</i>	<i>Nil</i>
<i>Statutory income from employment</i>	<i>Nil</i>	<i>37,000</i>
<i>Statutory income from rent</i>	<i><u>4,000</u></i>	<i><u>Nil</u></i>
<i>Aggregate income</i>	<i>4,000</i>	<i>37,000</i>
<i>Less: basis year loss</i>	<i><u>4,000</u></i>	<i><u>Nil</u></i>
<i>Total income</i>	<i><u>Nil</u> <i>(loss 11,000 c/f)</i></i>	<i><u>37,000</u></i>

In this case, the aggregation of income of Suhaimi and Juriah is not allowed as Suhaimi has no total income to be aggregated with the total income of Juriah. Juriah is assessed separately in her own name. For Suhaimi, the loss (RM11,000) suffered by him is carried forward to the following year to be deducted from the business income only - (subsection 44(5) ITA).

Example 3

Khairul who is resident in Malaysia for the basis year 2004, has two wives, Asmah and Salmah. They are employed and have total income in the basis year 2004. Asmah makes an election in the Income Tax Form for the year of assessment 2004 that her income be aggregated with the income of her husband.

In this case, there are two assessments for the year of assessment 2004

- i. The assessment made in Khairul's name, together with his wife, Asmah; and*

ii. *The assessment made separately in Salmah's name, as Khairul is eligible to elect for aggregation only with one wife.*

4.2.5 The phrase "living together" means living together in intention. For example, a husband and a wife are treated as living together even though they are temporarily separated because one or the other is away on business or holiday. Usually a husband and wife are treated as living together unless they are separated -

- a. by a court order;
- b. by a deed of separation; or
- c. in such circumstances that the separation is likely to be permanent.

4.2.6 Where a husband and wife cease to live together as husband and wife due to any one of the three (3) circumstances mentioned in paragraph 4.2.5, the condition of "living together" for the purposes of aggregation of the total income of a husband with the total income of his wife is not fulfilled. Hence,

- i. the total income of the former wife cannot be aggregated with the total income of the former husband; and
- ii. the former wife is taxed as a "femme sole" (that is as an individual) having her own income tax file.

4.2.7 In the case where either the husband or the wife passed away in the basis year for a year of assessment, their income for the basis year is assessed separately. If the husband passed away, the wife will be taxed as a "femme sole" . The husband will still be taxed on his income from the beginning of the basis year up to the date of his death in the name of the executor of the deceased person's estate (the husband). Similarly, in the case where the wife passed away, she will still be taxed on her income in the name of the executor of deceased persons's estate (the wife) from the beginning of the basis year up to the date of her death.

4.3 Procedure to elect for aggregation of income

4.3.1 When a husband and a wife obtain their Income Tax Forms for a year of assessment, it is necessary for both of them to decide on two important matters -

- i. Firstly, whether the husband and wife are to be assessed separately or to elect for combined assessment; and
- ii. Secondly, if they elect for combined assessment, who is going to make the election.

The election for combined assessment must be made at the time of submission of the Income Tax Form to LHDN, as follows:

- for business cases - before or on 30 June; and
- for cases other than business cases - before or on 30 April.

Example 4

Ong and his wife, both residents in Malaysia and were living together in the basis year 2004. They have income from the following sources for year ended 31.12.2004:

Income	Ong (RM)	Wife (RM)
Employment	36,000	18,000
Dividend (gross)	5,000	Nil
Rent	Nil	6,000

The total income for year of assessment 2004 is computed as follows:

Income	Ong (RM)	Wife (RM)
<i>Employment</i>	<i>36,000</i>	<i>18,000</i>
<i>Dividend</i>	<i>5,000</i>	<i>Nil</i>
<i>Rent</i>	<i><u>Nil</u></i>	<i><u>6,000</u></i>
<i>Total income</i>	<i><u>41,000</u></i>	<i><u>24,000</u></i>

In a normal situation, the total income for the year of assessment 2004 to be assessed in Ong's name is RM41,000 while the total income to be assessed in the name of his wife is RM24,000. However, if Ong or his wife elects for combined assessment, the total income to be assessed in the name of Ong's wife or in Ong's name is RM65,000 which is (RM41,000 + RM24,000).

- 4.3.2 Where the total income of the wife is aggregated with the total income of the husband, the wife shall be treated as having no chargeable income for that particular year of assessment. Similarly, where the total income of the husband is aggregated with the total income of the wife, the husband shall be treated as having no chargeable income for that particular year of assessment - (subsection 45(4) ITA).
- 4.3.3 Where the wife elects for combined assessment, the wife and the husband must fill in the relevant parts in their Income Tax Forms in order for the assessment to be made in the name of the husband.

For example, where the wife elects for combined assessment for year of assessment 2004, the following action must be taken -

- The wife must fill in the following parts in the Income Tax Form as follows:

Particulars	If Form BE	If Form B
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Type of assessment	A7	A7
Assessed in the name of	A8	A8
Total income to be entered as "0"	C16	C32
Total income transferred to husband	C17a	C33a
Instalments/deductions transferred to husband	C17b	C33b

- II. The wife is not required to fill in the following parts in the Income Tax Form:

Particulars	If Form BE	If Form B
Part C:		
Total income - self	C18a	C34a
Total income transferred from husband/wife	C18b	C34b
Total income	C18c	C34c
Reliefs and chargeable income	Part D	Part D
Tax payable	Part E	Part E
Summary of tax and payments	Part F	Part F

- III. The husband is required to fill in the parts of the Income Tax Form as follows:

Particulars	If Form BE	If Form B
Total income - self	C18a	C34a
Total income transferred from wife	C18b	C34b
Total income	C18c	C34c
Instalments/schedular tax deductions transferred from wife	F3	F3

5. Ascertainment of chargeable income

5.1 After computing his total income, an individual must now compute his chargeable income by making claims for several deductions. However, deductions can only be claimed by an individual who is resident in Malaysia. There are two types of deductions as follows -

- i. deductions which are not based on the amount expended; and
- ii. deductions which are only allowed when expended and claimed.

5.2 The residence status of an individual is determined by reference to the number of days the individual is in Malaysia in the basis year for a year of assessment. Appendix A of this Public Ruling explains the circumstances in

which an individual is resident in Malaysia for a basis year for a year of assessment.

6. Deductions which can be claimed

6.1 A summary of the deductions which may be claimed by and given to an individual resident in Malaysia for a basis year of assessment is as follows:

6.1.1 Deduction for self and dependent relatives - para. 46(1)(a) ITA

Total deduction: RM8,000.

Details:

Can be claimed by an individual who has total income and is assessed in his own name.

6.1.2 Medical expenses for parents - para. 46(1)(c) ITA

Total deduction: up to a maximum of RM5,000.

Details:

- i. Parents refers to natural parents or foster parents where the individual is an adopted child.
- ii. Receipt from the medical practitioner is required as evidence for certifying that the medical treatment has been provided to the parents.
- iii. In a case where the receipt is issued in the name of the patient, the individual who is making the claim, must obtain an endorsement on the receipt by the doctor to certify that the medical charges were paid by him. Medical expenses which qualify for deductions would include:
 - a. medical care and treatment provided by a nursing home; and
 - b. dental treatment limited to tooth extraction, filling, scaling and cleaning but not including cosmetic dental treatment expenses such as teeth restoration and replacement involving crowning, root canal and dentures.

6.1.3 Basic supporting equipment expenses for disabled persons - para. 46(1)(d) ITA

Total deduction: up to a maximum of RM5,000.

Details:

Can be claimed by an individual or the spouse who has expended expenditure for the purchase of any necessary basic supporting equipment for the use by:

- i. the individual, if he/she is a disabled person; or
- ii. the spouse, if he/she is a disabled person; or



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iii. his/her child, if the child is a disabled person; or

iv. his/her parent, who is a disabled person.

Basic supporting equipment includes haemodialysis machine, wheel chair, artificial leg and hearing aids but exclude optical lenses and spectacles.

6.1.4 Disabled person - para. 46(1)(e) ITA

Total deduction: RM6,000 with effect from the year of assessment 2005 and RM5,000 prior to the year of assessment 2005.

Details:

Can be claimed by an individual who has been certified in writing by the Department of Social Welfare as a disabled person.

6.1.5 Further education fees - para. 46(1)(f) ITA

Total deduction: up to a maximum of RM5,000.

Details:

- i. The individual must have expended fees for any course of study undertaken by him up to tertiary level (up to post graduate level) in any institution in Malaysia, recognised by the Government of Malaysia;
- ii. The course must be undertaken for the purpose of acquiring technical, vocational, industrial, scientific or technology skills or qualifications.
- iii. Scientific skills means the study of the nature or behaviour of the material and physical universe such as studies in the field of biology, physics, chemistry mathematics, IT, engineering and medicine.
- iv. Studies do not include studies in political sciences or social sciences. Courses such as management, accountancy and finance do not qualify as courses of study qualifying for the above deduction.

6.1.6 Medical expenses for serious diseases - para. 46(1)(g) ITA

Total deduction: up to a maximum of RM5,000.

Details:

- i. The individual must have expended expenses for the treatment of serious diseases on himself/herself, his/her spouse or his/her child.
- ii. The claim for medical expenses has to be evidenced by a receipt and a certification issued by a registered medical practitioner with the Malaysian Medical Council (MMC).

- iii "Serious disease" includes Acquired Immunity Deficiency Syndrome, Parkinson's disease, cancer, renal failure, leukaemia and other similar diseases.
- iv "Other similar diseases" in relation to serious diseases include heart attack, pulmonary hypertension, chronic liver disease, fulminant viral hepatitis, head trauma with neurological deficit, tumour in brain or vascular malformation, major burns, major organ transplant and major amputation of limbs.

6.1.7 Complete medical examination expenses - para. 46(1)(h) ITA

Total deduction: up to a maximum of RM500 and forms a part of the deduction of RM5,000 under paragraph 46(1)(g) ITA.

Details:

- i. The individual must have incurred expenses for complete medical examination on himself/herself, spouse or child;
- ii. "Complete medical examination" for the purposes of the deduction under this paragraph would mean full medical checkup as defined by the Malaysian Medical Council (MMC).
- iii. Where the expenses for complete medical examination up to a maximum of RM500 is already claimed, the deduction for medical expenses for serious diseases which can be claimed by the individual is limited to an amount of RM4,500.

6.1.8 Reading materials expenses - para. 46(1)(i) ITA

Total deduction: up to a maximum of RM700 with effect from year of assessment 2005 and RM500 prior to the year of assessment 2005.

Details:

Expenses expended in the basis year for the purchase of books, journals, magazines and other similar publications (in form of hardcopy or electronic) for enhancing the knowledge of the individual, his/her spouse or his/her child. Books would include school textbooks, periodicals, comics whether purchased locally or overseas but exclude newspapers or banned reading materials such as morally offensive magazines.

6.1.9 Interest expended on housing loan - section 46A ITA

Total deduction: up to RM5,000 for Y/A 2003; RM3,000 for Y/A 2004 and RM2,000 for Y/A 2005.

Details:

This deduction is in respect of interest expended on loan taken to finance the purchase of a residential property bought between 1 June 2003 and 31 May 2004. Refer to Appendix B for detailed explanation.

6.1.10 Wife - subsection 47(1) ITA

Total deduction:

RM3,000. Further deduction of RM3,500 with effect from the Y/A 2005 and RM2,500 prior to the Y/A 2005.

Details:

- i Can be claimed by an individual if he has a wife living together with him in the basis year. A further deduction for the wife is given if she is a disabled person.
- ii An individual will still be entitled to the full deduction and further deduction, even though there is a divorce or death of the wife in the basis year.

6.1.11 Alimony payments to former wife - subsection 47(2) ITA

Total deduction: up to RM3,000. RM3,000 is part of wife's deduction under subsection 47(1) ITA.

Details:

- i. An individual is entitled to claim alimony/maintenance payments made to a former wife if in that basis year he divorces his wife and is required under the law to make those payments.
- ii. Voluntary payments of alimony to a former wife under a mutual agreement but without any formal agreement would not qualify for deduction.

6.1.12 Husband - section 45A ITA

Total deduction: RM3,000. A further deduction of RM3,500 with effect from the Y/A 2005 and RM2,500 prior to the Y/A 2005

Details:

- i. This deduction is given to a wife -
 - a. where the husband elects for a combined assessment with his wife and tax is assessed in the name of the wife; or
 - b. where the husband has no total income.
- ii. A further deduction is given if the husband is a disabled person.
- iii. The deduction can be allowed to one wife only.

6.1.13 Child - section 48 ITA

Conditions to be fulfilled to be entitled for deduction for child are:

- a. The individual or spouse must be resident in Malaysia;
- b. The individual or spouse pays wholly or in part for the maintenance of a child; and
- c. The child must be unmarried.

I. For child under the age of 18 in the basis year - para. 48(1)(a) ITA

Total deduction: RM1,000 for each child - (para. 48(2)(a) ITA).

II. For child who is 18 years of age and above - para. 48(1)(b) & (c) ITA

Total deduction: RM1,000 for each child - (paragraph 48(2)(a) ITA).

Details:

Additional condition to be fulfilled is that the child must be receiving full-time instruction.

III. For child who is over the age of 18 - para. 48(1)(b) & (c) ITA

- **Total deduction:** sums expended limited to RM4,000 for each child - subpara. 48(3)(a)(i) ITA.

Details:

The child is receiving full-time instruction at a university, college, or other similar educational establishment or is serving under articles or indentures with a view to qualifying in a trade or profession in Malaysia.

- **Total deduction:** RM1,000 for each child - para. 48(2)(a) ITA.

Details:

Where the child is receiving full-time instruction at a university, college, or other similar educational establishment or is serving under articles or indentures with a view to qualifying in a trade or profession outside Malaysia.

IV. Disabled child - para. 48(1)(d) ITA

Total deduction: RM5,000 for each child - para. 48(2)(b) ITA.

Details:

The individual/spouse is entitled for a deduction of an unmarried child who is physically or mentally disabled regardless of age and whether the child is receiving full time instruction.

Additional information pertaining to deduction for child

- Where a wife is assessed separately in her own name, she may elect by filling in the relevant parts in the Income Tax Form that the appropriate deduction for child be wholly allowed to her - (proviso to subsection 48(1) ITA).

- Where two or more individuals are each entitled to claim a deduction for payment made in respect of the same child, the deduction for the child to be allowed to each of the individuals is 50% of the allowable deduction - (subsection 48(4) ITA).
- “Full-time instruction” means the curriculum of the educational establishment requires the child to devote his full time to his studies. Where the child is required to spend part of his time away for reading or practice as in the case of musical studies, the deduction for child can be allowed if the course of study is a full-time course.
- “Other similar educational establishment” refer to an establishment which is similar to a university, college or school (where applicable).
- “Serving under articles or indentures” means the child who is studying and working at the same time under articles is required to devote the whole of his time to the training for a period of not less than two years.
- An individual or spouse is not entitled to claim a deduction for a child if the child is in receipt of his own income which exceeds the amount of deduction otherwise due. For example, where the child’s income is RM6,000, while the deduction that can be claimed by the individual or spouse is RM4,000, that individual or spouse is not entitled to the deduction for that child - (subsection 48(5) ITA).
- However, the following receipts are not treated as income of a child:
 - a. amount received as a scholarship, grant or allowance of a similar nature - (paragraph 24, schedule 6 ITA); and
 - b. payments received by a child who is serving an employer under articles or indentures. At the commencement of the training, an amount of premium is payable by the individual or the spouse to enable the child to undergo training with that employer. Payments received by the child from his employer is treated as a return of premium and not his salary.

6.1.14. Deduction for insurance premiums and contribution to an approved pension or employees provident fund - section 49 and 50 ITA

Total deduction: up to RM6,000 for Y/A 2005 and RM5,000 prior to Y/A 2005.

Details:

An individual can claim for deduction on:

- a. payment of premium on life insurance policy or deferred annuity;

- b. contribution to an approved provident fund/approved pension scheme, such as contribution made by the employee to The Employees Provident Fund (EPF) or contribution made to EPF by a self employed person within the meaning of the Employees Provident Fund Act 1991.
- c. "Insurance" and "deferred annuity" mean an insurance or deferred annuity contracted for by the individual,
 - i. on the individual's life;
 - ii. on the life of the wife; or where the individual is a female, on the life of her husband; or
 - iii. on the joint lives of the individual and his wife/wives or where the individual is a female, on the joint lives of herself and her husband or any other wife/wives of her husband;and, the insurance or deferred annuity must be contracted for with -
 - i. an insurance company for securing on death either a capital sum or a deferred annuity or both; or
 - ii. a government, a public body or the controlling authority of any nationalized insurance business.
- d. "Premiums" in relation to insurance includes contributions or instalment payable under a takaful scheme pursuant to the Takaful Act 1984. Premium on an insurance policy purchased from an overseas company not having a branch in Malaysia is also treated as an allowable premium.
- e. Only insurance premiums actually paid are available for deduction.
- f. However, deduction is not allowable for:
 - i. Premiums which are not in fact paid although treated by the insurance company as having been paid because of a non-forfeiture clause in the policy; and
 - ii. Premiums or arrears of premiums which are not in fact paid but carried forward as a debt and deducted from the capital sum due on the maturity or surrender of the policy.
- g. Only obligatory contribution to an approved provident/pension fund can be allowed as a deduction because of:
 - a contract of employment; or
 - any provisions of the rules and regulations of the scheme.

**6.1.15 Premium for insurance on education or for medical benefits -
subsection 49(1B) ITA**

Total deduction: up to RM3,000.

Details:

- i. An education policy must satisfy the following criteria -
 - a. The policy must be contracted by the individual for himself/herself, his/her spouse or child;
 - b. The beneficiary should be the child;
 - c. Where the insured is the parent, the child must be the nominee;
 - d. Where the child is the insured,
 - it is compulsory that the life of the person paying the premium (parent) must be covered (payor benefit rider);
 - the rider must also have the same duration as the basic policy;
 - where the rider is packaged together with the basic policy in a single premium, the whole premium paid will qualify for deduction; and
 - where the payor of the policy does not qualify for payor benefit, the premium paid for the basic policy will not qualify for deduction;
 - e. In respect of a takaful policy, the participant is the parent and proceeds of the policy must be made "*hibah*" (gift) to the child;
 - f. the maturity amount in respect of both conventional or takaful policy must be scheduled to be payable when the child is between the ages of 13 to 25.
- ii. A medical policy must satisfy the following criteria -
 - a. the expenses should be related to the medical treatment resulting from a disease or an accident or a disability;
 - b. the policy coverage should be for a period of 12 months or more;
 - c. the policy can be a stand-alone policy or as a rider to a life insurance policy. If it is a rider, only the rider premium can qualify for deduction;
 - d. where a dread disease cover is attached to a basic policy, the whole amount of the rider premium paid is allowed as a deduction;
 - e. where a dread disease cover is packaged together a term life/personal accident cover, 60% of the package premium is allowed as a deduction;

- f. group medical policy where the employee pays the premium for the medical benefit also qualifies for deduction; and
- g. premium waiver benefit rider and travel medical expenses insurance are not allowable as deduction.

6.1.16 Premium on insurance policy determined by EPF- subsection 49 (1C) ITA
Total deduction: up to RM1,000.
Details:
 This deduction is in respect of premium paid for the purchase of an insurance policy determined by the Employees Provident Fund Board (EPF).

7. Deduction allowed according to the individual's status and circumstance

The amount of deduction which can be claimed and allowed to an individual who is resident in Malaysia for the basis year for a year of assessment depends on the status and personal circumstance of that individual in that basis year. The status and circumstance of an individual can be categorised as follows:

Status	Category
Single ¹	A. the individual is assessed in his/her own name
Married	B. the husband and wife are assessed separately
	C. the husband and wife are assessed jointly in a combined assessment
	D. the husband or wife has total income but the spouse has no total income. The individual having the total income is assessed
	E. the husband has total income but the wife has no source of income. The husband having the total income is assessed
	F. the wife has total income but the husband has no source of income. The wife having the total income is assessed

¹ single includes widower/widow or divorcee

7.1 Category A: Single (includes widower/widow or divorcee)

For an individual who is single and resident in Malaysia, the amount of deductions which can be claimed is as follows:

Deduction	Amount
7.1.1 Self and dependent relatives	RM8,000
7.1.2 Medical expenses for parents	Limited to RM5,000
7.1.3 Basic supporting equipment for self, parent, child	Limited to RM5,000
7.1.4 Disabled person	RM6,000
7.1.5 Education fees for self	Limited to RM5,000
7.1.6 Treatment of serious disease for self or child	Limited to RM5,000
7.1.7 Complete medical examination for self or child	Limited to RM500 ¹
7.1.8 Purchase of books and magazines for self or child	Limited to RM700
7.1.9 Interest on housing loan for self	Refer Appendix B
7.1.10 For a widower: deduction for wife who died in the basis year and further deduction for that wife if she is disabled; or For a divorcee: alimony to former wife	RM3,000 RM3,500 Limited to RM3,000
7.1.11 Child - a. below 18 years old. b. 18 years of age and above - Studying in school, college or university/serving under articles/indentures in or outside Malaysia. c. Over 18 years of age - Studying in college or university/serving under articles/indentures in Malaysia. d. Disabled child. When there is a divorce, two or more individuals are entitled to claim deduction in respect of the same child. The deduction for the child to be allowed to each of the individuals is 50% of the allowable deduction.	RM1,000 each child RM1,000 each child RM4,000 each child RM5,000 each child 50% of the allowable deduction
7.1.12 Insurance premium and EPF contribution for self	Limited to RM6,000
7.1.13 Insurance premium for education and medical benefits for self or child	Limited to RM3,000
Deduction	Amount

7.1.14 Insurance premium through EPF for self	Limited to RM1,000
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¹ Total deductions in paragraphs 7.1.6 and 7.1.7 are limited to RM5,000.

Example 5 - deduction for alimony paid to former wife

Lim was resident in Malaysia for the basis year 2004. He was divorced from his wife on 1.3.2004 in accordance with a Court Order. In 2004, Lim made alimony payments of RM10,000 to his former wife.

Lim is allowed a deduction for alimony payments to his former wife limited to a maximum of RM3,000 for the year of assessment 2004.

Example 6 - deduction for wife/further deduction for wife

Derek and his wife were resident in Malaysia for the basis year 2004. His wife who was disabled for some time died on 16.8.2004.

Even though Derek's wife died in 2004, he is still entitled to claim for the full deduction for wife amounting to RM3,000 and also for the further deduction for wife amounting to RM2,500.

7.2 Category B: Married - the husband and wife are assessed separately

Where the husband and wife have total income and each is being assessed separately in their own names as individuals, the amount of deductions which can be claimed by each individual is as follows:

Deduction	Amount	
	Husband	Wife
7.2.1 Self and dependent relatives	RM8,000	RM8,000
7.2.2 Medical expenses for parents	Limited to RM5,000	Limited to RM5,000
7.2.3 Basic supporting equipment for self, child or parent	Limited to RM5,000	Limited to RM5,000
7.2.4 Disabled person for self	RM6,000	RM6,000
7.2.5 Education fees for self	Limited to RM5,000	Limited to RM5,000
7.2.6 Treatment of serious disease for self or child	Limited to RM5,000	Limited to RM5,000
7.2.7 Complete medical examination for self or child	Limited to RM500 ¹	Limited to RM500 ¹

Deduction	Amount	
	Husband	Wife
7.2.8 Purchase of books and magazines for self or child	Limited to RM700	Limited to RM700
7.2.9 Interest on housing loan for self	Refer Appendix B	
7.2.10 Alimony to former wife	Limited to RM3,000	-
7.2.11 Child: <ul style="list-style-type: none"> a. under 18 years of age. b. 18 years of age and above - Studying in school, college or university/serving under articles/indentures in or outside Malaysia. c. Above 18 years of age - Studying in college or university/serving under articles/indentures in Malaysia. d. Disabled child. 	Husband or wife: RM1,000 each child Husband or wife: RM1,000 each child Husband or wife: RM4,000 each child Husband or wife: RM5,000 each child	
7.2.12 Insurance premium and EPF contribution for self	Limited to RM6,000	Limited to RM6,000
7.2.13 Insurance premium for education and medical benefit for self or child	Limited to RM3,000	Limited to RM3,000
7.2.14 Insurance premium through EPF for self	Limited to RM1,000	Limited to RM1,000

¹ Total deductions in paragraphs 7.2.6 and 7.2.7 are limited to RM5,000

7.2.15 By default the husband and wife are assessed separately in their own names except where they elect to be assessed together. In the case where the wife is assessed separately in her name, the husband is not allowed a deduction for the wife (subsection 47(4) ITA). However, the husband is still entitled to claim a deduction for payments of alimony made to a former wife

(subsection 47(2) ITA). In the case where the husband is assessed separately in his name, the wife is not allowed a deduction for the husband.

Example 7 - deduction for alimony to former wife

Lim and his wife, Janet, were resident in Malaysia for the basis year 2004. Lim also has a former wife and he pays her an alimony of RM6,000 per annum. Lim and Janet have total income for the year ended 31.12.2004 as follows:

Income	Lim (RM)	Janet (RM)
Total income	150,000	100,000

Lim is not entitled to a deduction for wife for the year of assessment 2004 as Janet -

- *is assessed separately in her name; and*
- *qualifies for deduction for self of RM8,000.*

However, Lim qualifies for a deduction for alimony payments to his former wife, but is limited to a maximum of RM3,000.

For Janet, she is not allowed a deduction for husband for the year of assessment 2004 as Lim -

- *is assessed separately in his name; and*
- *qualifies for deduction for self of RM8,000.*

7.2.16 Example 8 - deduction for treatment of serious disease

Lee and his wife were resident in Malaysia for the basis year 2004 and were assessed separately. They were employed in the year 2004 and expended medical expenses as follows:

Expenses	Lee (RM)	Wife (RM)
On himself for treatment of cancer	4,000	-
On child for treatment of leukaemia	3,000	3,000

For the year of assessment 2004, Lee is entitled to make a claim for a maximum deduction of RM5,000 in relation to medical expenses expended by him on himself and their child. Meanwhile, Lee's wife is entitled to claim a deduction of RM3,000 expended by her on the child.

7.2.17 Where a wife is assessed separately in her own name, she must fill in the relevant parts of the Income Tax Form so that the appropriate deduction for the child be wholly allowed to her.

Example 9 - deduction for children

Manaf and his wife, were both resident and were employed in the basis year 2004. They have 3 children whose ages range from 4 to 12 years. Manaf's

wife did not elect for combined assessment and she claimed the deduction in respect of all the 3 children. The couple have income from the following sources for the year ended 31.12.2004:

Type of income	Manaf (RM)	Wife (RM)
Statutory income from employment	48,000	120,000
Statutory income from rent	Nil	24,000

The computation of chargeable income for the year of assessment 2004 is as follows:

Type of income/deduction	Manaf (RM)	Wife (RM)
Statutory income from employment	48,000	120,000
Statutory income from rent	<u>Nil</u>	<u>24,000</u>
Aggregate income/total income	48,000	144,000
Less: deductions		
Self	8,000	8,000
Child	<u>Nil</u>	<u>3,000¹</u>
Chargeable income	<u>40,000</u>	<u>133,000</u>

¹ Deduction for children = 3 children X RM1,000 per child = RM3,000.

Example 10 - deduction for children

Nathan and his wife were resident in Malaysia and were employed in the basis year 2004. They have 7 children who are unmarried. Additional information relating to each child is as follows:

No.	Name of child	Age at 1 Jan.	Name of educational establishment	RM	Note
1.	John	25 yrs 3 mths	Univ. of W. Australia	15,000	-
2.	Patrick	23 yrs 9 mths	Univ. Bandung	10,000	-
3.	Ken	22 yrs 1 mth	Univ. Malaya	7,000	-
4.	Jane	20 yrs 5 mths	UKM	7,000	-
5.	Mike	18 yrs exact	SMK Taman Tun	3,000	-
6.	Pauline	16 yrs 2 mths	SMK Taman Tun	3,000	-
7.	Mary	14 yrs 10mths	nil	5,500	Down Syndrome

Nathan's wife did not elect for combined assessment. She made a claim for the 3 eldest children. Nathan and his wife have the following income for the year ended 31.12.2004:

Type of income	Nathan (RM)	Wife (RM)
Statutory income from employment	70,000	45,000
Statutory income from rent	Nil	12,000

The computation of chargeable income for the year of assessment 2004 is:

Particulars	Nathan (RM)		Wife (RM)	
Statutory income from employment		70,000		45,000
Statutory income from rent		<u>Nil</u>		<u>12,000</u>
Total income/Chargeable income		70,000		57,000
Less:				
Self	8,000		8,000	
Child:				
First	nil		1,000	
Second	nil		1,000	
Third	nil		4,000	
Fourth	4,000		nil	
Fifth	1,000		nil	
Sixth	1,000		nil	
Seventh (disabled child)	<u>5,000</u>	<u>11,000</u>	<u>19,000</u>	<u>6,000</u>
Chargeable income		<u>51,000</u>		<u>43,000</u>

7.2.18 For an individual and his/her spouse who are resident and did not elect for combined assessment, each of them is entitled to claim RM6,000 (RM5,000 prior to Y/A2005) for the payment of insurance premium and contribution to an approved provident fund.

Example 11 - deduction for insurance premiums and contribution to EPF

Jerry and his wife Joyce, who were resident were assessed separately for the year of assessment 2004. In that basis year, they made payments of insurance premiums and contribution to an approved provident fund as follows:

Type of payment	Jerry (RM)	Joyce (RM)
Insurance		
• Premium paid	2,500	1,800
• Sum insured	100,000	50,000
Contribution to EPF	5,000	3,600

The total payments expended in the basis year 2004 are as follows:

Premiums/contribution paid	Jerry (RM)	Joyce (RM)
Insurance premium paid	2,500	1,800
Contribution to EPF	<u>5,000</u>	<u>3,600</u>
Total paid	<u>7,500</u>	<u>5,400</u>

Even though Jerry and Joyce paid RM7,500 and RM5,400 respectively, the amount of deduction that can be claimed for insurance premiums and contribution to EPF by Jerry and Joyce is limited to a maximum of RM5,000 each.

- 7.2.19 Where an individual and his/her spouse is assessed separately, each of them is entitled to claim for the payment of premiums for insurance on education or for medical benefits up to an amount of RM3,000 - (subsection 49(1B) ITA).

Example 12 - deduction for education and medical insurance premium

Mat and his wife were resident in Malaysia for the basis year 2004. For year ended 31.12.2004, they have total income and paid insurance premiums as follows:

Income/payment	Mat (RM)	Wife (RM)
Total income	120,000	100,000
Education insurance premium	2,000	1,500
Medical insurance premium	1,500	1,800

Education and medical insurance premium that can be claimed by Mat and his wife in computing the chargeable income for the year of assessment 2004 are:

	<i>Mat (RM)</i>	<i>Wife (RM)</i>
<i>Total income</i>	120,000	100,000
<i>Less:</i>		
<i>Education Insurance premium</i>	2,000	1,500
<i>Medical insurance premium</i>	<u>1,500</u>	<u>1,800</u>
<i>Actual amount paid</i>	3,500	3,300
<i>Deduction allowed</i>	<u>3,000¹</u>	<u>3,000¹</u>
<i>Chargeable income</i>	<u>117,000</u>	<u>97,000</u>

¹ The amount of education and medical insurance premiums that can be claimed by Mat and his wife respectively is limited to RM3,000 - subsection 49(1B).

7.2.20 Where an individual and his/her spouse are assessed separately, both are entitled to claim a deduction up to a maximum of RM1,000 each on the payment of insurance premium purchased through the EPF - (subsection 49(1C) ITA).

Example 13 - deduction of insurance premium through EPF

Wong and his wife, Alice who were resident in Malaysia for the basis year 2004, both have total income. They paid premiums for the purchase of insurance policies determined by the EPF amounting to RM1,200 each in the basis year 2004.

Wong and Alice are entitled to a deduction for the payment of insurance premium purchased through EPF up to a maximum of RM1,000 each for the year of assessment 2004.

7.3 Category C: Married - husband and wife are assessed jointly

An individual who has total income is allowed to elect to be assessed together with his/her spouse pursuant to paragraph 45(2)(a) and 45(2)(b) ITA on condition that the spouse also has total income. The amount of deductions which that individual is entitled to claim is as follows:

Deduction	Amount Husband or wife
7.3.1 Self and dependent relatives	RM8,000
7.3.2 Medical expenses for own parents	Limited to RM5,000
7.3.3 Basic supporting equipment for self, spouse, child or parent. The amount expended by the spouse is deemed expended by the individual.	Limited to RM5,000

Deduction	Amount Husband or wife
7.3.4 Disabled person for self	RM6,000
7.3.5 Education fees for self	Limited to RM5,000
7.3.6 Treatment of serious disease for self, spouse or child. The amount expended by the spouse is deemed expended by the individual.	Limited to RM5,000
7.3.7 Complete medical examination for self, spouse or child. The amount expended by the spouse is deemed expended by the individual.	Limited to RM500 ¹
7.3.8 Purchase of books and magazines for self, spouse or child. The amount expended by the spouse is deemed expended by the individual.	Limited to RM700
7.3.9 Interest on housing loan for self and spouse	Refer Appendix B
7.3.10 If the individual is the husband - deduction for wife/wives/alimony to former wife; and further deduction if wife is disabled. Or	Limited to RM3,000 RM3,500
7.3.11 If the individual is the wife - deduction for husband; and further deduction if husband is disabled	RM3,000 RM3,500
7.3.12 Child: a. under 18 years of age. b. 18 years of age and above - Studying in school, college or university/ serving under articles/indentures in or outside Malaysia. c. Over 18 years of age - Studying in college or university/serving under articles/indentures in Malaysia. d. Disabled child.	RM1,000 each child RM1,000 each child RM4,000 each child RM5,000 each child
7.3.13 Insurance premium and EPF contribution for self and spouse	Limited to RM6,000

Deduction	Amount Husband or wife
7.3.14 Insurance premium for education and medical benefits for self, spouse or child	Limited to RM3,000
7.3.15 Insurance premium through EPF for self and spouse	Limited to RM1,000

¹ Total deductions in paragraphs 7.3.6 and 7.3.7 are limited to RM5,000.

7.3.16 In the case of a combined assessment, only the husband or wife in whose name the assessment is made can make a claim for the deduction for medical expenses expended in respect of his or her parents.

Example 14 - deduction for medical expenses for parents

Abu and his wife, were both resident in Malaysia for the basis year 2004. They have income from the following sources and expended expenses for year ended 31.12.2004 as follows:

Income/expenses	Abu (RM)	Wife (RM)
Statutory income from employment	70,000	Nil
Statutory income from rent	Nil	8,000
Medical expenses expended	3,800	2,000

Abu's wife elect for a combined assessment under paragraph 45(2)(a) ITA.

The deductions that can be claimed for the year of assessment 2004 are as follows:

Combined assessment		
Income/ deduction	Abu (RM)	Wife (RM)
Statutory income from employment	70,000	Nil
Statutory income from rent	Nil	8,000
Total income	70,000	8,000
Less:		
Total income of wife		8,000
Husband's aggregate total income	70,000 + 8,000 = 78,000	Nil
Less: Deduction		
Self and dependent relatives	8,000	Nil
Medical expenses	3,800	Nil

Abu is only entitled to claim the deduction for medical expenses of RM3,800 expended by him on his parents. He is not entitled to the

deduction for medical expenses of RM2,000 expended by his wife on her parents.

- 7.3.17 In respect of the deduction for basic supporting equipment, where there is aggregation of total income under subsection 45(2) of the ITA, the amount expended by the spouse is deemed to have been expended by the individual limited to a maximum of RM5,000. However, where the husband elects for combined assessment under paragraph 45(2)(b) ITA, the amount expended by the husband is deemed to have been expended by the wife who is allowed a deduction for the husband under section 45A ITA.

Example 15 - deduction for basic supporting equipment

Tan and his wife were both resident in Malaysia for the basis year 2004. They have income from the following sources and expenses expended for year ended 31.12.2004 are as follows:

Income/expenses	Tan (RM)	Wife (RM)
Statutory income from employment	60,000	30,000
Statutory income from rent	Nil	8,000
Purchased basic supporting equipment for child	1,000	6,000

Tan's wife elects for combined assessment under paragraph 45(2)(a) ITA.

The deduction allowed for the year of assessment 2004 is computed as follows:

Income/ deduction	Combined assessment	
	Tan (RM)	Wife (RM)
<i>Statutory income from employment</i>	<i>60,000</i>	<i>30,000</i>
<i>Statutory income from rent</i>	<i>Nil</i>	<i>8,000</i>
<i>Total income</i>	<i>60,000</i>	<i>38,000</i>
<i>Less:</i>		
<i>Total income of wife</i>		<i>38,000</i>
<i>Husband's aggregate total income</i>	<i>60,000 + 38,000 = 98,000</i>	<i>Nil</i>
<i>Less: Deduction</i>		
<i>Self & dependent relatives</i>	<i>8,000</i>	<i>Nil</i>
<i>Basic supporting equipment</i>	<i>5,000</i>	<i>Nil</i>

The expenses expended for the purchase of basic supporting equipment by the wife are deemed to have been expended by Tan. However, the

amount that could be claimed by Tan is limited to a maximum of RM5,000.

- 7.3.18 In respect of deduction for medical expenses for serious diseases, where there is aggregation of income under subsection 45(2) of the ITA, any amount expended by the wife who elects for combined assessment is deemed to have been expended by the husband. Similarly, where the husband elects for combined assessment, any amount expended by the husband is deemed to have been expended by the wife.

Example 16 - deduction for medical expenses for serious diseases

Amran and his wife, Nurul, were resident in Malaysia for the basis year 2004. They have the following income and expended expenses for the year ended 31.12.2004 as follows:

Income/expenses	Amran (RM)	Nurul (RM)
Statutory income from employment	60,000	30,000
Statutory income from rent	12,000	Nil
Medical expenses on Amran suffering from a serious disease	4,000	3,000

Amran's wife elects for combined assessment for the year of assessment 2004.

Deduction which can be allowed for the year of assessment 2004 is computed as follows:

Income/ deduction	Combined assessment	
	Amran (RM)	Nurul (RM)
<i>Statutory income from employment</i>	<i>60,000</i>	<i>30,000</i>
<i>Statutory income from rent</i>	<i>12,000</i>	<i>Nil</i>
<i>Total income</i>	<i>72,000</i>	<i>30,000</i>
<i>Less:</i>		
<i>Total income of wife</i>		<i>30,000</i>
		<i>Nil</i>
<i>Husband's aggregate total income</i>	<i>72,000 + 30,000 = 102,000</i>	
<i>Less:</i>		
<i>Self and dependent relatives</i>	<i>8,000</i>	
<i>Treatment of serious disease</i>	<i>5,000</i>	

As Nurul has elected for aggregation of her total income with the total income of Amran, the amount expended by Nurul is deemed to have

been expended by Amran. Therefore, Amran is entitled to claim a maximum deduction of RM5,000 that is RM4,000 expended by him and RM1,000 expended by Nurul.

- 7.3.19 Where there is aggregation of income under subsection 45(2) of the ITA, expenses expended on complete medical examination by the husband or wife are deemed to have been expended by the wife or the husband in whose name the assessment is made.

Example 17 - deduction for complete medical examination

Soon and his wife, Annie, were resident in Malaysia for the basis year 2004. For the year of assessment 2004, Annie elects to be assessed jointly with Soon. They paid complete medical examination expenses as follows:

Expenses	Soon (RM)	Annie (RM)
Complete medical examination	300	250

As Annie elected for combined assessment with Soon, the expenses of RM250 paid by Annie for complete medical examination are deemed to have been expended by Soon. As such, Soon is allowed a deduction of RM500 for the year of assessment 2004, that is RM300 expended by himself and RM200 which was expended by his wife.

- 7.3.20 In respect of deduction for the purchase of books, journals and magazines, where there is aggregation of total income under subsection 45(2) of the ITA, expenses expended by the husband or wife are deemed to have been expended by the wife or the husband in whose name the assessment is made. However, the amount of deduction allowed is limited to a maximum of RM700 which can be claimed by the husband or the wife in whose name the assessment is made.

Note: Prior to the year of assessment 2005, the amount of deduction was RM500.

Example 18 - deduction for the purchase of reading materials

Mahmud and his wife were resident in Malaysia for the basis year 2004. They have total income and expended expenses for the year ended 31.12.2004 as follows:

Income/expenses	Mahmud (RM)	Wife (RM)
Total income	60,000	50,000
School textbooks for child	2,000	Nil
Magazines	Nil	500

Mahmud's wife elects for combined assessment.

Expenses for the purchase of magazines paid by the wife are deemed to have been expended by Mahmud. However, the amount that can be claimed by Mahmud is limited to a maximum of RM500.

- 7.3.21 In the case of combined assessment, the deduction for wife under subsection 47(1) ITA or deduction for husband under section 45A, can be claimed by the husband or the wife in whose name the assessment is made.

Example 19

Firdaus and Faridah were resident in Malaysia for the basis year 2004. They were married on 30.6.2004 and have sources of income for the year ended 31.12.2004 as follows:

Income	Firdaus (RM)	Faridah (RM)
Business		
• Adjusted income	20,000	Nil
• Capital allowance	15,000	
Statutory income from employment	Nil	84,000
Statutory income from rent	12,000	Nil

Faridah elects for combined assessment with Firdaus for the year of assessment 2004.

In determining whether deduction for wife can be given to Firdaus for the year of assessment 2004, it is necessary to confirm that the wife is entitled to elect for combined assessment with the husband and this is determined as follows:

Income	Firdaus (RM)	Faridah (RM)
<i>Statutory income from business (20,000-15,000)</i>	<i>5,000</i>	<i>Nil</i>
<i>Statutory income from employment</i>	<i>Nil</i>	<i>84,000</i>
<i>Statutory income from rent</i>	<i><u>12,000</u></i>	<i><u>Nil</u></i>
<i>Aggregate income/total income</i>	<i><u>17,000</u></i>	<i><u>84,000</u></i>

As Faridah has total income, she is entitled to elect for combined assessment with her husband. Therefore, Firdaus qualifies for a deduction for wife of RM3,000.

Example 20

Yaacob and his wife, Ros. have income from the income from the following sources for the year ended 31.12.2004:

Income	Yaacob (RM)	Ros (RM)
Statutory income from employment	Nil	50,000
Statutory income from rent	7,000	Nil

Yaacob elects for combined assessment pursuant to paragraph 45(2)(b) ITA.

The computation of total income for the year of assessment 2004 is computed as follows:

Income	Yaacob (RM)	Ros (RM)
<i>Statutory income from employment</i>	<i>Nil</i>	<i>50,000</i>
<i>Statutory income from rent</i>	<i><u>7,000</u></i>	<i><u>Nil</u></i>
<i>Total income</i>	<i>7,000</i>	<i>50,000</i>
<i>Less:</i>		
<i>Total income of husband</i>	<i><u>7,000</u></i>	
	<i>Nil</i>	
<i>Add: total income of husband</i>		<i><u>7,000</u></i>
<i>Wife's aggregate total income</i>		<i><u>57,000</u></i>

Since Yaacob has total income, he is allowed to elect for combined assessment in the name of his wife - (paragraph 45(2)(b) ITA). As such, Ros qualifies for a deduction for husband of RM3,000 for that year of assessment - (subsection 45A(b) ITA).

7.3.22 Where the husband or the wife elects for combined assessment, only the wife or the husband in whose name the assessment is made qualifies for deduction for child provided all conditions as stated in paragraph 6.1.13 are fulfilled.

Example 21

Shah and his wife, Jehan, were resident in Malaysia for the basis year 2004. They have 5 children who are unmarried and information relating to each child is as follows:

No.	Name of	Age at	Name of educational	Expenses	Note
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	child	1 Jan.	establishment	RM	
1.	Yahya	23 years	Univ. of W. Australia	20,000	-
2.	Ismail	20 yrs 1 mth	Univ. Malaya	7,000	-
3.	Yusof	18 yrs 4 mths	UKM - matriculation	2,000	-
4.	Malik	15 years	SMK Taman Tun	3,000	-
5.	Rozila	7 yrs 10 mths	Wisma Harapan	3,000	Down Syndrome

Shah elects for combined assessment. As such, Jehan is entitled to claim for deduction for child. Shah and Jehan have income for the year ended 31.12.2004 as follows:

Type of income	Shah (RM)	Jehan (RM)
Statutory income from employment	25,000	70,000
Statutory income from rent	Nil	12,000

The computation of chargeable income for Jehan for the year of assessment 2004 is:

Particulars	Shah (RM)	Jehan (RM)	
Statutory income from employment	25,000		70,000
Statutory income from rent	<u>Nil</u>		<u>12,000</u>
Total income	25,000		82,000
Less: Total income	<u>25,000</u>		
	<u>Nil</u>		
Add: Husband's total income			<u>25,000</u>
Jehan's aggregate total income			107,000
Less: Deduction			
Self		8,000	
Husband		3,000	
Child: First		1,000	
Second		4,000	
Third		1,000	
Fourth		1,000	
Fifth		<u>5,000</u>	
Chargeable income		<u>12,000</u>	<u>23,000</u>
			<u>84,000</u>

7.3.23 In respect of deduction for insurance premiums and contribution to approved employees provident fund, where the total income of the individual is aggregated with the total income of the spouse in a combined

assessment, the individual in whose name the assessment is made is entitled to claim a deduction up to a maximum of RM6,000 (RM5,000 prior to the year of assessment 2005). Where an election for combined assessment is made by the spouse, any amount paid by the spouse is deemed to have been paid by the individual - (paragraph 50(2)(a) and subsection 50(3) ITA).

Example 22

Raj and his wife, Jothy were resident in Malaysia for the basis year 2004. Jothy elects for combined assessment with Raj. Raj and Jothy have total income for the year ended 31.12.2004 as follows:

Income	Raj (RM)	Jothy (RM)
Total income	120,000	10,900

Raj and Jothy also made the following payments for the year ended 31.12.2004:

Type of payment	Raj (RM)	Jothy (RM)
Insurance: Policy 1: Sum insured on his own life Premium paid	175,500 12,500	Not applicable
Policy 2: Sum insured on their joint lives Premium paid	100,000 5,200	Not applicable
Policy 3: Sum insured on his own life Premium paid	Not applicable	50,000 3,600
Contribution to EPF	3,600	1,200

The amount allowed to be claimed for the year of assessment 2004 is as follows:

Premium/contribution paid	Raj (RM)	Jothy (RM)
<i>Insurance premium</i>		
<i>Policy 1:</i>	12,500	
<i>Policy 2:</i>	5,200	
<i>Policy 3:</i>		3,600
<i>Contribution to EPF</i>	3,600	1,200
<i>Total payment</i>	<u>21,300</u>	<u>4,800</u>

As Jothy has elected for combined assessment with Raj, the amount of insurance premium and EPF contribution paid by Jothy is deemed to have been paid by Raj - (paragraph 50(2)(a) and subsection 50(3) ITA). Therefore, Raj is deemed to have paid an amount of RM21,300 + RM4,800 = RM26,100. However, he is entitled to a deduction of only RM5,000.

- 7.3.24 In respect of deduction for insurance premium on education or for medical benefits, where the total income of the spouse is aggregated with the total income of the individual in a combined assessment, only that individual in whose name the assessment is made is allowed the deduction up to maximum of RM3,000 - (paragraph 49(1B)(b) ITA).

Example 23 - deduction for education and medical insurance premiums

Rudy and wife were resident in Malaysia for basis year 2004. For year ended 31.12.2004, they have total income and paid insurance premiums as follows:

Income/expenses	Rudy (RM)	Wife (RM)
Total income	80,000	70,000
Insurance premium on education	2,000	1,500
Insurance premium on medical benefits	1,800	1,500

Rudy's wife elects for combined assessment under paragraph 45(2)(a) ITA that her total income be aggregated with the total income of Rudy in an assessment to be made in her husband's name.

Rudy is entitled to claim deduction for the premiums paid by the wife. However, the deduction for education and medical insurance premiums that can be claimed by Rudy is limited to RM3,000 only. Similarly, where Rudy elects for combined assessment in the wife's name - (paragraph 45(2)(b) ITA), his wife is entitled to claim deduction for the premiums paid by Rudy. However, the deduction for the total insurance premiums is limited to RM3,000 only - (paragraph 49(1B)(b) ITA).

- 7.3.25 Where the total income of the spouse is aggregated with the total income of the individual in a combined assessment, the individual in whose name the assessment is made is allowed to claim the deduction for insurance premium on policy purchased through EPF limited to a maximum of RM1,000 - (subsection 49(1C) ITA).

Example 24 - deduction for insurance premiums through EPF

Chew and his wife lived together and were resident in Malaysia for the basis year 2004. Chew's wife elects for combined assessment. Her total income

of RM20,000 is aggregated with the total income of Chew. They have insurance policies and paid premium as follows:

Premium paid	Chew (RM)	Wife (RM)
Education policy	Not applicable	1,500
EPF insurance policy	3,000	Not applicable

The tax treatment for the payment of premium on education insurance and insurance policy purchased through EPF for the year of assessment 2004 is as follows:

- a. Only Chew is allowed to claim for the deduction; and
- b. The amount that is allowed to Chew is -
 - i. RM1,500 for annual premium on education policy paid by wife - subsection 49(1B) of the ITA; and
 - ii. RM1,000 for premium policy insurance purchased through EPF paid by himself - subsection 49(1C) ITA.

7.4 Category D: Married - husband or wife has total income but the spouse has no total income

Where the husband or wife has total income but the spouse has no total income, the assessment must be made in the name of the husband or wife who has total income. The amount of deductions that can be claimed by the husband or wife who is assessed as an individual is as follows:

Deduction	Amount
7.4.1 Self and dependent relatives	RM8,000
7.4.2 Medical expenses for parents	Limited to RM5,000
7.4.3 Basic supporting equipment for self, spouse, child or parent. The amount expended by the spouse is deemed expended by the individual.	Limited to RM5,000
7.4.4 Disabled person for self	RM6,000
7.4.5 Education fees for self	Limited to RM5,000
7.4.6 Treatment of serious disease for self, spouse or child. The amount expended by the spouse is deemed expended by the individual.	Limited to RM5,000
7.4.7 Complete medical examination for self, spouse or child. The amount expended by the spouse is deemed expended by the individual.	Limited to RM500 ¹

Deduction	Amount
7.4.8 Purchase of books and magazines for self, spouse or child. The amount expended by the spouse is deemed expended by the individual.	Limited to RM700
7.4.9 Interest on housing loan for self. The amount expended by the spouse is deemed expended by the individual.	Refer Appendix B
7.4.10 If the individual is the husband - deduction for wife/wives/alimony to former wife; and further deduction if wife is disabled. <i>Or</i>	Limited to RM3,000 RM3,500
7.4.11 If the individual is the wife - deduction for husband; and further deduction if husband is disabled	RM3,000 RM3,500
7.4.12 Child: a. under 18 years of age. b. 18 years of age and above - Studying in school, college or university/ serving under articles/indentures in or outside Malaysia. c. Over 18 years of age - Studying in college or university/serving under articles/indentures in Malaysia. d. Disabled child.	RM1,000 each child RM1,000 each child RM4,000 each child RM5,000 each child
7.4.13 Insurance premium for self and spouse. The amount of premium expended by the spouse is deemed expended by the individual. Contribution to EPF for self.	Limited to RM6,000
7.4.14 Insurance premium for education and medical benefits for self, spouse or child. The amount expended by the spouse is deemed expended by the individual.	Limited to RM3,000
7.4.15 Insurance premium through EPF for self and spouse. The amount expended by the spouse is deemed expended by the individual.	Limited to RM1,000

¹ Total deductions in paragraphs 7.4.6 and 7.4.7 are limited to RM5,000.

7.4.16 Claim for expenses in respect of -

- i. Basic supporting equipment (paragraph 7.4.3);
 - ii. Medical expenses for serious diseases (pararagraph 7.4.6);
 - iii. Complete medical examination (paragraph 7.4.7); and
 - iv. Purchase of books and magazines (paragraph 7.4.8),
- the expenses expended by the husband or wife who has no total income are deemed to have been expended by the wife or husband who is assessed. However, the amount that can be claimed is subject to the respective limitations.

Example 25

John and his wife, Sally were resident in Malaysia for the basis year 2004. In that basis year, John, suffered from diabetes resulting in the amputation of his leg. John and Sally have total income and paid the following expenses for the year ended 31.12.2004:

Income/expenses	John (RM)	Sally (RM)
Total income	Nil (business loss)	120,000
Basic supporting equipment	500	2,000
Treatment of serious diseases	1,500	3,800
Complete medical examination	400	250
Purchase of books and magazines	100	450

Even though John has no total income to be aggregated with Sally's total income, all the expenses expended by John are deemed to have been expended by Sally. The total deductions that can be claimed by Sally are as follows:

<i>Type of deduction</i>	<i>RM</i>
<i>Basic supporting equipment</i>	<i>2,500</i>
<i>Treatment of serious disease</i>	<i>Limited to 5,000</i>
<i>Complete medical examination</i>	<i>Nil - RM500 is part of the deduction for treatment of serious disease</i>
<i>Purchase of books and magazines</i>	<i>Limited to RM500</i>

7.4.17 For an individual who is resident in Malaysia and has a wife who is living together with him in that basis year and the wife has no total income by reason of:

- i. loss from business; or
- ii. in respect of non-business source, the amount of expenditure exceeds the gross income,

the husband is still entitled to claim for a deduction for wife of RM3,000. Subsection 47(5) ITA ensures that the right of the individual to a deduction for wife is not deprived.

Example 26 - deduction for wife

Elman and his wife, Elli were resident in Malaysia for the basis year 2004. They have income for year ended 31.12.2004 as follows:

Income	Elman (RM)	Elli (RM)
Employment	80,000	Nil
Business (loss)	Nil	(15,000)

The computation of total income for the year of assessment 2004 is:

	Total income (RM)
Elman	80,000
Elli	Nil

Even though, Elli is not allowed to be assessed jointly with the husband because she has no total income to be aggregated with that of her husband, however, her husband is still entitled to claim for a deduction for wife of RM3,000 for the year of assessment 2004 - subsection 47(5) ITA. If Elli is a disabled person and is certified by the Department of Social Welfare, Elman is entitled to claim a further deduction for wife of RM3,500.

7.4.18 The deduction for husband amounting to RM3,000 (with a further deduction of RM3,500 if the husband is disabled) is given to the wife where the husband has no total income because of business loss suffered or because the expenditure in relation to a non-business source exceeds the gross income. Where the husband has more than one wife, the deduction for husband can be allowed to one wife only - (proviso to section 45A ITA).

Example 27 - deduction for husband

Hafiz and his wife, Liza have income for the year ended 31.12.2004 as follows:

Income/loss	Hafiz(RM)	Liza (RM)
Employment	Nil	45,000
Rent (loss)		
Expenses exceed income	(6,000)	Nil

The computation of total income for the year of assessment 2004 is as follows:

	Total income (RM)
<i>Hafiz</i>	<i>Nil</i>
<i>Liza</i>	<i>45,000</i>

Since Hafiz has no total income, Liza is allowed a deduction for husband amounting to RM3,000 for the year of assessment 2004 - (subsection 45A(a) ITA). If Hafiz is a disabled person and this is certified by the Department of Social Welfare, a further deduction of RM3,500 is given to Liza. If Hafiz has more than one wife, the deduction for husband is allowed to one wife only.

- 7.4.19 Where the spouse has no total income, the amount of insurance premium is paid by the spouse is deemed to have been paid by the individual in whose name the assessment is made - (paragraph 50(2)(b) ITA). The amount which qualifies for deduction is limited to a maximum of RM6,000 (RM5,000 prior to the year of assessment 2005).

Example 28 - deduction for insurance premium and EPF contribution

Ali and his wife, living together in the basis year 2004 were resident in Malaysia. Ali has no total income as his business suffered a loss, while his wife has total income of RM120,000. They paid insurance premiums and made contributions to EPF for the year ended 31.12.2004 as follows:

Insurance premium/EPF contribution	Ali (RM)	Wife (RM)
Policy 1:		
• Sum insured on himself	10,000	
• Premium paid	700	
Policy 2:		
• Sum insured on their joint lives		30,000
• Premium paid		2,000
Contribution to EPF		13,200

The amount of deduction for insurance premium and EPF contribution for the year of assessment 2004 can only be claimed by Ali's wife as:

- Ali has no total income; and
- his wife is entitled to deduction for husband under subsection 45A(a) ITA.

As such, the insurance premiums of RM700 paid by Ali is deemed to have been paid by the wife - (paragraph 50(2)(b)ITA). However, the amount that can be claimed by Ali's wife is limited to RM5,000 only. Therefore, the chargeable income of Ali's wife for the year of assessment 2004 is as follows:

Wife:	RM	RM
Total income		120,000
Less:		
Deduction for husband	3,000	
Self and dependent relatives	8,000	
Insurance premiums and EPF contributions		
• Self (2,000 + 13,200) = 15,200		
• Husband <u>700</u>		
15,900 limited to	<u>5,000</u>	<u>16,000</u>
Chargeable income		<u>104,000</u>

7.4.20 Where the spouse has no total income, the amount of premiums on education and medical insurance policies expended by the spouse is deemed to have been expended by the individual in whose name the assessment is made - (paragraph 50(2)(b) ITA). The amount of deduction that can be claimed is limited to a maximum of RM3,000 - subsection 49(1B) ITA).

Example 29 - deduction for education and medical insurance premiums

Tay and his wife were resident in Malaysia for the basis year 2004. Tay has total income of RM150,000 while his wife has no total income as she suffered business loss. Tay and his wife paid premium on education and medical insurance policies as follows:

	Tay (RM)	Wife (RM)
Education policy - premium paid	2,000	1,500
Medical policy - premium paid	360	Nil

The amount of premium on education and medical policies paid by Tay and his wife for year of assessment 2004 is:

	RM
Tay	2,360
Wife	1,500

Tay can claim the premiums on the education policy paid by his wife. Therefore, the amount of education and medical insurance premiums that can be claimed by Tay in computing the chargeable income for the year of assessment 2004 is:

	RM	RM
<i>Total income</i>		150,000
<i>Less: Self and dependent relatives</i>	8,000	
<i>Wife</i>	3,000	
<i>Insurance premiums:</i>		
• <i>Education (2,000 + 1,500) = 3,500</i>		
• <i>Medical</i>	<u>360</u>	
<i>3,860 limited to</i>	<u>3,000</u>	<u>14,000</u>
<i>Chargeable income</i>		<u>136,000</u>

7.4.21 Where the spouse has no total income because of business loss suffered or where the expenditure exceeds the gross income for a non-business source, the amount of premium paid on insurance policy determined by the EPF paid by the spouse is deemed to have been paid by the individual in whose name the assessment is made - (paragraph 50(2)(b) ITA). The amount of deduction allowed is limited to a maximum of RM1,000.

Example 30 - deduction for insurance premium through EPF

Velu and his wife were resident in Malaysia for the basis year 2004. They have a 12 year old child. For the year ended 31.12.2004, Velu has employment income of RM140,000, while his wife suffered business loss of RM10,000. In that year, Velu paid premiums for insurance policies as follows:

Type of payment	Paid by	
	Velu (RM)	Wife (RM)
Insurance policy on self	1,500	
Medical insurance policy for self & wife	Nil	1,800
Education insurance policy - child	1,500	
Insurance policy through EPF	Nil	1,500

The deduction that can be claimed by Velu and the computation of chargeable income for the year of assessment 2004 are as follows:

	RM		
<i>Total income</i>			140,000
<i>Less: deduction</i>			
<i>Self and dependent relatives</i>		8,000	
<i>Wife</i>		3,000	
<i>Child</i>		1,000	
<i>Insurance premiums</i>			
• <i>Life - paragraph 49(1)(a) ITA</i>	1,500		
• <i>Medical & education - subsection 49(1B) ITA</i> <i>1,800 + 1,500 = 3,300 limited to</i>	3,000		
• <i>Policy through EPF - subsection 49(1C) ITA</i> <i>1,500 limited to</i>	<u>1,000</u>	<u>5,500</u>	<u>17,500</u>
<i>Chargeable income</i>			<u>122,500</u>

7.5 Category E: Married - husband has total income but the wife has no source of income. The husband having the total income is assessed.

The husband who has total income but the wife has no source of income is entitled to claim deductions as follows:

Deduction	Husband
7.5.1 Self and dependent relatives	RM8,000
7.5.2 Medical expenses for parents	Limited to RM5,000
7.5.3 Basic supporting equipment for self, wife, child or parent.	Limited to RM5,000
7.5.4 Disabled person for self	RM6,000

Deduction	Husband
7.5.5 Education fees for self	Limited to RM5,000
7.5.6 Treatment of serious disease for self, wife or child.	Limited to RM5,000
7.5.7 Complete medical examination for self, wife or child.	Limited to RM500 ¹
7.5.8 Purchase of books and magazines for self, wife or child.	Limited to RM700
7.5.9 Interest on housing loan for self.	Refer Appendix B
7.5.10 Wife/wives/alimony to former wife; and further deduction if wife is disabled.	Limited to RM3,000 RM3,500
7.5.11 Child: <ul style="list-style-type: none"> a. under 18 years of age. b. 18 years of age and above - Studying in school, college or university/ serving under articles/indentures in or outside Malaysia. c. Over 18 years of age - Studying in college or university/serving under articles/indentures in Malaysia. d. Disabled child. 	RM1,000 each child RM1,000 each child RM4,000 each child RM5,000 each child
7.5.12 Insurance premium and contribution to EPF for self.	Limited to RM6,000
7.5.13 Insurance premium for education and medical benefits for self or child	Limited to RM3,000
7.5.14 Insurance premium through EPF for self	Limited to RM1,000

¹ Total deductions in paragraphs 7.5. 6 and 7.5.7 are limited to RM5,000.

7.6 Category F: Married - wife has total income but the husband has no source of income. The wife having the total income is assessed.

The wife who has total income but the husband has no source of income is entitled to claim deductions as follows:

Deduction	Wife
7.6.1 Self and dependent relatives	RM8,000

Deduction	Wife
7.6.2 Medical expenses for parents	Limited to RM5,000
7.6.3 Basic supporting equipment for self, husband, child or parent.	Limited to RM5,000
7.6.4 Disabled person for self	RM6,000
7.6.5 Education fees for self	Limited to RM5,000
7.6.6 Treatment of serious disease for self, husband or child.	Limited to RM5,000
7.6.7 Complete medical examination for self, husband or child.	Limited to RM500 ¹
7.6.8 Purchase of books and magazines for self, husband or child.	Limited to RM700
7.6.9 Interest on housing loan for self.	Refer Appendix B
7.6.10 Child: <ul style="list-style-type: none"> a. under 18 years of age. b. 18 years of age and above - Studying in school, college or university/ serving under articles/indentures in or outside Malaysia. c. Over 18 years of age - Studying in college or university/serving under articles/indentures in Malaysia. d. Disabled child. 	RM1,000 each child RM1,000 each child RM4,000 each child RM5,000 each child
7.6.11 Insurance premium and contribution to EPF for self	Limited to RM6,000
7.6.12 Insurance premium for education and medical benefits for self or child	Limited to RM3,000
7.6.13 Insurance premium through EPF for self	Limited to RM1,000

¹ Total deductions in paragraphs 7.6.6 and 7.6.7 are limited to RM5,000.

7.6.14 In accordance with the provisions of ITA, the wife in this category is not entitled to the deduction for husband as the husband has no source of income.

8. Computation of Income Tax

8.1 After ascertaining the chargeable income, the next step is to compute the income tax payable by the individual/tax repayable to the individual. In the case of an individual who is resident, income tax shall be charged upon the chargeable income of the individual at scale rates as specified in Schedule 1 of the ITA - (see Appendix C).

8.2 The format for the computation of income tax payable/repayable is as follows:

	RM	RM
Chargeable income		<u>XXXXX</u>
Tax on the first XXXXX of chargeable income		XX.XX
Tax on the balance XXXXX of chargeable income @ XX %		<u>XX.XX</u>
Income tax charged		<u>XX.XX</u>
Less: Tax rebate		
• Individual	XX	
• Spouse	XX	
• Zakat and fitrah	XX	
• Personal computer	XX	
• Fees	<u>XX</u>	<u>XX.XX</u>
		<u>XX.XX</u>
Less: Tax credit		
• Tax credit from dividends	XX	
• Bilateral credit on foreign income where there is a double taxation agreement	XX	
• Unilateral credit on foreign income where there is no double taxation agreement	XX	<u>XX.XX</u>
Income tax payable/repayable		<u>XX.XX</u>

8.3 Tax Rebate

8.3.1 Tax rebate is a type of deduction of tax given to an individual who is resident in Malaysia for the basis year for a year of assessment to reduce the amount of income tax payable by the individual. The amount of tax rebate is deducted from the income tax charged in ascertaining the tax payable. There are two types of tax rebates allowed, as follows -

- i. tax rebate which is given if the conditions laid down are fulfilled, irrespective of any expenses. This type of tax rebate is known as the personal rebate; and
- ii. tax rebate which is given when a taxpayer expended the actual expenses. This type of rebate is the rebate for zakat or fitrah, personal computer not used for the purposes of the business and payment of fees (levy) for employment pass, visit pass (temporary employment) or work pass.

8.3.2 Pursuant to subsection 6A(4) ITA, where in a year of assessment the tax rebate is greater than the income tax charged, the excess is not to be:

- i. refunded to the taxpayer; or
- ii. carried forward as a credit to be allowed against the individual's tax liability for subsequent years of assessment.

8.3.3 Personal rebate - subsection 6A(2) ITA

An individual who is resident and has chargeable income for the basis year for a year of assessment is entitled to claim personal rebate as follows:

- i. for an individual who has been allowed a deduction for self and dependent relatives of RM8,000 under paragraph 46(1)(a) ITA and his chargeable income for the basis year does not exceed RM35,000, a rebate of RM350 is given to that individual.
- ii. for a husband who has been allowed a deduction for wife under subsection 47(1) or 47(2) ITA and his chargeable income for that basis year does not exceed RM35,000, a rebate of RM350 is given to that individual and RM350 for his wife.
- iii. for a wife who has been given a deduction for husband under section 45A ITA, (that is, husband has no total income or husband elects for combined assessment with his wife) and the chargeable income of the wife does not exceed RM35,000, a total rebate of RM700 is allowed that is a rebate of RM350 to her and RM350 for the husband.

Example 31 - personal rebate

Jane, who is resident in Malaysia for the basis year 2004 has employment income of RM40,000 for year ended 31.12.2004. In that year, she made contributions to the EPF amounting to RM440.

The chargeable income for the year of assessment 2004 is determined as follows:

	RM	RM
Total income		40,000
Less: Deduction		
Self and dependent relatives - para 46(1)(a) ITA	8,000	
EPF contribution - para 49(1)(b) ITA	<u>440</u>	<u>8,440</u>
Chargeable income		<u>31,560</u>

As Jane -

- is resident in Malaysia,
- is entitled to a deduction for self and dependent relatives under paragraph 46(1)(a) of the ITA, and

- *has chargeable income not exceeding RM35,000, she is entitled to a personal rebate of RM350 for the basis year 2004.*

Income tax payable by Jane for the year of assessment 2004 is -

	RM
<i>Tax on the first RM20,000</i>	475.00
<i>Tax on the balance RM11,560 X 7%</i>	<u>809.20</u>
<i>Total income tax charged</i>	1,284.20
<i>Less: deduction</i>	
<i>Rebate for self - subsection 6A(2) ITA</i>	<u>350.00</u>
<i>Income tax payable</i>	<u><u>934.20</u></u>

Example 32 - personal rebate

Lee and his wife, resident for the basis year 2004. They have total income and made contribution to the EPF for year ended 31.12.2004 as follows:

	Lee (RM)	Wife (RM)
Total income	39,000	24,000
Contribution to EPF	429	264

The chargeable income for Lee and wife for the year of assessment 2004 respectively is determined as follows:

	Lee (RM)		Wife (RM)	
<i>Total income</i>	39,000		24,000	
<i>Less: deduction</i>				
<i>Self and dependent relatives</i>	8,000		8,000	
<i>Contribution to EPF</i>	<u>429</u>	<u>8,429</u>	<u>264</u>	<u>8,264</u>
<i>Chargeable income</i>	<u><u>30,571</u></u>		<u><u>15,736</u></u>	

As Lee and wife respectively is -

- *resident in Malaysia,*
 - *entitled to a deduction for self under paragraph 46(1)(a) ITA, and*
 - *has chargeable income not exceeding RM35,000,*
- Lee and wife are entitled to a personal rebate of RM350 each.*

The income tax payable by Lee for the year of assessment 2004 is -

	<i>RM</i>
<i>Tax on the first 20,000</i>	<i>475.00</i>
<i>Tax on the balance 10,571 X 7%</i>	<i>739.97</i>
<i>Total income tax charged</i>	<i>1,214.97</i>
<i>Less : Rebate for self - subsection 6A(2) ITA</i>	<i>350.00</i>
<i>Income tax payable</i>	<u><i>864.97</i></u>

The income tax payable by wife for the year of assessment 2004 is -

	<i>RM</i>
<i>Tax on the first 10,000</i>	<i>175.00</i>
<i>Tax on the balance 5,736 X 3%</i>	<i>172.08</i>
<i>Total income tax charged</i>	<i>347.08</i>
<i>Rebate for self - subsection 6A(2) ITA limited to</i>	<i>347.08¹</i>
<i>Income tax payable</i>	<u><i>Nil</i></u>

¹ However, the grant of rebate to the wife is limited to her total tax charged. The excess of RM2.92 cannot be refunded to her and is thus forfeited.

Example 33 - personal rebate for self and spouse

Rashdan and wife were resident in Malaysia for the basis year 2004. Rashdan has total income of RM25,000 while his wife has total income of RM15,000. Rashdan's wife elects for combined assessment with her husband under paragraph 45(2)(a) ITA for the year of assessment 2004.

The chargeable income for the year of assessment 2004 is determined as follows -

	<i>RM</i>	<i>RM</i>
<i>Total income of Rashdan</i>		<i>25,000</i>
<i>Total income of wife</i>		<i>15,000</i>
<i>Aggregate total income of Rashdan</i>		<i>40,000</i>
<i>Less: deduction</i>		
<i>Self and dependent</i>	<i>8,000</i>	
<i>Wife</i>	<u><i>3,000</i></u>	<u><i>11,000</i></u>
<i>Chargeable income</i>		<u><i>29,000</i></u>

As Rashdan -

- is resident in Malaysia,*
- qualifies for deduction for wife under paragraph 47(1)(a) ITA, and*
- has chargeable income not exceeding RM35,000,*

he is entitled to a personal rebate of RM700 that is RM350 for self and RM350 for wife.

Income tax payable by Rashdan for the year of assessment 2004 is-

	RM	RM
Tax on the first 20,000		475.00
Tax on the balance 9,000 X 7%		<u>630.00</u>
Total income tax charged		1,105.00
Less: Personal rebate		
Self - paragraph 6A(2)(a) ITA	350.00	
Wife - paragraph 6A(2)(b) ITA	<u>350.00</u>	<u>700.00</u>
Income tax payable		<u>405.00</u>

Example 34 - personal rebate for self and spouse

Sai Yuk, who is resident in Malaysia for the basis year 2004 divorced his wife on 15.4.2004. Sai Yuk paid alimony of RM6,000 in 2004 to his former wife pursuant to a court order. The total income of Sai Yuk for the basis year 2004 is RM46,000.

The chargeable income for the year of assessment 2004 is determined as follows:

	RM	RM
Total income		46,000
Less: deduction		
Self and dependent relatives	8,000	
Alimony to former wife - para 47(2)(b) ITA	<u>3,000</u>	<u>11,000</u>
Chargeable income		<u>35,000</u>

As Sai Yuk-

- is resident in Malaysia,
 - is entitled to a deduction for former wife under paragraph 47(2)(b) ITA, and
 - has chargeable income not exceeding RM35,000,
- he is entitled to a personal rebate of RM700 that is RM350 for self and RM350 for wife.

The income tax payable by Sai Yuk for the year of assessment 2004 is -

	RM	RM
Tax on the first 35,000		1,525.00
Less: Personal rebate		

• Self - paragraph 6A(2)(a) ITA	350.00	
• Wife - paragraph 6A(2)(b) ITA	<u>350.00</u>	<u>700.00</u>
<i>Income tax payable</i>		<u><u>825.00</u></u>

Example 35 - personal rebate for self and spouse

Faiz and his wife Faizah were resident in Malaysia for the basis year 2004. The total income of Faizah for the basis year 2004 is RM44,000 while Faiz has no total income (since the gross income from the rental source is smaller than the amount of expenses).

The income tax payable by Faizah for the year of assessment 2004 is:

	RM	RM
<i>Total income</i>		44,000
<i>Less: deduction</i>		
<i>Self and dependent relatives</i>	8,000	
<i>Husband - subsection 45A(a) ITA</i>	<u>3,000</u>	<u>11,000</u>
<i>Chargeable income</i>		<u><u>33,000</u></u>
<i>Tax on the first 20,000</i>		475.00
<i>Tax on the balance 13,000 X 7%</i>		<u>910.00</u>
<i>Total income tax charged</i>		1,385.00
<i>Less: Personal rebate</i>		
<i>Self - paragraph 6A(2)(a) ITA</i>	350.00	
<i>Husband - paragraph 6A(2)(c) ITA</i>	<u>350.00</u>	<u>700.00</u>
<i>Income tax payable</i>		<u><u>685.00</u></u>

Example 36 - personal rebate for self and spouse

Nizam and his wife, Nik, were resident in Malaysia for the basis year 2004. Nizam has total income of RM15,000 while his wife has total income of RM30,000. Nizam elects for combined assessment with his wife under paragraph 45(2)(b) ITA for the year of assessment 2004.

As Nizam has elected to be assessed together with the wife for the year of assessment 2004, Nizam is treated as having no chargeable income for that year of assessment. The assessment for the year of assessment 2004 is in Nik's name. Nik's chargeable income for the year of assessment 2004 is computed as follows:

	RM
<i>Total income of individual</i>	30,000
<i>Total income of husband</i>	<u>15,000</u>
<i>Aggregate total income - para 45(2)(b) ITA</i>	45,000

<i>Less: deduction</i>		
<i>Self and dependent relatives</i>	<i>8,000</i>	
<i>Husband - subsection 45A(b) ITA</i>	<u><i>3,000</i></u>	<i>11,000</i>
<i>Chargeable income</i>		<u><i>34,000</i></u>

As Nik -

- *is resident in Malaysia,*
- *is entitled to deduction for husband under subsection 45A(b) of the ITA, and*
- *has chargeable income which is not exceeding RM35,000, she is entitled to a personal rebate of RM700 that is RM350 for self and RM350 for the husband.*

The income tax payable by Nik for the year of assessment 2004 is -

		RM
<i>Tax on the first 20,000</i>		<i>475.00</i>
<i>Tax on the balance 14,000 X 7%</i>		<u><i>980.00</i></u>
<i>Total income tax charged</i>		<i>1,455.00</i>
<i>Less: Personal rebate</i>		
• <i>Self - paragraph 6A(2)(a) ITA</i>	<i>350.00</i>	
• <i>Husband - paragraph 6A(2)(c) ITA</i>	<u><i>350.00</i></u>	<u><i>700.00</i></u>
<i>Income tax payable</i>		<u><i>755.00</i></u>

8.3.4 Tax rebate for zakat and fitrah payments - subsection 6A(3) ITA

- i. An individual taxpayer who is resident in Malaysia and has chargeable income is entitled to claim tax rebate for any zakat, fitrah and other Islamic dues, payment which is obligatory and which are paid to an appropriate religious authority established under any written law. The amount of the rebate allowed to the individual is limited to the total income tax charged for a year of assessment.
 - “The appropriate religious authority established under any written law” includes Pusat Pungutan Zakat and Majlis Ugama Islam Negeri.
 - “Written law” means legislative enactments or legislative instruments in force in Malaysia.
- iii. For an individual and wife who are assessed separately, each will be given tax rebate for zakat paid by them respectively.
- iii. In accordance with the provisions of the ITA, where -
 - the wife elects for combined assessment in the name of the husband; or
 - the husband elects for combined assessment in the name of the wife,

only the actual zakat payment made by the husband or wife who is assessed is allowed tax rebate. Therefore, the zakat payment made by the wife or the husband who elects for combined assessment is not allowed as tax rebate against the total tax charged of the spouse who is assessed. However, in practice, zakat payment made by the husband or wife who elects for combined assessment is allowed a tax rebate against the total tax charged of the spouse who is assessed.

- iv. In accordance with the provisions of the ITA, zakat paid by a wife who is unemployed and has no source of income or has no total income is not allowed a rebate against the tax charged on the husband. However, in practice, the zakat payment is allowed a tax rebate against the total tax charged of the husband.

Example 37 - zakat payment made to appropriate religious authority

Aboo and wife, were resident in Malaysia for the basis year 2004. Aboo's wife is unemployed. Aboo has total income and paid zakat for the basis year 2004 as follows:

	<i>RM</i>	<i>RM</i>
<i>Total income</i>		370,000
<i>Zakat paid to:</i>		
• <i>Majlis Ugama Islam Selangor</i>	5,000	
• <i>Zakat collection centre in Pakistan</i>	5,000	

The computation of zakat and income tax payable for the year of assessment 2004 is:

	<i>RM</i>	<i>RM</i>
<i>Total income</i>		370,000
<i>Less:</i>		
<i>Self and dependent relatives</i>	8,000	
<i>Wife</i>	<u>3,000</u>	<u>11,000</u>
<i>Chargeable income</i>		<u>359,000</u>

	<i>RM</i>	<i>RM</i>
<i>Tax on 250,000</i>		54,975.00
<i>Tax on the balance 109,000 X 28%</i>		<u>30,520.00</u>
<i>Total income tax charged</i>		85,495.00
<i>Less: rebate for zakat ¹</i>		<u>5,000.00</u>
<i>Income tax payable</i>		<u>80,495.00</u>

¹ Only rebate for zakat paid to Majlis Ugama Islam Selangor is allowed a rebate. Payment of zakat made to the zakat collection centre in Pakistan will not be allowed a rebate as that zakat collection centre is not established under any written law in Malaysia.

Example 38 - rebate for zakat to an individual

Zakri and his wife were resident in Malaysia for the basis year 2004. Zakri has total income of RM45,000 for the year ended 31.12.2004 whereas his wife is unemployed. Zakri made payments as follows:

- i. Contribution to the EPF of RM4,950; and
- ii. Zakat and fitrah of RM450.

The computation of rebate for zakat and income tax payable for the year of assessment 2004 is as follows:

	RM	RM
Total income		45,000
Less: deduction		
Self and dependent relatives	8,000	
Wife	3,000	
EPF contribution	<u>4,950</u>	<u>15,950</u>
Chargeable income		<u>29,050</u>
Tax on the first 20,000		475.00
Tax on the balance 9,050 X 7%		<u>633.50</u>
Total income tax charged		1,108.50
Less: Rebate		
Self - paragraph 6A(2)(a) ITA	350.00	
Wife - paragraph 6A(2)(b) ITA	350.00	
Zakat - subsection 6A(3) ITA	<u>450.00</u>	
	1,150.00	Limited to ¹ <u>1,108.50</u>
Income tax payable		<u>Nil</u>

¹ the excess rebate (RM1,150- RM1,108.50) = RM41.50 cannot be refunded or carried forward as a credit to be allowed against income tax liability charged on Zakri for subsequent years of assessment.

Example 39 - rebate for zakat where spouse has no source of income

Isa and his wife were resident in Malaysia for basis year 2004. Isa has total income of RM65,000 for year ended 31.12.2004 while his wife is unemployed. Isa and wife paid zakat as follows:

	RM

Isa	1,500
Wife	1,000

The income tax payable for year of assessment 2004 is:

	RM	RM
Total income		65,000
Less: deduction		
Self and dependent relatives	8,000	
Wife	<u>3,000</u>	<u>11,000</u>
Chargeable income		<u>54,000</u>
Tax on the first 50,000		3,475.00
Tax on the balance 4,000 at 19%		<u>760.00</u>
Total tax charged		4,235.00
Less: tax rebate		
Zakat - subsection 6A(3) ITA		
• Husband	1,500	
• Wife ¹	<u>1,000</u>	<u>2,500.00</u>
Income tax payable		<u><u>1,735.00</u></u>

¹ In practice, zakat paid by the wife is allowed a rebate against the total tax charged of the husband.

Example 40 - rebate for zakat where spouse has no total income

Alimin and his wife were resident in Malaysia for the basis year 2004. They have income and paid zakat for the basis year 2004 as follows:

	Alimin (RM)	Wife (RM)
Total income	Nil - (business loss 10,000)	45,000
Zakat	100	500

The computation of rebate for zakat and income tax payable by the wife for the year of assessment 2004 is as follows:

	RM	RM
Total income		45,000
Less: deduction		
Self and dependent relatives	8,000	
Husband - subsection 45A(a) ITA	<u>3,000</u>	<u>11,000</u>

<i>Chargeable income</i>			<u>34,000</u>
<i>Tax on the first 20,000</i>			475.00
<i>Tax on the balance 14,000 X 7%</i>			<u>980.00</u>
<i>Total income tax charged</i>			1,455.00
<i>Less: tax rebate</i>			
<i>Self - paragraph 6A(2)(a) ITA</i>	350.00		
<i>Husband - paragraph 6A(2)(c) ITA</i>	350.00	700.00	
<i>Zakat</i>		<u>500.00</u> ¹	<u>1,200.00</u>
<i>Income tax payable</i>			<u><u>255.00</u></u>

¹ Only the zakat which is paid by the wife is allowed a deduction against the tax charged on the wife. Zakat paid by the husband will not be allowed against the tax charged on the wife .

Example 41 - rebate for zakat in the case of separate assessment

Othman and his wife were resident in Malaysia for the basis year 2004. Othman has total income of RM50,000 while the total income of his wife is RM28,000. Othman paid zakat of RM300 while his wife paid zakat of RM200.

The computation of chargeable income and income tax payable by Othman and wife for the year of assessment 2004 is as follows:

	Husband (RM)	Wife (RM)
<i>Total income</i>	50,000	28,000
<i>Less: deduction</i>		
<i>Self and dependent relatives</i>	<u>8,000</u>	<u>8,000</u>
<i>Chargeable income</i>	<u>42,000</u>	<u>20,000</u>
<i>Total income tax charged</i>	2,435.00	475.00
<i>Less: tax rebate</i>		
<i>Self - paragraph 6A(2)(a) ITA</i>	Nil	350.00
<i>Zakat - subsection 6A(3) ITA</i>	<u>300.00</u>	<u>200.00</u>
<i>Income tax payable</i>	<u>2,135.00</u>	<u>Nil</u>

¹ The rebate which can be claimed by the wife is limited to the amount of income tax payable.

Example 42 - rebate of zakat in the case of combined assessment

Mustaffa and his wife were resident in Malaysia for the basis year 2004. Mustaffa's wife has total income and elects for combined assessment with her husband. They have total income and paid zakat for the basis year 2004 as follows:

	Mustaffa (RM)	Wife (RM)
Total income	30,000	10,000
Zakat	500	100

The computation of rebate for zakat and income tax payable for the year of assessment 2004 is as follows:

	Mustaffa (RM)	
Total income	30,000	
Add: total income of wife	<u>10,000</u>	
Aggregate of total income - paragraph 45(2)(a) ITA	40,000	
Less: deduction		
Self and dependent relatives	8,000	
Wife	<u>3,000</u>	<u>11,000</u>
Chargeable income	<u>29,000</u>	
Tax on 20,000	475.00	
Tax on the balance 9,000 X 7%	<u>630.00</u>	
Total income tax charged	1,105.00	
Less: tax rebate		
Self - paragraph 6A(2)(a) ITA	350.00	
Wife - paragraph 6A(2)(b) ITA	350.00	
Rebate for zakat ¹	<u>600.00</u>	
	1,300.00 ² Limited to	
Income tax payable	<u>Nil</u>	

¹ In practice, the zakat paid by the wife qualifies for rebate against tax charged of the husband.

² The amount of rebate allowed is limited to the amount of income tax charged-subsection 6A(4) ITA.

8.3.5 Tax rebate for purchase of personal computer - subsection 6A(3A) ITA

An individual who is resident is entitled to claim for a tax rebate in respect of the purchase of a personal computer which is not used for the purposes of his business. Personal computer includes laptop and desktop but does not include palmtop, Personal Digital Assistant (PDA) and its equivalent. However, the amount of tax rebate that can be allowed is limited to a maximum of RM500 for the husband or the wife and can only be given once in every five years. Prior to the year of assessment 2005, the tax rebate allowed to an individual who is resident in respect of the purchase of personal computer was RM400.

Example 43 - rebate for the purchase of personal computer

Lee purchased a personal computer for RM5,000 on 15 May 2004 for his personal use. On 2 January 2005, his wife purchased another personal computer for RM3,500. At the same time, Lee added some accessories and upgraded his computer at the cost of RM3,000.

For the year of assessment 2004, Lee is entitled to a rebate of RM400 in respect of the purchase of the personal computer for his personal use in computing the tax charged on him. However, for the year of assessment 2005, Lee and his wife, even though assessed separately, will not be granted the tax rebate for -

- *the amount expended on the accessories and upgrading of Lee's computer; and*
- *the purchase of another personal computer by the wife.*

Example 44 - purchase of personal computer under hire purchase

Siva purchased a personal computer under hire purchase arrangements. He paid an initial deposit of RM1,000 on 2 January 2005 and will pay monthly instalments of RM500 for a period of twelve (12) months. The instalment payments commenced on 2 February 2005 and will end on 2 January 2006.

Siva is entitled to a rebate of RM500 in computing the tax charged on him for the year of assessment 2005 in respect of the purchase of a personal computer. However, he is not entitled to any further rebate until the year of assessment 2010.

Example 45 - receipt for the purchase of personal computer issued in the name of child

Nora, who is resident in Malaysia for the basis year 2004, has employment income of RM50,000 for the year ended 31.12.2004. She expended expenses as follows:

- EPF contributions of RM5,500;
- maintenance of child over the age of 18 years studying at a local university - RM12,000; and
- purchased a personal computer - RM7,000 (receipt issued in the name of her child who is studying at the university).

The tax computation for the year of assessment 2004 is as follows:

	<i>RM</i>	<i>RM</i>
<i>Employment/Total income</i>		<i>50,000</i>
<i>Less: deduction</i>		
<i>Self and dependent relatives</i>	<i>8,000</i>	
<i>Child RM1,000 X 4</i>	<i>4,000</i>	
<i>EPF contribution RM5,500 limited to</i>	<i>5,000</i>	<i>17,000</i>

<i>Chargeable income</i>		<u>33,000</u>
<i>Tax on the first 20,000</i>		475.00
<i>Tax on the balance 13,000 X 7%</i>		<u>910.00</u>
<i>Total tax charged</i>		1,385.00
<i>Less: Rebate</i>		
<i>Self - para 6A(2)(a) ITA</i>	350.00	
<i>Purchase of computer - subsection 6A(3A) ITA ¹</i>	<u>400.00</u>	<u>750.00</u>
<i>Income tax payable</i>		<u>635.00</u>

¹ the rebate in respect of the purchase of personal computer is given to Nora even though the receipt is issued in the name of her child.

8.3.6 Tax rebate on fees paid by foreign workers - section 6C ITA

An individual who is resident is entitled to a tax rebate in respect of fees (referred to as levy by the Immigration Department of Malaysia) paid to the government for the issue of an employment pass, visiting pass or work pass in the basis year for that year of assessment. If the payment for the fees exceeds the income tax charged, the excess shall neither be refunded to the individual nor be available as a credit to set off his tax liability for any subsequent year of assessment.

The fees paid for the basis year for a year of assessment is rebated prior to any set-off made under section 110 ITA.

This tax rebate is usually claimed by a non-citizen foreign worker who works in Malaysia with an employment pass or working pass issued by the Immigration Department of Malaysia.

Example 46 - tax rebate on fees

George, a foreigner is working in Malaysia on an employment pass issued by the Immigration Department of Malaysia on 1.1.2004. On his passport is clearly stamped the following particulars:

For employment as Site Engineer
With Company ABC Sdn Bhd in Peninsular Malaysia only

Employment Pass	RM1,100
Levy Paid	RM1,200
Receipt No.	XXXXXX

George is entitled to claim a rebate of RM1,200 for the year of assessment 2004 in respect of the levy paid by him to the Immigration Department of Malaysia.

If the income tax charged on George for the year of assessment 2004 is RM1,000, the rebate he is entitled to claim for the year of assessment 2004 is computed as follows:

	RM
<i>Total income tax charged</i>	1,000.00
<i>Less:</i>	
<i>Rebate sec 6C ITA - levy of RM1,200 is limited to</i>	<u>1,000.00¹</u>
<i>Income tax payable</i>	<u>Nil</u>

¹The balance of levy paid RM200 will not be available as a credit to set-off his tax liability for any subsequent year of assessment.

9. Deduction of tax credit from dividends - section 110 ITA

Upon payment of a dividend to a shareholder, the company shall deduct tax from the amount of dividend income declared. Tax deducted on the dividend income by the company is given as a tax credit to the shareholder or that individual in computing his income tax payable. Where the tax credit on the dividend exceeds the total tax charged, the excess shall be refunded to the individual.

Example 47

Razif and his wife, Rozie, resident in Malaysia for the basis year 2004, have income from employment and dividend and they made payments for the year ended 31.12.2004 as follows:

Income/payment	Razif (RM)	Wife (RM)
Employment	49,000	Nil
Gross dividend (Malaysia)	Nil	2,000
EPF contribution	5,500	Nil
Zakat to PPZ, W.P, Kuala Lumpur	300	Nil

Rozie elects for her total income to be aggregated with the total income of her husband in a combined assessment.

The computation of chargeable income of Razif for the year of assessment 2004 is:

	Razif (RM)	Wife (RM)
<i>Employment</i>	49,000	Nil
<i>Gross dividend</i>	<u>Nil</u>	<u>2,000</u>



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Total income	49,000	2,000
Less: Total income of wife		<u>2,000</u>
		<u>Nil</u>
Add: Total income of wife	<u>2,000</u>	
Aggregate total income of Razif	51,000	
Less: deduction		
Self and dependent relatives	8,000	
Wife	3,000	
EPF contribution RM5,500 limited to	<u>5,000</u>	<u>16,000</u>
Chargeable income		<u>35,000</u>

The computation of tax repayable to Razif for the year of assessment 2004 is:

	RM	RM
Tax charged on RM35,000		1,525.00
Less: deduction for rebate		
Personal rebate - para 6A(2)(a) & (b) ITA		
• Self	350.00	
• Wife	350.00	
Rebate for zakat	<u>300.00</u>	<u>1,000.00</u>
		525.00
Less: tax credit from dividend 2,000 X 28%		<u>560.00¹</u>
Tax repayable		<u>35.00</u>

¹ In the case of combined assessment, subsection 110(12)ITA enabled the excess of tax credit from the wife's dividend to be given to the husband.

Example 48

Amanda who is resident in Malaysia for the basis year 2004 has sources of income for the year ended 31.12.2004 as follows:

Income	RM
Employment	54,000

Gross dividend (Malaysian)	1,000
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She also expended expenses as follows:

- contributions to EPF of RM5,940;
- maintenance of 2 children over the age of 18 studying at local universities - RM 12,500; and
- purchase of a personal computer - RM5,000.

The computation of income tax payable for the year of assessment 2004 is:

	<i>RM</i>	<i>RM</i>
<i>Employment</i>		54,000
<i>Gross dividend (Malaysian)</i>		<u>1,000</u>
<i>Total income</i>		55,000
<i>Less: deduction</i>		
<i>Self and dependent relatives</i>	8,000	
<i>Child RM1,000 x 4 x 2</i>	8,000	
<i>Contributions to EPF RM5,940 limited to</i>	<u>5,000</u>	<u>21,000</u>
<i>Chargeable income</i>		<u>34,000</u>
<i>Tax on the first 20,000</i>		475.00
<i>Tax on the balance 14,000 at 7%</i>		<u>980.00</u>
<i>Total tax charged</i>		1,455.00
<i>Less : Rebate</i>		
<i>Self - paragraph 6A(2)(a) ITA</i>	350.00	
<i>Purchase of computer - subsection 6A(3A) ITA</i>	<u>400.00</u>	<u>750.00</u>
		705.00
<i>Less: tax credit from dividend (1,000 X 28%)</i>		<u>280.00</u>
<i>Income tax payable</i>		<u>425.00</u>

10. Bilateral credit - section 132 ITA

- 10.1 Bilateral credit can be claimed by an individual who is resident in Malaysia when the same income is taxed twice for the same year of assessment, that is that income is taxed in the country in which the income arises and again in



the country in which the individual receiving the income is resident, and Malaysia has entered into double taxation agreement with that country.

10.2 The computation of this credit is as follows:

Malaysian tax payable before bilateral credit	X	$\frac{\text{Foreign income charged to tax twice}}{\text{Total income for the year of assessment}}$
or		
Foreign tax charged in respect of the foreign income charged to tax twice whichever is the lower		

11. Unilateral credit - section 133 ITA

11.1 Unilateral credit can be claimed by an individual whether or not he is resident in Malaysia when the same income is taxed twice for the same year of assessment, that is that income is taxed in the country in which the income arises and again in the country in which the individual received the income, and Malaysia has no double taxation agreement with that country.

11.2 The computation of this credit is as in paragraph 10.2 except that the credit allowed shall not exceed half the foreign tax payable on that income for that year.

12. Payment of husband/wife's tax in combined assessment

Where there is aggregation of the total income of the husband and the wife in a combined assessment, the individual in whose name the assessment is made is responsible to pay the tax. However, where necessary, the portion of tax applicable to either the wife's or the husband's income may be collected from either one of them in accordance with the following formula:

$$\text{Tax charged on the husband/wife} = \frac{\text{Total income of husband/wife}}{\text{Aggregate total income of husband/wife}} \times \text{Total tax charged on the husband/wife for the relevant year of assessment}$$

13. Proof of payment

Receipts and other supporting documents relating to claims made need not be submitted together with the Income Tax Forms. However, these receipts and documents should be kept in safe custody for a period of seven (7) years from the



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end of the year of assessment in which the Income Tax Form is furnished for audit purposes. Where there is a refund of excess tax, the original dividend vouchers shall be submitted to the LHDN together with the Income Tax Form.

15. This Ruling is effective for the year of assessment 2004 and subsequent years of assessment.

Director General
of Inland Revenue

APPENDIX A

DETERMINATION OF RESIDENCE STATUS

1. The residence status of an individual is determined by reference to the duration of stay of that individual in Malaysia for a basis year for a year of assessment. In

certain situations, the duration of stay for the basis years preceding and basis years following a particular year of assessment has also to be taken into consideration.

2. There are 4 sets of circumstances in which an individual is resident in Malaysia for the basis year for a year of assessment. If in any particular basis year the individual does not fall within any of these sets of circumstances, then he is not resident for that basis year.
3. In calculating the number of days an individual is in Malaysia, any part of a day is counted as one full day.

Example 1

Woods arrived in Malaysia at 11.00 pm on 1.12.2004 and left Malaysia at 2.00 am on 11.12.2004.

Woods would have been in Malaysia for 11 days.

4. Circumstances determining residence status

There are 4 sets of circumstances which determine the residence status of an individual as provided for in section 7 of the ITA.

4.1 Paragraph 7(1)(a) ITA

- 4.1.1 If an individual is in Malaysia in that basis year for a period or periods amounting in all to 182 or more days, he is resident in Malaysia for that basis year.

Example 2

Augustin was in Malaysia from 1.3.2004 to 30.9.2004 (214 days).

Augustin is resident in Malaysia for the basis year for the year of assessment 2004.

- 4.1.2 The period in which the individual is in Malaysia does not have to be consecutive days.

Example 3

Angeline was in Malaysia for the following periods:

<u>Period</u>	<u>Number of days</u>	<u>Total number of days</u>
1.3.2004 to 30.6.2004	122 days)	= 183 days
1.8.2004 to 30.9.2004	61 days)	

Angeline is resident in Malaysia for the basis year for the year of assessment 2004.

4.2 Paragraph 7(1)(b) ITA

4.2.1 If an individual is in Malaysia in a basis year for a period of less than 182 days but the period during which he is in Malaysia in that basis year is linked by or to:

- another period of 182 or more consecutive days in the basis year for the year of assessment preceding that particular year of assessment; or
- another period of 182 or more consecutive days in that basis year for the year of assessment immediately following that particular year of assessment;

therefore that individual is resident in Malaysia for the basis year for that year of assessment even though he is in Malaysia for a period of less than 182 days.

4.2.2 In calculating the period of 182 or more consecutive days, relaxation of the requirement is given where the period of "temporary absence" (period during which an individual is not in Malaysia) shall be taken to form part of the period:

- of less than 182 days; and/or
- 182 or more consecutive days,

for the purpose of linking the two periods provided that the individual must be in Malaysia immediately prior to and after that "temporary absence".

"Temporary absences" allowed are -

- absence which is connected with the individual's service in Malaysia such as attending conferences or seminars or study abroad;
- absence owing to ill-health involving the individual or a member of his immediate family (immediate family means parent, spouse and children); and
- absence in respect of social visits not exceeding 14 days in the aggregate (social visits include any form of vacation outside Malaysia besides vacation to home country).

Example 4

Benson was in Malaysia and England for the following periods:

<u>Year</u>	<u>Period of stay</u>	<u>Number of days</u>
-------------	-----------------------	-----------------------



2004	15.05.2004 - 23.12.2004 (in Malaysia)	222
	24.12.2004 - 31.12.2004 (in England)	8 (social visit)
2005	01.01.2005 - 02.01.2005 (in England)	2 (social visit)
	03.01.2005 - 31.03.2005 (in Malaysia)	88

Benson left Malaysia on 1 April 2005.

Benson is resident for the year of assessment 2005 for the following reasons:

- i. Benson's absence in Malaysia on 31.12.2004 and 01.01.2005 is regarded as "temporary absence";*
- ii. He fulfills the requirement of "temporary absence" in respect of social visit not exceeding 14 days; and*
- iii. He was in Malaysia before and after his "temporary absence".*

Example 5

Kim arrived in Malaysia on 5 January 2004. Her employment contract in Malaysia was for one year ending on 4 January 2005. On 23 December 2004, Kim left for Seoul to visit her family and never returned to Malaysia after that.

Even though Kim was away from Malaysia on social visit for less than 14 days, that period is not regarded as "temporary absence" since she was not in Malaysia after her absence. Therefore, she is not resident in Malaysia for the basis year for the year of assessment 2005.

Example 6

Using Example 5 above, Kim returned to Malaysia on 4 January 2005 before leaving for Seoul 2 days later.

The period between 23 December 2004 to 4 January 2005 (13 days) is regarded as "temporary absence" as Kim was present in Malaysia after her absence. She is resident in Malaysia for the basis year for the year of assessment 2005.

Example 7

Hughes has the following period of stay in Malaysia, Singapore and USA:

<u>Year</u>	<u>Period of stay</u>	<u>Number of days</u>
-------------	-----------------------	-----------------------

2004	01.12.2004 - 22.12.2004 (Malaysia)	22
	23.12.2004 - 28.12.2004 (Singapore)	6 (social visit)
	29.12.2004 - 29.12.2004 (Malaysia)	1
	30.12.2004 - 31.12.2004 (USA)	2 (social visit)
2005	01.01.2005 - 10.01.2005 (USA)	10 (social visit)
	11.01.2005 - 31.12.2005 (Malaysia)	355

Hughes is resident in Malaysia for the basis year for the year of assessment 2004 as the period between 30 December 2004 to 10 January 2005 is considered as "temporary absence". The period between 23 to 28 December 2004 is not considered as part of the period that linked the two years.

Example 8

Takayama commenced employment on 10 September 2004 and has the following period of stay in Malaysia and Japan:

<u>Year</u>	<u>Period of stay</u>	<u>Number of days</u>
2004	10.09.2004 - 14.12.2004 (Malaysia)	96
	15.12.2004 - 31.12.2004 (Japan)	17 (social visit)
2005	01.01.2005 - 03.01.2005 (Japan)	3 (social visit)
	04.01.2005 - 31.12.2005	362

Takayama is not a resident for the basis year for the year of assessment 2004 as he was out of Malaysia for 20 days (exceeding the limit of 14 days).

If Takayama had left Malaysia on 17 December 2004 and returned to Malaysia on 1 January 2005, the period from 18 December 2004 to 31 December 2004 can be regarded as "temporary absence".

Takayama cannot leave Malaysia again for the purpose of social visit until after 1 July 2005 (that is after a period of at least 182 consecutive days) since the period of "temporary absence" has been used up in the year 2004.

If Takayama had left Malaysia for the purpose of social visit before 1 July 2005, then the period between 1 January 2005 to 1 July 2005 cannot be regarded as consecutive. In this case Takayama will not be resident in Malaysia for the basis year for the year of assessment 2004.

4.3 Paragraph 7(1)(c) ITA

- 4.3.1 If an individual is in Malaysia in a particular basis year for a period or periods amounting in all to 90 days or more (the days need not be consecutive days), he is resident in Malaysia for that particular year of

assessment if in each of any three out of four immediately preceding basis years he was:

- i. resident in accordance with section 7 of the ITA; or
- ii. in Malaysia for a period or periods amounting in all to ninety days or more.

Example 9

Jemina has the following periods of stay in Malaysia:

<u>Year</u>	<u>Period of stay</u>	<u>Number of days</u>
2000	01.05.2000 - 15.08.2000	107
2001	01.05.2001 - 20.05.2001	20
2002	01.01.2002 - 30.09.2002	273
2003	01.03.2003 - 30.10.2003	245
2004	01.01.2004 - 20.02.2004 (51)	
	01.04.2004 - 31.05.2004 (61)	= 112

The residence status of Jemina is as follows:

<u>Basis year</u>	<u>Residence status</u>	<u>Paragraph</u>
2000	Not resident	-
2001	Not resident	-
2002	Resident	7(1)(a) ITA
2003	Resident	7(1)(a) ITA
2004	Resident	7(1)(c) ITA

For the basis year 2004, Jemina is resident by virtue of paragraph 7(1)(c) as she -

- *was in Malaysia for a period or periods amounting in all to 90 days or more in the basis year 2004 (112 days); and*
- *was resident (basis year 2002 and 2003) or was in Malaysia for 90 days or more in any three (basis year 2003, 2002 and 2000) out of four immediately preceding basis years.*

Example 10

Watson has the following periods of stay in Malaysia:

<u>Year</u>	<u>Period of stay in Malaysia</u>	<u>Number of days</u>
2000	01.10.2000 - 15.10.2000	15
2001	01.03.2001 - 31.03.2001 (31)	= 92

	01.06.2001 - 30.06.2001 (61)	
2002	01.04.2002 - 15.07.2002	106
2003	01.10.2003 - 31.12.2003	92
2004	01.08.2004 - 30.11.2004	122

The residence status of Watson is as follows:

<u>Basis year</u>	<u>Residence status</u>	<u>Paragraph</u>
2000	Not resident	-
2001	Not resident	-
2002	Not resident	-
2003	Not resident	-
2004	Resident	7(1)(c) ITA

For basis year 2004, Watson is resident by virtue of paragraph 7(1)(c) of the ITA as -

- *he was in Malaysia for a period or periods amounting in all to 90 days or more (that is 122 days); and*
- *for three out of four immediately preceding basis years, he was in Malaysia for a period or periods amounting in all to 90 days or more (basis years 2001, 2002, 2003).*

4.3.2 An individual need not be resident in Malaysia for all three or four immediately preceding basis years. It will suffice if he is resident for two of those basis years and present in Malaysia for 90 days or more in one of the other basis years.

Example 11

Peters has the following periods of stay in Malaysia:

<u>Year</u>	<u>Period of stay in Malaysia</u>	<u>Number of days</u>
2000	01.05.2000 - 20.05.2000	20
2001	01.01.2001 - 31.12.2001	365
2002	01.01.2002 - 21.01.2002	21
2003	01.06.2003 - 31.08.2003	91
2004	01.01.2004 - 30.04.2004	120

The residence status of Peters is as follows:

<u>Basis year</u>	<u>Residence status</u>	<u>Paragraph</u>
2000	Not resident	-
2001	Resident	7(1)(a) ITA

2002	<i>Resident</i>	7(1)(b) ITA
2003	<i>Not resident</i>	-
2004	<i>Resident</i>	7(1)(c) ITA

For the basis year 2004 Peters is resident by virtue of paragraph 7(1)(c) of the ITA as:

- he was in Malaysia for a period or periods amounting in all to 90 days or more in that basis year; and*
- In three out of four immediately preceding basis years he was resident (basis year 2002 and 2001) or was in Malaysia for 90 days or more (basis year 2003).*

4.4 Paragraph 7(1)(d) ITA

- 4.4.1 An individual is considered to be resident for a basis year if he is resident for the immediately following basis year and had been resident for the three immediately preceding basis years. Therefore, an individual can be resident by virtue of paragraph 7(1)(d) of the ITA even though he might never actually have been in Malaysia at all during that basis year.

Example 12

Nicholas has the following period of stay in Malaysia:

<u>Year</u>	<u>Period of stay in Malaysia</u>	<u>Number of days</u>
2000	11.10.2000 - 31.12.2000	82
2001	01.01.2001 - 31.12.2001	365
2002	01.01.2002 - 30.09.2002	273
2003	01.04.2003 - 04.04.2003	4
2004	01.04.2004 - 31.12.2004	275

The residence status of Nicholas is as follows:

<u>Basis year</u>	<u>Residence status</u>	<u>Paragraph</u>
2000	<i>Resident</i>	7(1)(b) ITA
2001	<i>Resident</i>	7(1)(a) ITA
2002	<i>Resident</i>	7(1)(a) ITA
2003	<i>Resident</i>	7(1)(d) ITA
2004	<i>Resident</i>	7(1)(a) ITA

Example 13

Stanley has the following periods of stay in Malaysia:

<u>Year</u>	<u>Period of stay in Malaysia</u>	<u>Number of days</u>
2000	01.01.2000 - 31.10.2000	304



2001	01.01.2001 - 31.12.2001	365
2002	01.01.2002 - 31.12.2002	21
2003	Was not in Malaysia	
2004	15.05.2004 - 31.12.2004	206

The residence status of Stanley is as follows:

<u>Basis year</u>	<u>Residence status</u>	<u>Paragraph</u>
2000	Resident	7(1)(a) ITA
2001	Resident	7(1)(a) ITA
2002	Resident	7(1)(b) ITA
2003	Resident	7(1)(d) ITA
2004	Resident	7(1)(a) ITA

Even though Stanley was never actually in Malaysia for the basis year 2003, he is resident for that basis year as he -

- is resident for the basis year 2004, that is the following basis year; and*
- is resident for each of the three immediately preceding basis years that is basis year 2000, 2001 and 2002.*

APPENDIX B

DEDUCTION FOR INTEREST EXPENDED ON HOUSING LOAN

1. Qualifying conditions

An individual who is resident in Malaysia shall be allowed a deduction in respect of interest expended to finance the purchase of a residential property subject to the following conditions:

- i. The residential property is the first residential property purchased to be occupied as his place of residence.

“First residential property” includes a second residential property purchased following the disposal of a low cost property by him.

“Low cost property” means the only residential property owned and held for not less than 5 years and costing not more than RM42,000.

Example 1

Ali bought a low cost residential property costing RM35,000 on 2 January 1996 and later sold it on 2 March 2003. Subsequently, Ali bought another residential property at a cost of RM130,000 from a housing developer. The Sale and Purchase Agreement was signed on 1 July 2003. Ali was resident in Malaysia for the basis year 2003.

Ali qualifies to claim a deduction on interest expenditure on loan taken to finance the purchase of the second residential property since the low cost residential property previously owned by him had been sold.

- ii. The residential property has to be purchased from a housing developer or a statutory body or a co-operative society.

“Residential property” means a completed house, condominium unit, apartment or flat which had been built as a dwelling house.

“Housing developer” means a housing developer licensed under the Housing Development (Control and Licensing) Act 1966.

“Statutory body” means a body incorporated by a State or Federal law.

“Co-operative society” means a co-operative society registered or deemed to be registered under the Co-operative Societies Act 1993.

- iii. The purchase price of the residential property shall not be less than RM100,000 and not more than RM180,000.

- iv. The Sale and Purchase Agreement must be executed within the period 1 June 2003 to 31 May 2004.

Example 2

Bakar, resident in Malaysia for the basis year 2003, bought a residential property costing RM150,000 from a co-operative society. The Sale and Purchase Agreement was signed on 1 May 2003. The purchase of the house

was financed by a housing loan. Bakar started paying interest on the loan taken from July 2003.

*Bakar does **not** qualify for deduction on the interest expended since the Sale and Purchase Agreement was signed before 1 June 2003.*

Example 3

Chai Yean, resident in Malaysia for the basis year 2003, bought a residential property costing RM170,000 from a housing developer. The Sale and Purchase Agreement was signed on 1 July 2003. The purchase of the house was financed by a housing loan. Chai Yean paid interest on the loan starting from 1 September 2003.

*For the year of assessment 2003, Chai Yean **qualifies** to claim for deduction on the interest expended from the month of September to December 2003 since the Sale and Purchase Agreement was signed after 1 June 2003 but not later than 31 May 2004.*

2. Amount of deduction

The amount of interest allowable as a deduction is as follows:

- i. RM5,000 for the year of assessment 2003;
- ii. RM3,000 for the year of assessment 2004; and
- iii. RM2,000 for the year of assessment 2005.

Example 4

Daniel, resident in Malaysia for the basis year 2003, bought a residential property costing RM140,000 on 15 June 2003 from Perbadanan Kemajuan Negeri Selangor (PKNS). The purchase of the house was financed by a housing loan. He paid interest amounting to RM3,500 on the loan from July to December 2003.

Daniel qualifies to claim deduction of the whole RM3,500 in the year of assessment 2003.

Example 5

Following from Example 4, Daniel paid interest amounting to RM6,000 in the year 2004 and RM5,500 in the year 2005.

Daniel qualifies to claim only RM3,000 for the year of assessment 2004 and RM2,000 in year of assessment 2005.

3. Claim by two or more individuals

Where two or more individuals are each entitled to claim deduction for a residential property and the total amount of interest expended by those individuals exceed the

