

Income Tax (Singapore — United Arab Emirates) (Avoidance of Double Taxation Agreement) Order 2016

Table of Contents

Enacting Formula

THE SCHEDULE Second protocol amending the agreement between the Government of the Republic of Singapore and the Government of the United Arab Emirates for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income

No. S 109

**INCOME TAX ACT
(CHAPTER 134)**

**INCOME TAX
(SINGAPORE — UNITED ARAB EMIRATES)
(AVOIDANCE OF DOUBLE TAXATION AGREEMENT)
ORDER 2016**

WHEREAS it is provided by section 49 of the Income Tax Act that if the Minister by order declares that arrangements specified in the order have been made with the government of any country outside Singapore with a view to affording relief from double taxation in relation to tax under the Act and any tax of a similar character imposed by the laws of that country, and that it is expedient that those arrangements should have effect, the arrangements shall have effect in relation to tax under the Act notwithstanding anything in any written law:

AND WHEREAS by an Agreement dated 1 December 1995 as amended by a Protocol dated 1 December 1995, between the Government of the Republic of Singapore and the Government of the United Arab Emirates, arrangements were made, amongst

other things, for the avoidance of double taxation:

AND WHEREAS by a Second Protocol dated 31 October 2014, between the Government of the Republic of Singapore and the Government of the United Arab Emirates, the arrangements set out in the said Agreement were modified as prescribed in the said Second Protocol:

NOW, THEREFORE, it is hereby declared by the Minister for Finance —

- (a) that the arrangements, as modified by the Second Protocol specified in the Schedule to this Order, have been made with the Government of the United Arab Emirates; and
- (b) that it is expedient that those arrangements should have effect notwithstanding anything in any written law.

THE SCHEDULE

SECOND PROTOCOL AMENDING THE AGREEMENT

BETWEEN

THE GOVERNMENT OF THE REPUBLIC OF SINGAPORE

AND

THE GOVERNMENT OF THE UNITED ARAB EMIRATES

FOR

THE AVOIDANCE OF DOUBLE TAXATION

AND

THE PREVENTION OF FISCAL EVASION
WITH RESPECT TO TAXES ON INCOME

The Government of the Republic of Singapore and the Government of the United Arab Emirates,

Desiring to conclude a Protocol to amend the Agreement between the Government of the Republic of Singapore and the Government of the United Arab Emirates for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income, with Protocol, signed at Singapore on 1 December 1995 (hereinafter referred to as “the Agreement”),

Have agreed as follows:

ARTICLE I

With respect to Article 3 (General Definitions) of the Agreement:

1. Paragraph 1(a) shall be deleted and replaced by the following:

“(a) the term “United Arab Emirates” or “U.A.E.” means the United Arab Emirates and, when used in a geographical sense, means the territory of the United Arab Emirates which is under its sovereignty as well as the area outside the territorial waters, airspace and submarine areas over which the United Arab Emirates exercises sovereign and jurisdictional rights in respect of any activity carried on in its waters, sea-bed and subsoil for the purposes of exploring and exploiting natural resources by virtue of its law and international law;”.

2. Paragraph 1(b) shall be deleted and replaced by the following:

“(b) the term “Singapore” means the Republic of Singapore and, when used in a geographical sense, includes its land territory, internal waters and territorial sea, as well as any maritime area situated beyond the territorial sea which has been or might in the future be designated under its national law, in accordance with international law, as an area within which Singapore may exercise sovereign rights or jurisdiction with regards to the sea, the sea-bed, the subsoil and the natural resources;”.

ARTICLE II

With respect to Article 4 (Resident) of the Agreement:

1. In respect of paragraph 2(a), sub-paragraphs (iii) and (iv) shall be deleted and replaced by the following:

“(iii) the U.A.E. Central Bank, Abu Dhabi Investment Authority, Investment Corporation of Dubai, Mubadala Development Company and Emirates Investment Authority;

(iv) any other statutory body, institution or entity which is a resident of the United Arab Emirates.”.

2. In respect of paragraph 2(b), sub-paragraphs (ii) and (iii) shall be deleted and replaced by the following:

“(ii) the Monetary Authority of Singapore and GIC Private Limited;

(iii) any other statutory body, institution or entity which is a resident of Singapore.”.

ARTICLE III

With respect to Article 5 (Permanent Establishment) of the Agreement:

1. In respect of paragraph 3(a), the term “9 months” shall be deleted and replaced by “12 months”.