

REAL PROPERTY GAINS TAX (EXEMPTION) ORDER 2012

PU (A) 415
14 November 2012

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 2012**.

1(2) This Order comes into operation on 1 January 2013.

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 2013 on the condition that the amount of chargeable gain shall be determined in accordance with the following formula:

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

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 fifteen 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 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.

- 2(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 other 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 2013.
- 2(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 \(Exemption\) Order 2011](#) [*P.U. (A) 434/2011*] published on 30 December 2011 is revoked.