

Tajuk : 82 . Duty to keep records and give receipts.
Tarikh Kuatkuasa :
Tarikh Kuatkuasa Tamat :
Kategori : Rujukan Perundangan\Akta Cukai Pendapatan 1967 - Seksyen\PART V - RETURNS\PART V - RETURNS\

Rencana

Akta Cukai Pendapatan 1967

(Akta 53)

Pindaan Sehingga Akta A1349 Tahun 2009

Tarikh Keluaran :

Title : Income Tax Act

Part : PART V - RETURNS

Chapter : PART V - RETURNS

Section : 82 . Duty to keep records and give receipts.

82. (1) Notwithstanding section 82A and subject to this section, every person carrying on a business-

Duty to
keep records
and give
receipts.
[Am. Act
337;
Act 451.]

History

Subsection (1) is amended by Act 624 of 2002 s16, by substituting for the word "Subject" the words "Notwithstanding section 82A and subject", shall have effect for the year of assessment 2003 and subsequent years of assessment.

(a) shall keep and retain in safe custody sufficient records for a period of seven years from the end of the year to which any income from that business relates to enable that income from that business for each year of assessment or the adjusted loss from that business for the basis period for any year of assessment to be readily ascertained by the Director General or an authorized officer; and

History

Section 82 paragraph (1)(a) is substituted by Act 1093 of 2000 s9(a), with effect from year of assessment 2001.

Section 82 paragraph (1)(a) formerly read:

" (a) shall keep and retain in safe custody sufficient records to enable the income from the business for each year of assessment or the adjusted loss from the business for the basis period for any year of assessment to be readily ascertained by the Director General or an authorized officer; and".

(b) if the gross takings from the business for the basis year for any year of assessment exceeded one hundred and fifty thousand ringgit from the sale of goods or one hundred thousand ringgit from the performance of services, shall issue a printed receipt serially numbered for every sum received in that year of assessment in respect of goods sold or services performed in the course of or in connection with the business and shall retain a duplicate of every receipt so issued.

History

Paragraph 82(1)(b) amended by Act 451 of 1991 s20(a), by substituting for the words "eighteen" and "twelve" the words "one hundred and fifty" and "one hundred" respectively, shall have effect for the year of assessment 1991 and subsequent years of assessment.

(1A) Where a person carrying on a business has not furnished a return under section 77(1), 77A(1) or (2) for a year of assessment, that person shall keep and retain the records referred to in subsection (1) that relate to that year of assessment for a period of seven years after the end of the year in which the return is furnished.

Act 125.

History.

Subsection 82(1A) amended by Act A1151 of 2002 s9, by substituting for the words "(1A) or (1B)" the words "77A(1) or (2)", with effect from year of assessment 2004 and subsequent years of assessment.

Section 82 subsection (1A) inserted by Act 1093 of 2000 s9(b), with effect from year of assessment 2001.

(2) Where in the carrying on of a business a machine is used for recording sales, the issue of receipts pursuant to subsection (1) (b) may be dispensed with except where the Director General is not satisfied-

(a) that the machine automatically records all sales made; or

(b) that the total of all sales made in a day is transferred at the end of the day to a record of sales.

(3) The Director General may specify by statutory order in respect of any class or description of business (or by notice under his hand in respect of the business of any particular person)-

(a) the form of records to be kept under subsection (1) (a) and the manner in which they shall be kept and retained; and

(b) the form of receipts to be issued and duplicate receipts to be retained under subsection (1)(b) and the manner in which they shall be issued or retained.

(4) The Director General may waive all or any of the provisions of subsection (1) in respect of any business or records or any class or description of business or records.

(5) The Director General, if he is of the opinion that any accounts or records produced by any person to the Director General for the purpose of ascertaining the income of a person are insufficient or inadequate for that purpose, may by notice under his hand require that person to produce, in respect of any period or periods specified in the notice and within a time so specified (that time not being less than thirty days from the service of the notice), accounts audited by a professional accountant together with a report made by that accountant which shall contain, in so far as they are relevant, the matters set out in section 174(1) and (2) of the Companies Act 1965.

History

Subsection 82(5) amended by Act 451 of 1991 s20(b), by deleting the words "who is an accountant within the meaning of section 153(3)", shall be deemed to have come into force on the 14th December 1990.

Subsection 82(5) formerly read:

" (5) The Director General, if he is of the opinion that any accounts or records produced by any person to the Director General for the purpose of ascertaining the income of a person are insufficient or inadequate for that

purpose, may by notice under his hand require that person to produce, in respect of any period or periods specified in the notice and within a time so specified (that time not being less than thirty days from the service of the notice), accounts audited by a professional accountant who is an accountant within the meaning of section 153 (3), together with a report made by that accountant which shall contain, in so far as they are relevant, the matters set out in section 174(1) and (2) of the Companies Act 1965."

(6) Any person who under subsection (1) is required to keep records shall cause appropriate entries to be made in those records in respect of transactions within sixty days of each transaction.

(7) Any person who is required by this section to keep records and -

(a) does so electronically shall retain them in an electronically readable form and shall keep the records in such a manner as to enable the records to be readily accessible and convertible into writing; or

(b) has originally kept records in a manual form and subsequently converts those records into an electronic form shall retain those records prior to the conversion in its original form.

(8) All records that relate to any business in Malaysia shall be kept and retained in Malaysia.

(9) For the purposes of this section, "records" include -

(a) books of account recording receipts and payments or income and expenditure;

(b) invoices, vouchers, receipts and such other documents as in the opinion of the Director General are necessary to verify the entries in any books of account; and

(c) any other records as may be specified by the Director General under subsection (3).

Section 82 subsections (7), (8) and (9) inserted by Act 1093 of 2000 s9(c), with effect from year of assessment 2001.