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JAWATANKUASA PEGUAM PULAU PINANG PENANG BAR COMMITTEE

CPC 2/12

19-01-2012

To Members of the Penang Bar,

RPGT (Exemption) Order 2011

We hereby enclose the latest RPGT (Exemption) Order 2011 which came into force on 01 Jan 2012 for members' attention and further action.

Nazriah Shaik Alawdin
Chairman
Conveyancing Practice Sub-Committee

REAL PROPERTY GAINS TAX ACT 1976

REAL PROPERTY GAINS TAX (EXEMPTION) ORDER 2011

In exercise of the powers conferred by subsection 9(3) of the Real Property Gains Tax Act 1976 [Act 169], the Minister makes the following order:

Citation and commencement

1. (1) This order may be cited as the **Real Property Gains Tax (Exemption) Order 2011**.

(2) This Order comes into operation on 1 January 2012.

Exemption

2. (1) The Minister exempts any person from the application of Schedule 5 of the Act on the payment of tax on the chargeable gain in respect of any disposal of a chargeable asset on or after 1 January 2012 on the condition that the amount of chargeable gain shall be determined in accordance with following formula:

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

where—

- (a) disposal is made within two years after the date of acquisition of such chargeable asset where—
- A is the amount of tax charged on the chargeable gain on the person at the appropriate tax rate reduced by the amount of tax charged on such chargeable gain at the rate of ten per cent;
 - B is the amount of tax charged on such chargeable gain at the appropriate tax rate; and
 - C is the amount of such chargeable gain; or
- (b) disposal is made in the third year, fourth year or fifth year after the date of acquisition of such chargeable asset where—
- A is the amount of tax charged on the chargeable gain on the person at the appropriate tax rate reduced by the amount of tax charged on such chargeable gain at the rate of five per cent;
 - B is the amount of tax charged on such chargeable gain at the appropriate tax rate; and
 - C is the amount of such chargeable gain.

(2) Where the disposal of a chargeable asset is made in the sixth year after the date of acquisition of such chargeable asset or any year thereafter, the Minister exempts any person from the application of Schedule 5 of the Act on the payment of tax on the chargeable gain in respect of the disposal of such chargeable asset on or after 1 January 2012.

(3) Nothing in this paragraph shall absolve or is deemed to have absolved the person exempted from complying with any requirement to submit any return or to furnish other information under any provision of the Act.

Revocation

3. The Real Property Gains Tax Act (Exemption) (No. 2) 2009 [P.U. (A) 486/2009] published on 30 December 2009 is revoked.

Made 30 December 2011

[Perb.CR(8.20)116/1-138 (2012) (SK.1); LHDN.01/35/(S)/42/51/231-7.13; PN(PU²)325/IV]

DATO' SERI AHMAD HUSNI MOHAMAD HANADZLAH
Second Minister of Finance

[To be laid before the Dewan Rakyat pursuant to subsection subsection 9(4) of the Real Property Gains Tax Act 1976]