

<b>Jurisdiction's name:</b>	<b>Brunei Darussalam</b>
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<b>Information on Residency for tax purposes</b>
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**Section I – Criteria for Individuals to be considered a tax resident**

Please list the domestic legal provisions that determine whether an Individual is to be considered a tax resident of that jurisdictions. Such legal provisions may be articles of the relevant tax code (with hyperlinks to the provisions themselves, where possible), as well as any further regulations specifying the residency criteria (if available, with hyperlinks).

This section should ideally also provide further guidance for Individuals to determine whether they are a resident for tax purposes in the jurisdiction, presented either in narrative form or by means of hyperlinks to the relevant sections of the government or tax authority website or publications.

According to the Section 2 of the Income Tax Act (Chapter 35) meaning of “resident” in relation to an individual means a person who, in the year preceding the year of assessment, resides in Brunei Darussalam except for such temporary absence therefrom as to the Collector may consider reasonable and not inconsistent with a claim by such person to be resident in Brunei Darussalam, and includes a person who is physically present or who exercises an employment (other than as director of a company) in Brunei Darussalam for 183 days or more during the year preceding the year of assessment.

Income Tax Act (Chapter 35) is available at <http://www.mof.gov.bn/divisions/revenue-relevant-acts.aspx>

**Section II – Criteria for Entities to be considered a tax resident**

Please list the domestic legal provisions that determine whether an Entity is to be considered a tax resident of that jurisdiction. Such legal provisions may be articles of the relevant tax code, as well as any further regulations specifying the residency criteria. Ideally, also a list of domestic Entity types that are in principle considered tax residents of the jurisdiction should be included (if available, with hyperlinks).

This section should ideally also provide further guidance for the different types of Entities to determine whether they are a resident for tax purposes in the jurisdiction. It can be presented either in narrative form or by means of hyperlinks to the relevant sections of the government or tax authority website or publications.

According to the Section 2 of the Income Tax Act (Chapter 35) meaning of “resident” in relation to a company or a body of persons, means a company or a body of persons the control and management of whose business is exercised in Brunei Darussalam.

Interpretation:

- (1) Company means a company incorporated or registered under the Companies Act (Chapter 39) or any law in force elsewhere.
- (2) Body of persons means any body politic, corporate or collegiate and any company, fraternity, fellowship, or society of persons whether corporate or not corporate.

Companies Act (Chapter 39) is available at <http://www.mof.gov.bn/divisions/acts.aspx>

### **Section III – Entity types that are as a rule not considered tax residents**

This item should ideally provide a list of entity types that are considered fiscally transparent by the jurisdiction or are considered to have no tax residence by the jurisdiction based on other criteria, including a particular legal status or tax regime (such as trusts, foundations, partnerships, investment funds etc.), but are considered to have a nexus with the jurisdiction, in particular due to the fact that the entity was incorporated or is organised under the laws of the jurisdiction or has its place of effective management within the jurisdiction. Jurisdictions may wish to complement this section with further guidance on their domestic rules on the topic, either in narrative form or by inserting relevant hyperlinks.

For reporting purposes, all entities which falls under the definition of resident in Section 2 of the Income Tax Act (Chapter 35) are considered tax resident of Brunei Darussalam.

### **Section IV – Contact point for further information**

Please provide the contact details of the competent service within their tax authority, which can be contacted in case of further questions on tax residency.

(EU Member States can furthermore refer to the Taxes in Europe Data Base maintained by the European Union, which contains a wide range of information on all taxes in the EU Member States, including on tax residency.)

#### CONTACT DETAILS:

- 1) Mohammad Noorul Aiman bin Haji Jaman (Mr)  
Senior Finance Officer  
Email: [aiman.jaman@mof.gov.bn](mailto:aiman.jaman@mof.gov.bn)
- 2) Norul Adibah Abdullah (Ms)  
Finance Officer  
Email: [adibah.abdullah@mof.gov.bn](mailto:adibah.abdullah@mof.gov.bn)
- 3) Hj Muhammad Bukhari bin Hj Abd Rajid (Mr)  
Finance Officer  
Email: [bukhari.rajid@mof.gov.bn](mailto:bukhari.rajid@mof.gov.bn)

#### **Address:**

Revenue Division  
Level 1, Island Block  
Ministry of Finance  
Commonwealth Drive BB3910  
Brunei Darussalam

**Telephone:** +673 2383933 / +673 2380651

**Fax:** +673 2383932