

GUIDE NOTES ON AMENDED RETURN FORM M FOR YEAR OF ASSESSMENT 2015

As provided under section 77B of the Income Tax Act 1967 (ITA 1967), a non-resident individual is allowed to make amendment to the Return Form which has been furnished to the Director General of Inland Revenue.

I RULES

- A non-resident individual who has furnished a Return Form in accordance with subsection 77(1) of ITA 1967, is allowed to make amendment to the Return. Tax / Additional tax shall be charged on the chargeable income of the non-resident individual as a result of the amendment made.
- A non-resident individual who intends to make the amendment is required to complete a form prescribed under section 152 of ITA 1967 (known as the 'Amended Return Form').
- The amendment shall only be made once for a year of assessment.
- No amendment is allowed if the Director General of Inland Revenue has made additional assessment under section 91 of ITA 1967 within a period of 6 months after the date specified for furnishing the Return Form. Amendment is not allowed in respect of changing the type of assessment previously selected.
- For the purpose of section 77B of ITA 1967, the Amended Return Form shall:-
 - (a) specify the amount / additional amount of chargeable income (amount A19 of this Amended Return Form **minus** amount B19 of the original Form M);
 - (b) specify the amount of tax / additional tax payable on that chargeable income (amount A25);
 - (c) specify the amount of tax payable on the tax which has or would have been wrongly repaid (amount A27);
 - (d) specify the increased sum ascertained in accordance with subsection 77B(4) of ITA 1967; or
 - (e) contain such particulars as may be required by the Director General of Inland Revenue.
- For joint assessment:-

No.	Joint Assessment (Case Scenario)	Submission of Amended Return Form	
		Husband	Wife
(a)	Wife elected for joint assessment and the assessment is raised in the name of her husband	Required (Part B, if applicable, has to be completed)	Not Required
(b)	Husband elected for joint assessment and the assessment is raised in the name of his wife	Not Required	Required (Part B, if applicable, has to be completed)

II RATE AND COMPUTATION OF INCREASE IN TAX

The tax or additional tax payable is subject to an increase in tax under paragraph 77B(4)(a) and 77B(4)(b) of ITA 1967.

If the Amended Return Form is furnished:

- within a period of 60 days after the date specified in subsection 77(1) of ITA 1967, the amount of increase in tax charged shall be 10% of the amount of such tax payable or additional tax payable.
- after the period of 60 days but not later than 6 months from the date specified in subsection 77(1) of ITA 1967, the amount of increase in tax charged shall be determined in accordance with the following formula:-

$$B + [(A + B) \times 5\%]$$

where: A = the amount of such tax payable or additional tax payable; and

B = 10% of the amount of such tax payable or additional tax payable (A x 10%)

A non-resident individual making the amendment is required to compute and enter the amount of increase in tax at item A26a or A26b of the Amended Return Form.

III DEEMED ASSESSMENT

An Amended Return Form furnished in accordance with section 77B of ITA 1967 shall be deemed to be a notice of assessment or notice of additional assessment, and that notice shall be deemed to have been served on the day on which the Amended Return Form is furnished.

IV DECLARATION

This section must be duly signed.

V SUBMISSION OF AMENDED RETURN FORM

An Amended Return Form which has been completed and duly signed must be sent to the LHDNM branch handling the file of the non-resident individual.