



Inheritance Tay

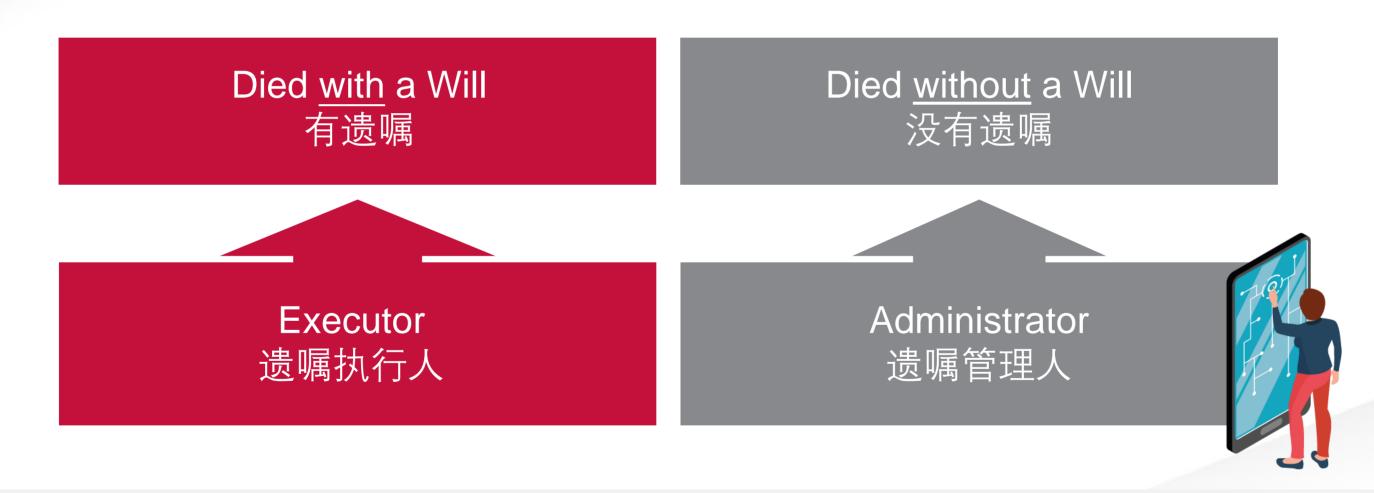
去世后税务不可忽视! 遗嘱执行者或管理人需要 缴税吗?





# What Is The **Difference** Between **Executor** And **Administrator?**

如何区分遗嘱执行人和遗嘱管理人?



Whether it is a case involving an executor or administrators, their duty is to understand and apply appropriately, areas related to tax matters during the period of executory administration of the deceased estate.

无论是执行人还是管理人,他们都有一个义务,那就是要毫无遗漏地完整报告所有遗产和收入,以及了解什么收入需要缴税,什么不需要。



# If A Person Died Without A Will, How To Obtain Letter of Administration (LA)? 如何申请**遗产管理委任状**?

MOVABLE ASSETS not worth more than RM600K 少过 RM600K的动产

MOVABLE & IMMOVABLE
ASSETS not worth more than RM2 mil
不超过RM2 mil 动产及不动产

Amanah Rakyat Berhad 公共信托公司 Small Estate Distribution Unit 小型房地产分配部门



# What are the **responsibilities** of an **Executor** or **Administrator**? 遗嘱执行人/管理人有什么责任呢?

Executor / Administrator



LEMBAGA HASIL DALAM NEGERI MALAYSIA INLAND REVENUE BOARD OF MALAYSIA

PEMBERITAHUAN KEMATIAN PEMBAYAR CUKAI

NOTIFICATION OF TAXPAYER'S DEMISE

Borang ini ditetapkan di bawah seksyen 152 Akta Cukai Pendapatan 1967 dan seksyen 57 Akta Cukai Keuntungan Harta Tanah 1976

CP57 [Pin. 1/2020]

 Borang ini disediakan bagi tujuan subseksyen 74(3) Akta Cukai Pendapatan 1967 dan subseksyen 14(4) Akta Cukai Keuntungan Harta Tanah 1976.

This form is provided for the purpose of subsection 74(3) of the Income Tax Act 1967 and subsection 14(4) of the Real Property Gains Tax Act 197

Borang ini hendaklah dikemukakan ke cawangan di mana fail cukai pendapatan pembayar cukai diuruskan.

Borang ini hendaklah dikemukakan ke cawangan di mana fall cukai pendapatan pembayar cukai diurus This form must be submitted to the branch where the taxpayer's income tax file is administered.







# What are the **responsibilities** of an **Executor** or **Administrator**?(Cont.)

遗嘱执行人/管理人有什么责任呢?

Example: Mr Tan passed away on 30/06/2019

举例: Mr Tan 在 30/06/2019 过世



Submit Form B for the period (01/01/19-30/06/19)
before taxpayer was deceased
呈报纳税人生前(01/01/19-30/06/19)的所得税
(Form B)

LHDN MALAYSIA	LEMBAGA HASIL DALAM NEGERI MALAYSIA RETURN FORM OF AN INDIVIDUAL (RESIDENT WHO CARRIES ON BUSINESS) UNDER SECTION 77 OF THE INCOME TAX ACT 1967 This form is prescribed under section 152 of the Income Tax Act 1967	YEAR OF ASSESSMENT 2019 CP4A - Amend. 2019
	COMPLETE THE FOLLOWING ITEMS	_
Name :		
Identification / passport no. * : (*Delete whichever is not relevant)		
Income tax no. :		

Submit Form TP for the period after taxpayer was deceased 呈报纳税人去世后的所得税(Form TP)

LHDN MALAYSIA	LEMBAGA HASIL DALAM NEGERI MALAYSIA RETURN FORM OF A DECEASED PERSON'S ESTATE UNDER SECTION 77 OF THE INCOME TAX ACT 1967 This form is prescribed under section 152 of the Income Tax Act 1967	<b>TP</b>	YEAR OF ASSESSMENT 2019 CP2C - Amend. 2019
	COMPLETE THE FOLLOWING ITEMS		
Name of deceased person's : estate			
ncome tax no. :			
Correspondence address :			
	I		

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#### Are Life Insurance & EPF

Received Upon Death Subjected To **Tax**?

受益人收到人寿保险和公积金需要纳税吗?



Life Insurance Payment 人寿保险



not 'revenue' or 'income' in nature
不属于收益/收入



(EPF) withdrawal on death 死后领取公积金



EPF is an approved fund for the purpose of income tax, any withdrawal from the EPF is not subject to tax.
公积金是税务局公认的基金,任何提款都无需缴税!

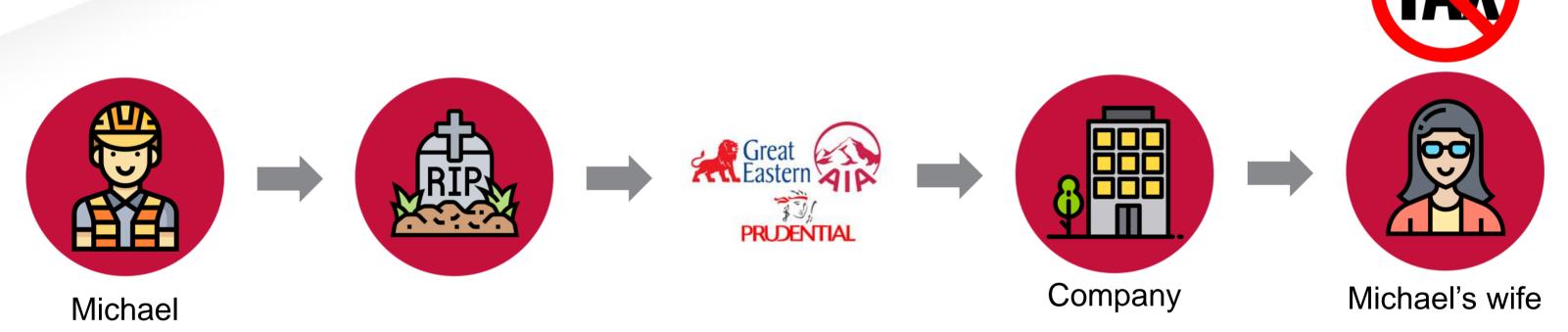




# **Death Compensation**

#### Received From Insurance

保险死亡赔偿金



#### **Death Gratuities**

Sums received by way of death gratuities or as consolidated compensation for death or injuries are specifically exempted from tax [under paragraph 14 of Schedule 6 of the Income Tax Act].

死亡或工伤赔偿给受益人是免税的。



#### Executive/Administrator Received

#### Interest Income From Fixed Deposit Saving

遗嘱执行人/管理人收到个人定期存款利息

Individual <u>before</u> passing 纳税人生前







#### **Exempt Interest**

Tax on interest income received by resident individual from monies deposited in any approved institutions such as banks licensed under Banking and Financial Institution Act 1989, Islamic Banking Act 1983 etc. will be **FULLY EXEMPTED**.

Individual <u>after</u> passing 纳税人过世





Executor 遗嘱执行人





Not a natural person / individual



### Transfer Property To Executor Will Be Subjected To **Real Property Gain Tax (RPGT)?**

遗嘱执行人继承了立遗嘱者的产业,这样会不会被征收产业盈利税?

RPGT will be chargeable on



Mr. Lee Passed away



**Executor** 

Ms. Toh



Mr. Sam Buyer

the executor (Ms. Toh) Subsequent disposal of estate by Ms. Toh is subjected to RPGT

It is deemed as NO GAIN

NO LOSS transaction.

NO RPGT is payable.

这是无损益交易

无产业盈利税需缴付

产业变卖给第三方是会被征收产 业盈利税的



# Tax Arrears Don't Lapse With Death

## 生前死后税不可逃

#### Section 74 & Section 106 of Income Tax Act 1967:

- Empowers IRB to claim a deceased's outstanding taxes from the rightful next of kin.
- Tax due and payable may be recovered by the Government by civil proceedings as a debt due to the Government.

#### 马来西亚1967税务法令条例注明:

- 如果死者尚有欠税,遗嘱管理人/执行人(配偶/儿女)将有责任承担所得税欠款。
- 税务局有权利通过民事诉讼,向他们追讨所得税欠款。



纳税人生前的所得税债务没还清,可能为家属带来重重的痛苦。 不仅要帮你还债,

还要处理你死后可能产生的税务问题。

Taxpayer should pay all taxes owed before their death to avoid having their families penalised over the unpaid sums







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