Content

Title：	The Enforcement Rules of the Estate and Gift Tax Act Ch
Date：	2015.11.04
Legislative：	History 1.Full text promulgated on 5 September, 1973 by the Ministry of Finance under Decree No.36758. 2.Addition of Articles 10-1, 10-2, and 52-1, amendments to Articles 7, 8, 11, 31, 46, 48, and 49, and deletion of Articles 10, 12, 14, and 52, were promulgated on 20 November, 1981 by the Ministry of Finance under Decree No.39764. 3.Addition of Articles 9-1, 10-3, and 43-1, amendments to Articles 7, 10-1, 10-2, 11, 13, 26-29, 44-46, 49, 51, and 52-1, and deletion of Articles 8, 16, 43, and 55, promulgated on 17 April, 1996 by the Ministry of Finance under Decree No.850194361. 4.Amendments to Articles 6, 10-2, 10-3, 17, 31, 34, 38, and 51, were promulgated on 10 February, 2000 by the Ministry of Finance under Decree No.0890003949. 5. Addition of Articles 11-1, and 40-1, amendments to Articles 2, 7, 9-1, 10-2, 17, 22, 28, 29, 41, 43-1, 45, 46, 48, 49, 51, and 57, and deletion of Article 11, promulgated on 17 September, 2009 by the Ministry of Finance under Decree No.09800467950; in addition, Article 22 was promulgated on 23 November, 2009, and took effect as of the date of promulgation. 6.Article 44 amended and promulgated per the Order of Tai-Tsai-Shuei-Tze No. 09904502460 issued by the Ministry of Finance on January 13, 2010. 7.Amendments to Articles 4, 17, 49, and 51, were promulgated on 25 November, 2013 by the Ministry of Finance under Decree No.10204683900. 8.Article 49 amended and promulgated per the Order of Tai-Tsai-Shuei-Tze No. 10404666470 issued by the Ministry of Finance on 4 November, 2015.
Content：	Chapter 1 General Provisions Article 1 These Rules are enacted pursuant to the provisions of Article 55 of the Estate and Gift Tax Act (hereinafter the Act). Top↑ Article 2 Where a debtor has been judged bankrupt or made a composition with his or her creditors according to the Bankruptcy Act or undergone rehabilitation and liquidation according to the Consumer Debt Clearance Act or has filed for reorganization according to the Company Act, thereby resulting in his failure to fully settle his or her obligations to creditors, the amount difference therefore exempted shall not constitute as a gift as referred to

under Paragraph 1, Article 5 of the Act.

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Article 3

The exemption without consideration from obligation of a guarantor paying debts on behalf of the principal debtor out of his liability as guarantor shall be deemed as a gift. However, if the principal debtor has declared bankruptcy, the guarantor's assumption of debt shall not be considered a gift.

For debtors undertaking joint and several obligations in debt for the purpose of debt guarantee, the provisions set forth under the preceding paragraph shall apply.

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Article 4

The tax authority's request for the court's appointment of an administrator in accordance with Paragraph 2, Article 6 of the Act shall be filed within one (1) month of the due date of tax declaration and may along with it, request the court to issue a public summons in accordance with Article 1178 of the Civil Code. The appointed estate administrator shall then file the declaration pursuant to Subparagraph 3, Paragraph 1 of Article 1179 of the Civil Code with the court within one (1) month of his appointment.

Under circumstances described in Article 1185 of the Civil Code, said estate administrator shall settle the debts, deliver the decedent's estate, and submit the remaining properties along with all relevant account books, documents, and calculation records to the competent tax authority and the National Property Administration, Ministry of Finance within two (2) months of the due date of the time period specified in the public summons for further processing according to Article 51 of these Rules.

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Article 5

According to Article 7, where the taxpayer is the donee, the tax payable shall be determined using the same rules as applied to the donor when he was a taxpayer.

Top↑

Article 6

The properties given away by the decedent within two (2) years before his death as referred to under Paragraph 2, Article 11 of the Act shall include those tax-exempt properties described under Article 22 of the Act given away within said two (2) years.

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Chapter 2 Estate and Gift Tax Calculation

Article 7

For the part of taxable estate or gift eligible for exclusion from tax base calculation according to Subparagraphs 1 to 3, Article 16 of the Act, the taxpayer shall, upon filing the estate tax declaration, submit a document of proof declaring the beneficiary's consent to accept the estate or gift to the competent tax authority for issuance of an Estate Tax Exclusion Certificate.

For such transfers by estate or gift, if the properties involved are immovables, the taxpayer's failure to complete the property rights transfer registration within one (1) year of the date of issuance of the Estate Tax Exclusion Certificate; or if movables, the taxpayer's failure to deliver to the beneficiary the estate or gift within three (3) months, unless under special circumstances where an extension request has been filed with the competent tax authority with an approval granted, the estate tax thereby accrued for the period of delay shall be paid by the taxpayer plus an interest payment at the fixed interest rate for one-year term postal savings deposit.

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Article 8

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Article 9

For transfer of books or other publications already declared and registered under Subparagraph 4, Article 16 of the Act, the estate tax in arrears, if any, shall be paid in full to the competent taxation authority before such transfer can be made.

For such registered books or other publications as set forth in the preceding paragraph, the competent taxation authority shall establish a register and may take photographs for recordation if necessary.

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Article 9-1

The failure to collect debt or exercise other rights of claim that has been verified by proof as referred to under Subparagraph 13, Article 16 of the Act shall refer to the following:

1. Where a debtor has been judged bankrupt or made a composition according to the Bankruptcy Act or undergone rehabilitation and liquidation according to the Consumer Debt Clearance Act or has filed for reorganization according to the Company Act, thereby resulting in creditors' failure to fully reclaim all or part of the debt, and where a composition agreement or a court ruling has been secured.

2. Where the decedent or the heir and the debtor have jointly reached a

litigious settlement or conciliation in court, thereby resulting in creditor’s failure to fully reclaim all or part of the debt, and where the court depositions regarding said settlement or conciliation have been obtained with the absence of matters specified under Subparagraph 1, Article 5 of the Act confirmed true by the taxation authority.

3. Where other reasons have caused failure to collect or exercise all or part of the debt or other rights of claim with relevant documents of proof submitted and confirmed true by the taxation authority.

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Article 10

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Article 10-1

For the year gap to turning twenty (20) years of age as referred to under Subparagraph 2 and Subparagraph 5, Paragraph 1, Article 17 of the Act, a gap or a year difference less than one (1) year shall be calculated as one (1) year.

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Article 10-2

For filing an application for the disabled and mentally retarded tax deduction pursuant to Subparagraph 4, Paragraph 1, Article 17 of the Act, a copy of the handbook for the severely disabled and mentally retarded specified or other such recognized proof issued by the relevant government organization, or a copy of a medical diagnosis issued by a specialist physician as required in Paragraph 1, Article 19 of the Mental Health Act shall be attached.

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Article 10-3

Dependent siblings or grandparents as set forth under Subparagraph 5, Paragraph 1 of Article 17 of the Act shall refer to the following:

1. The decedent’s siblings under the age of twenty (20) or above twenty (20) years of age remaining dependent due to school attendance, mental or physical disability, or inability to make a living on their own.

2. The decedent’s grandparents above the age of sixty (60) or under sixty (60) years of age yet dependent due to inability to make a living on their own.

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Article 11

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Article 11-1

In case that the spouse of the decedent declares the right to claim for the distribution of the remaining property with the amount being approved as deduction from the gross amount of estate assets according to Paragraph 1 of Article 17-1 of the Act, and the taxpayer fails to pay the amount of the claim to the spouse of the decedent within the period provided by Paragraph 2, of the same Article, unless there is special reason approved by the tax authority to be postponed, the said taxpayer shall be levied estate tax according to the law, plus an interest payment at the fixed interest rate for one-year term postal savings deposit.

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Article 12

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Article 13

In the event that the heir is unable to provide proof of the usage of any debt raised, property sold, or deposit withdrawn during the period when the decedent was unable to attend business or handle affairs on his own due to severe illness prior to his death, said borrowing, money received, or deposit shall be included in the calculation of the taxable estate.

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Article 14

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Article 15

In the event that a military, police, or public service personnel died of duty related causes, his heir shall submit the Death on Duty Certificate issued by the institution where the decedent was employed to request for doubling tax exemption amount as specified in the second half of Paragraph 1, Article 18 of the Act.

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Article 16

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Article 17

The dependents as set forth under Subparagraph 4, Paragraph 1 of Article 20 of the Act shall refer to any one of the following:

1. Superior lineal relatives of the donor or the donor's spouse above the age of sixty (60) or under sixty (60) years of age yet unable to make a living and therefore dependent on the donor for livelihood support.

2. Inferior lineal relatives of the donor under the age of twenty (20) or above twenty (20) years of age yet still attending school, or having a mental or physical disability, or unable to make a living and therefore dependent on the donor for livelihood support.

3. Siblings of the donor under the age of twenty (20) or above twenty (20) years of age yet still attending school, or having a mental or physical disability, or unable to make a living on their own and therefore dependent on the donor for livelihood support.

4. Other relatives or family members of the donor meeting the requirements set forth under Subparagraph 4 of Article 1114 and Paragraph 3 of Article 1123 of the Civil Act and are under the age of twenty (20) or above twenty (20) years of age yet still attending school, or having a mental or physical disability, or unable to make a living on their own and actually dependent on the donor for livelihood support.

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Article 18

The liabilities transferred together with the gift and deducted as specified under Article 21 of the Act shall be limited to properties with a value and such liabilities has been executed or where such execution can be guaranteed. Where said tax burden involves payment to persons other than

the decedent that can be deemed as an indirect gift, no tax deduction claim can be filed.

The amount of tax deduction as set forth in the preceding paragraph shall not exceed the value of the share of taxable properties received.

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Article 19

The deed tax and land value incremental tax paid from the transfer of immovable gifts may be deducted from the total taxable gifts.

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Chapter 3 Declaration and Notification

Article 20

In the event that a decedent has left properties behind upon death, regardless of the taxable amount, the taxpayer shall fill out the estate tax declaration form and file the tax declaration with the competent taxation authority accordingly. Where the tax base calculation involves a deduction, exemption or exclusion, relevant documents of proof shall be attached.

For the purpose of gift tax declaration, the taxpayer shall fill out the gift tax declaration form and submit along with it all relevant documents of proof.

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Article 21

Where the decedent is declared dead by a court judgment, the period specified under Article 23 of the Act for estate tax declaration shall

begin from the date such judgment is declared.

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Article 22

Where the estate tax involves two (2) or more taxpayers, relevant tax declarations shall be filed jointly by all of the taxpayers or the legal representatives in the case of a minor or a person who has been placed under an interdiction with no capacity to make juridical acts. Tax declaration by one taxpayer on behalf of all taxpayers shall be deemed as a declaration by all.

The tax payment notice issued by the tax authority shall be delivered to the representative filing the tax declaration on behalf of all other taxpayers. Where the delivery cannot be made to said person, the notice can be delivered to other taxpayers instead.

The estate tax payable, late payment penalty, fines and the interest charges within the total taxable estate amount may still be executed upon the estate or the properties of the heirs confirmed by the delivery of the tax payment notice.

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Chapter 4 Valuation

Article 23

For the decedent’s estate or gift in a foreign country subject to tax payment obligation pursuant to the provisions of Article 1 and Article 3 of the Act, the Ministry of Finance may entrust the ROC Embassy in the location where such estate is inherited or the gift is made for the valuation of said estate or gift; where in absence of an embassy, local public accounts or notaries may be engaged for property valuation.

Top↑

Article 24

The value of timber shall be determined according to its type, quantity, and the current price of the woodland.

Top↑

Article 25

For movables including jewelries, antiques, artworks, books, and other objects of which the market price cannot be easily determined, experts may be hired for valuation.

Top↑

Article 26

For vehicles, vessels, and aircrafts, the value shall be determined by deducting a reasonable depreciation amount from the original cost. In the event of failure to present the proof of original cost or where apparent inconsistency exists between the proof of original cost presented and the facts, the value may be determined according to the year model and the actual usage of the item concerned.

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Article 27

The value of a debt shall equal its amount. For debts bearing a pre-agreed interest rate, the amount of interest accrued for the period to the date of death of the decedent or the date on which the act of giving took place shall be added in determining the value of the debt.

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Article 28

The valuation of marketable securities having already being traded on a stock exchange (hereinafter exchange listed) or over the counter of securities houses (hereinafter OTC listed, or emerging company) shall be based upon the closing price of the exchange listed securities or the OTC listed securities on the date of inheritance or gift, or the weighted average dealing price on the date the emerging company securities was traded. Where no dealing price of said securities was available on such date, the valuation of such securities shall be based upon the closing price of the exchange listed, OTC listed securities or the weighted average dealing price of emerging company securities traded on the last date immediately preceding the date of inheritance or gift. In the event of a sharp price fluctuation, the average of all the closing prices of the exchange listed or OTC listed securities, or the weighted average dealing price of emerging company securities, traded one month preceding the date of inheritance or gift shall be used in determination of the value.

For securities initially offered on the market, or over the counter, the valuation of such securities for the period from the date of approval as exchange listed and OTC listed securities by the competent security authority, or from the date of agreement as an emerging company securities by Gretai Securities Master, to the date of initial quoted trading, shall be based upon the underwriting price or the subscription price recommended by the authority-in-charge.

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Article 29

Valuation of securities of companies limited by shares other than exchange listed, OTC listed, or emerging company, unless under circumstances as described in the second Paragraph of the preceding Article, shall be based upon the net worth of the company’s assets on the date of inheritance or gift subject to the following adjustments:

1. If the assets of the company consist of land or house with its book value lower than the announced present value of the land or the standard price of the house, the announced present value of the land or standard price of the house shall be based for valuation.

2. For the exchange listed, OTC listed securities, or emerging company securities, the value shall be estimated according to Article 28.

In case that the company defined in the preceding paragraph has stopped operation by its own will, gone out of business, moved to another place without applying for new registration, or has other concrete proof that the value of its stock has been reduced or is valueless, such facts shall be verified.

For valuation of the capital invested in companies other than companies limited by shares, the provisions under the preceding two (2) paragraphs shall apply mutatis mutandis.

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Article 30

For prepaid rentals, the leasehold value shall be the rental amount for the remaining lease period derived from proportionately assigning the pre-paid amount to the duration of the lease. Where a deposit was paid, the amount of the deposit shall be used for leasehold valuation.

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Article 31

Where the creation of superficies rights contains a time limit and an annual rent, the value for the remaining period shall be determined as follows:

1. For a remaining period of less than five (5) years, the value shall be the annual rent.

2. For a remaining period of five (5) years up to ten (10) years, the value shall be double of the annual rent.

3. For a remaining period of ten (10) years up to thirty (30) years, the value shall be three (3) times of the annual rent.

4. For a remaining period of thirty (30) years up to fifty (50) years, the

value shall be five (5) times of the annual rent.

5. For a remaining period of fifty (50) years up to one hundred (100) years, the value shall seven (7) times of the annual rent.

6. For a remaining period exceeding one hundred (100) years, the value shall be ten (10) times of the annual rent.

Where the creation of superficies rights contains no time limit, the value shall be seven (7) times of the annual rent. Where local customs dictate otherwise, said customary rules for the determination of remaining period may be used.

Where the creation of superficies rights contains no annual rent, the annual rent shall be four per cent (4%) the annual interest of the declared land value.

Where the creation of superficies rights involves one-time rent payment, yearly incremental rent increase, or the use of certain benefit in lieu of rent due, the average annual rent shall be prescribed according to the term set in said superficies rights, and the value shall then be determined according to the provisions set forth under Paragraph 1 of this article.

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Article 32

For emphyteusis (right of lease in perpetuity), the value shall be five (5) times of the annual land rent payable.

Top↑

Article 33

For dien rights, the value shall be the price of the dien right established.

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Article 34

The value of fishing rights and mining rights shall be determined according to the years remaining as follows:

1.For a remaining period of less than one (1) year, the value shall be the amount of the additional benefit.

2.For a remaining period of one (1) year up to three (3) years, the value shall be double the amount of the additional benefit.

3.For a remaining period of three (3) years up to five (5) years, the value shall be three (3) times the amount of the additional benefit.

4.For a remaining period of five (5) years up to seven (7) years, the value shall be four (4) times the amount of the additional benefit.

5.For a remaining period of seven (7) years up to twelve (12) years, the value shall be six (6) times the amount of the additional benefit.

6.For a remaining period of twelve (12) years up to sixteen (16) years, the value shall be seven (7) times the amount of the additional benefit.

7.For a remaining period exceeding sixteen (16) years, the value shall be eight (8) times the amount of the additional benefit.

The additional benefit amount as referred to in the preceding paragraph shall be determined by deducting the regular benefit amount, derived from the actual paid-in capital plus interest calculated at an annual interest rate of ten per cent (10%), from the average net income of such rights over the most recent three (3) years. For native mining pits without any right established thereuner or fisheries without having obtained the proper license that have no time limit and therefore cannot be seen as having a mining or fishing right, the value shall be the original price restored from dividing operating income by a five per cent (5%) weekly rate.

For mining and fishing rights, the estate and gift tax shall be levied only in accordance with the provisions set forth under the two preceding paragraphs. The trade name carried on by the business established thereunder shall no longer be subject to estate or gift tax payment.

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Article 35

Unless otherwise provided for under other relevant acts or regulations, for the valuation of intangible assets, the provisions under the preceding article shall apply mutatis mutandis.

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Article 36

For finite annuities, the value shall be determined according to the remaining years of payment as follows:

1.For a remaining payment period of less than one (1) year, the value shall be the annual annuity payment.

2.For a remaining payment period of one (1) year up to three (3) years, the value shall be double the annual annuity payment.

3.For a remaining payment period of three (3) years up to five (5) years, the value shall be three (3) times the annual annuity payment.

4.For a remaining payment period of five (5) years up to seven (7) years, the value shall be four (4) times the annual annuity payment.

5.For a remaining payment period of seven (7) years up to nine (9) years, the value shall be five (5) times the annual annuity payment.

6.For a remaining payment period of nine (9) years up to twelve (12) years, the value shall be six (6) times the annual annuity payment.

7.For a remaining payment period of twelve (12) years up to sixteen (16) years, the value shall be seven (7) times the annual annuity payment.

8.For a remaining payment period of sixteen (16) years up to twenty-four (24) years, the value shall be eight (8) times the annual annuity payment.

9.For a remaining payment period of twenty-four (24) years up to one hundred (100) years, the value shall be nine (9) times the annual annuity payment.

10.For a remaining payment period exceeding one hundred (100) years, the value shall be ten (10) times the annual annuity payment.

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Article 37

For infinite annuities or annuities thereto the preceding article cannot apply due to special circumstances, the actual situation may be taken into consideration while using the criteria provided in the preceding article for valuation.

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Article 38

For annuities of which the payment is made throughout the life time of the payer, the beneficiary, or a third person, the value shall be determined as follows:

1.With the person aged below ten (10) years, the value shall be nine (9) times the annual annuity payment.

2.With the person aged of ten (10) years up to twenty (20) years, the value shall be eight (8) times the annual annuity payment.

3.With the person aged of twenty (20) years up to thirty (30) years, the value shall be seven (7) times the annual annuity payment.

4.With the person aged of thirty (30) years up to forty (40) years, the value shall be five (5) times the annual annuity payment.

5.With the person aged of forty (40) years up to fifty (50) years, the value shall be three (3) times the annual annuity payment.

6.With the person aged of fifty (50) years up to sixty (60) years, the value shall be two (2) times the annual annuity payment.

7.With the person aged above sixty (60) years, the value shall be the annual annuity payment.

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Article 39

For conditional rights and rights without a fixed term, the value shall be determined according to the nature of the right with the actual situation taken into consideration.

Top↑

Article 40

For co-owned or co-managed properties, the total net value of the property shall be evaluated first before the value of the estate or gift made by the decedent can be determined.

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Article 40-1

In case that the property given by the taxpayer to the spouse of the decedent during the one(1) year period provided for under Paragraph 2, Article 17-1 of the Act is the estate, the valuation shall be based on the value of the estate on which the tax is levied; in case that payment is made with properties other than estate, the valuation shall be based on the value of such properties on the payment day, the related provisions of the valuation of the estate shall apply mutatis mutandis.

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Article 41

For matters relating to the valuation of an estate and a gift not specified under the Act and these Rules, such value is estimated by the market value.

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Chapter 5 Payment

Article 42

In the event that the decedent has failed to file a declaration or has filed an incomplete declaration for the property requiring a declaration by the Act and where the decedent meets the situation described under Paragraph 1, Article 7 of the Act, the beneficiaries shall be held liable for said failure to file a declaration or for the shortage or omission in the declaration and shall be responsible for making the tax and interest payment in proportion to the property they have each received provided the payment is within the total taxable estate or gift amount .

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Article 43

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Article 43-1

The taxed property located in the ROC as referred to in Paragraph 4, Article 30 of the Act shall mean the property included in the total taxable amount of the present estate or gift which is located in the ROC according to the Act and with an estate or gift tax already levied thereupon.

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Article 44

The lands reserved for public facilities included in the estate of a decedent eligible for an estate tax exemption pursuant to Article 50-1 of the Urban Planning Act, the taxpayer may apply for paying estate tax in kind using the said property.

Where the beneficiary of a gift is also the taxpayer as described under Paragraph 1, Article 7 of the Act, the taxpayer may apply for paying gift tax in kind using the reserved lands for public facilities included in the property received that are eligible for a gift tax exemption pursuant to Article 50-1 of the Urban Planning Act.

Except for the lands which were owned by the decedent or the donor before being designated to be reserved for public facilities, or the lands which were transferred to the decedent or the donor because of inheritance after being designated to be reserved for public facilities with no records of transfer of ownership other than by inheritance during the period from the date of designation and the date of transfer, the amount of estate tax and gift tax payable which may be offset by the lands reserved for public facilities as mentioned in the preceding paragraphs shall be subject to limitation calculated as follows:

The limitation of tax payable which can be offsetted by the lands reserved for public facilities = The estate tax or gift tax payable based on the Act × (the value of the public facilities reserved lands surrendered for tax payment ÷ the total amount of the estate or gift assets)

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Article 45

In case that taxpayers apply for paying the estate and gift tax in kind according to the provisions under Paragraph 2, Article 30 of the Act, the taxpayer shall submit a list of all the surrendered properties within the specified time period for tax payment to the competent tax authority for approval. The competent tax authority shall conduct a survey and deliver its decision within thirty (30) days of the receipt of the application.

If properties surrendered for payment in kind do not meet the conditions set out under the provisions in Paragraph 2, Article 30 of the Act, the competent tax authority shall immediately issue a notice to the taxpayer stating clearly the reasons for rejecting the application and requesting tax payment within the original time limit specified. In the event that the delivery of said rejection notice to the taxpayer has passed the original time limit specified or is less than ten (10) days to the due date of the original time limit, the competent tax authority shall allow a period of

ten (10) days as of the date of notice delivery for the taxpayer to make the tax payment.

In the event that part of the properties surrendered for payment in kind are in violation of the provisions of Paragraph 4 of Article 30, the competent tax authority shall notify the taxpayer to pay in cash for the part of noncompliance.

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Article 46

The value of properties surrendered by taxpayers for estate and gift tax payment, being part of taxable estate or gift in the ROC, shall be determined according to the value of the estate or gift tax levied upon the property concerned.

Where said surrendered property is a depreciative or depletive property, the depreciation or depletion amount accrued during the period between the date of inheritance or gift and the date of in-lieu tax payment application shall be deducted; where other rights have been established thereon, the value of said rights or the amount of debts guaranteed shall be deducted.

Where such other right is a mortgage and the debtor has repaid the guaranteed debt after it had been used for tax payment, thereby resulting in a tax payment value in excess of the original tax amount, the provisions under Paragraph 1 of Article 48 shall apply mutatis mutandis.

The value of properties surrendered by taxpayers for estate and gift tax payment, being property other than taxable estate or gift, shall be based on the date of in-lieu tax payment application and relevant provisions concerning estate or gift valuation shall apply mutatis mutandis.

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Article 47

If the properties surrendered for tax payment are lands or buildings, the

competent tax authority shall identify all other payable but unpaid taxes attached thereto and require the payment of all such taxes concurrently.

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Article 48

In the case of surrendering property for tax payment, if the value of said property is lower than the tax payable, the taxpayer shall pay the difference in cash upon filing the application for payment in kind; if the value exceeds the tax payable, after the surrendered property has been liquidated, the amount of refund shall be calculated based on the net receipt from the liquidation multiplied by the ratio of the part in excess of the tax amount to the total value of said property and the taxpayer shall be notified within one (1) month of the completion of said liquidation transaction for the collection of said refund.

The net receipt from the liquidation under the preceding paragraph means the balance of total receipts of disposal after deduction of all taxes, charges, management and disposal fees.

For the part requiring cash payment according to the provisions under Paragraph 1 and under Paragraph 3 of Article 45, the taxpayer may apply for an installment payment according to Paragraph 2, Article 30 of the Act.

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Article 49

Where the competent tax authority has approved the use of lands, buildings, or other objects for tax payment, the taxpayer shall submit relevant documents or properties to the competent tax authority within thirty (30) days of the receipt of the approval notice for processing of tax payment in kind.

In case that the property for paying estate tax in kind is jointly owned by the heirs in common under the preceding paragraph, the following documents shall be presented:

1.Inheritance registration and transfer registration application forms.

2.A letter of consent to surrender the properties for estate tax payment signed by the heirs under the provisions of Paragraph 7, Article 30 of the Act; in the event of waiver of the right of inheritance, a certification from the court shall be attached for reference.

3.The ownership certificate of the land or building, or the document of proof of other properties, or the property to be surrendered for tax payment.

4.A letter of affidavit signed by the heirs under the provisions of Paragraph 7, Article 30 of the Act, stating that if the government should announce expropriation of the land surrendered for tax payment before the completion of the registration to transfer the land into national property, the compensation thus paid for the land price shall be collected by the National Property Administration, Ministry of Finance.

5.Other required documents pursuant to relevant rules and regulations.

In case that the property for payment in kind owned by the taxpayer is other than those assets listed under Paragraph 1, the following shall be submitted:

1.The transfer registration application form.

2.The ownership certificate of the land or building, or the document of proof of other properties, or the property to be surrendered for tax payment.

3.Other required documents pursuant to relevant rules and regulations.

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Article 50

In the event that the taxpayer has failed to deliver all the relevant documents required for property right transfer registration or the properties to be surrendered for tax payment to the competent tax authority within the time limit specified in the preceding article, the provisions under Article 51 of the Act shall govern. The same shall apply to cases where the difference between the in-lieu tax payment and the tax amount payable is required to be paid in cash.

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Article 51

The properties approved by the competent tax authority for estate or gift tax payment and those with unpaid taxes attached thereto as set forth in Article 47 shall be transferred into national property under the management of the National Property Administration, Ministry of Finance with the ratios allocated to municipality, city, and hsiang (township, city) according to the Act Governing the Allocation of Government Revenues and Expenditures clearly indicated. Where the payment in kind is land reserved for public facility, and the land is located within the municipal, city, or hsiang (township, city) to which allocation of the tax revenue is attributable, according to the ratios allocated, the land shall be transferred into national, municipal, city, and hsiang (township, city) properties, respectively.

Objects used for tax payment shall be disposed of as early as possible. The receipts obtained during the period between acquisition and liquidation of such objects and the amount gained from the disposal shall be split between governments of different levels according to the statutory allocation ratios. The taxes and duties, charges and fees, management fees, and disposal fees thereto attached shall be paid by the management authority of the property using the income such property has produced or the amount gained from liquidating or selling said property to tenant farmers for payment.

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Article 52

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Article 52-1

The tax payment guarantee as referred to under Paragraph 1, Article 41 of

the Act shall mean the guarantee provided in accordance with the guarantee requirement specified under Article 11-1 of the Tax Collection Act.

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Article 53

Where the estate or gift tax payment certificate has been issued by the taxation authority, any stakeholder may apply for the issuance of a copy of said certificate. The same shall apply to the re-issuance of estate or gift tax exemption certificate, transfer agreement certificate, estate tax exclusion certificate, and gift tax exclusion certificate.

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Chapter 6 Penal and Supplementary Provisions

Article 54

For the person reporting or informing a violation of the Act or these Rules eligible for a reward as specified under Article 43 of the Act, the competent tax authority shall notify the person to collect the reward within ten (10) days of the payment of the fine.

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Article 55

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Article 56

The format and content of the various forms and documents required by the Act and by these Rules shall be prescribed by the Ministry of Finance.

Top↑

Article 57

These Rules shall take effect as of the date of promulgation. The amended provision of Paragraph 1, Article 22 of these Rules with the date of promulgation on 17th September, 2009 shall come into effect on 23rd November, 2009.

Top↑

Data Source：Ministry of Finance, R.O.C. Laws and Regulations Retrieving System