INCOME TAX (DEDUCTION FOR PARTICIPATION IN AN APPROVED CAREER FAIR) RULES 2012

PU (A) 129
20 April 2012

IN exercise of the powers conferred by paragraph 154(1)(b) read together with paragraph 33(1)(d) of the Income Tax Act 1967 [Act 53], the Minister makes the following rules:

CITATION AND COMMENCEMENT

1(1) These rules may be cited as the **Income Tax (Deduction for Participation in an Approved Career Fair) Rules 2012**.

1(2) These Rules shall have effect from the year of assessment 2012 until the year of assessment 2016.

INTERPRETATION

2 In these Rules —

"person" means any person who participates in an approved career fair;

"approved career fair" means a career fair held outside Malaysia organized or endorsed by Talent Corporation Malaysia Berhad and approved by the Minister; and

"Talent Corporation Malaysia Berhad" means a company limited by guarantee incorporated under the Companies Act 1965 [Act 125] established under the Prime Minister's Department to initiate and facilitate initiatives to address the talent needs in Malaysia.

DEDUCTION

3(1) For the purpose of ascertaining the adjusted income of a person resident in Malaysia from his business for a basis period for a year of assessment, a deduction shall be allowed for any outgoings and expenses as described in subrule (2) which were incurred—

(a) by that person during that basis period with respect to his business; and

(b) primarily or principally for the purpose of participating in an approved career fair.

3(2) The outgoings and expenses referred to in subrule (1) are—

(a) expenses incurred in respect of travelling to a country outside Malaysia by that person or representative of that person (not more than three including that person) for the purpose of participating in an approved career fair and the actual expenses are subject to—

(i) economy class air fare;

(ii) a maximum of three hundred ringgit per day for accommodation; and

(iii) a maximum of one hundred and fifty ringgit per day for sustenance,

for the whole period commencing from that person or his representative's departure from Malaysia and ending with his return to Malaysia;

(b) expenses incurred in respect of marketing and promotional materials including but not limited to pamphlets, prints or banners which contain specific information relating to the approved career fair;

(c) expenses incurred in respect of payment made to the organizer of an approved career fair; and

(d) expenses directly incurred for participating in the career fair other than those specified in paragraphs (a), (b) and (c).

3(3) The total amount of deduction allowable under subrule (2) for participating in an approved career fair shall be in addition to any deduction under section 33 of the Act.

3(4) No deduction shall be allowed under these Rules in respect of any outgoings and expenses which—

(a) are specified in subsection 39(1) of the Act; and

(b) are incurred by a person having a place of business and is subject to tax in the country where such outgoings or expenses were incurred.

3(5) Where the total amount of any outgoings and expenses which would have been allowed as a deduction under these Rules exceed the amount which in the opinion of the Director General of Inland Revenue would reasonably be expected to be incurred in the ordinary course of business, the Director General of Inland Revenue may to the extent of that excess disallow that amount as a deduction under these Rules.

3(6) For the purpose of subrule (1), where two basis periods overlap, the period common to both periods shall be deemed to fall in the first basis period only.

3(7) For the purpose of qualifying for the deduction under this rule, the person claiming the deduction shall produce a letter from the Talent Corporation Malaysia Berhad confirming that the career fair is an approved career fair.