
[LEGAL NOTICE NO. 114]

TAX ADMINISTRATION ACT 2009

Tax Administration (Private Rulings) Regulations 2021

IN exercise of the powers conferred on me by section 118 of the Tax Administration Act 2009, I hereby make these Regulations—

Short title and commencement

1.—(1) These Regulations may be cited as the Tax Administration (Private Rulings) Regulations 2021.

(2) These Regulations come into force on the date Subdivision 2 of Division 9 of Part 2 of the Act comes into force.

Interpretation

2. In these Regulations, unless the context otherwise requires—

“Act” means the Tax Administration Act 2009;

“applicant” refers to the taxpayer making an application for a ruling under regulation 3; and

“ruling” refers to a private ruling that is issued by the CEO to a taxpayer under Subdivision 2 of Division 9 of Part 2 of the Act that sets out the CEO’s position regarding the application of a tax law to a transaction entered into, or proposed to be entered into, by the taxpayer.

Application for a ruling

3.—(1) For the purposes of Subdivision 2 of Division 9 of Part 2 of the Act, a taxpayer may make an application for a ruling in accordance with these Regulations.

(2) An application for a ruling must be made in the form approved by the CEO and must be accompanied by any document or information as required by the CEO in the approved form.

Preliminary assessment of application

4.—(1) The CEO may conduct a preliminary assessment of the application received under regulation 3 to determine whether to accept or refuse an application.

(2) The CEO may request for additional documents or information from the applicant in order to conduct the preliminary assessment or to make a ruling.

(3) The decision to accept an application must be communicated to the applicant within 5 working days from the receipt of the application or from the date on which additional documents or information are provided as requested under regulation 4(2) with the following—

(a) the applicable fee as determined under regulation 5; and

(b) the expected timeline by which the ruling may be issued.

(4) Upon acceptance of the application by the CEO, the applicant may elect to proceed with the application by payment of the non-refundable prescribed fee.

(5) Nothing in these Regulations limits the application of section 65 of the Act, where the CEO may refuse an application for a ruling at any time prior to issuing the ruling.

Non-refundable fees

5.—(1) The non-refundable fee for a ruling is to be paid in accordance with the table in the Schedule.

(2) The CEO may determine the complexity of an application made under regulation 3.

Withdrawal of an application

6. An applicant may withdraw an application made under regulation 3 by a written notice to the CEO within 20 days from the date of the payment of the fee under regulation 4(4).

Issuance of the ruling

7. The CEO must issue the ruling in accordance with Subdivision 2 of Division 9 of Part 2 of the Act.

Made this 25th day of October 2021.

A. SAYED-KHAIYUM
Attorney-General and Minister for Economy

SCHEDULE
(Regulation 5(1))

FEES

The fees to be determined on the basis of complexity as given below —

Complexity of Matter	Fees (VEP)
Easily determinable	\$100
Requires a moderate degree of analysis	\$500
Requires highly technical and complex analysis	\$1000