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ALBERTA CORPORATE TAX ACT

Chapter A-15

(NOTE: The taxation years affected by a provision of this Act that is added, repealed or amended are included in the original amending Acts, which are referred to at the end of each section. Those Acts should be consulted to determine the effect of the provision for a particular taxation year.)

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

Interpretation

1(1) In this Act and in the application of the provisions of the federal Act and the regulations made under that Act that are by this Act made applicable, each of the provisions of Part XVII of the federal Act apply for the purposes of this Act, except as provided in this Act or the regulations.

(2) In this Act and in the application of the provisions of the federal Act and the regulations made under that Act that are by this Act made applicable for the purposes of this Act,

- (a) “Alberta allocation factor” means the Alberta allocation factor determined in accordance with Division 1 of Part 4;

- (a.1) “Alberta QET tax credit” means the tax credit calculated under section 26.92;
- (b) “amount taxable in Alberta” means the amount taxable determined in accordance with Part 4;
- (b.1) “balance-due day” of a corporation for a taxation year means the day on or before which the corporation is required under section 38 to pay the remainder of its tax payable under Part 5 for the year or would be so required if such a remainder were payable;
- (c) “court” means the Court of King’s Bench;
- (d) “federal Act” means the *Income Tax Act* (Canada) and includes any rules of application that are contained in any Act of the Parliament of Canada that amends the *Income Tax Act* (Canada);
- (d.1) “federal assessment action” means any of the following actions taken by the Minister of National Revenue under the federal Act:
 - (i) an assessment, reassessment or additional assessment of tax, interest or penalties;
 - (ii) a determination or redetermination of a loss or an amount;
 - (iii) a confirmation of an assessment, reassessment or additional assessment of tax, interest or penalties or of a determination or redetermination of a loss or an amount;
- (e) “federal regulation” means a regulation, as amended from time to time, made under the federal Act;
- (e.01) “fiscal period” means the period for which the person’s or partnership’s accounts in respect of the business or property are made up for purposes of assessment under the federal Act;
- (e.1) “jurisdiction” means a province of Canada or a country or political subdivision of a country;
- (e.2) repealed RSA 2000 cA-30 s88;
- (e.3) “large corporation”, with respect to a particular taxation year, means a corporation that is a large corporation in that taxation year within the meaning assigned by subsection 225.1(8) of the federal Act;
- (f) “permanent establishment” means a fixed place of business of the corporation, including an office, a branch, a mine, an oil well, a farm, a timber land, a factory, a workshop or a warehouse, and
 - (i) if the corporation does not have any fixed place of business it means the principal place in which the corporation’s business is conducted,
 - (ii) if a corporation carries on business through an employee or agent, established in a particular place, who has general authority to contract for the employee’s or agent’s employer or principal or who has a stock of merchandise owned by the employee’s or agent’s employer or principal from which the employee or agent regularly fills orders that the employee or agent receives, the corporation is deemed to have a permanent establishment in that place,
 - (iii) an insurance corporation is deemed to have a permanent establishment in each province and country in which the corporation is registered or licensed to do business,
 - (iv) if a corporation, otherwise having a permanent establishment in Canada, owns land in a province, that land is deemed to be a permanent establishment,
 - (v) if a corporation uses substantial machinery or equipment in a particular place at any time in a taxation year it is deemed to have a permanent establishment in that place,

- (vi) the fact that a corporation has business dealings through a commission agent, broker or other independent agent or maintains an office solely for the purchase of merchandise shall not of itself be held to mean that the corporation has a permanent establishment,
 - (vii) the fact that a corporation has a subsidiary controlled corporation in a place or a subsidiary controlled corporation engaged in trade or business in a place shall not of itself be held to mean that the corporation is operating a permanent establishment in that place, and
 - (viii) if a corporation resident in Canada does not otherwise have a permanent establishment in Canada, the corporation is deemed to have a permanent establishment in the place where it has its registered office or in a place designated in its articles, charter or by-laws as its office or registered office;
 - (g) “prescribed” means
 - (i) with respect to a form, the information to be given on a form or the manner of filing a form, authorized by the Provincial Minister,
 - (i.1) with respect to the manner of making or filing an election, authorized by the Provincial Minister, or
 - (ii) in any other case, prescribed by regulation;
 - (g.01) “Provincial Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
 - (g.011) repealed 2015 c21 Sched. 2 s1(2);
 - (g.02) “Quebec Act” means the *Taxation Act* (Quebec) and includes any rules of application that are contained in any Act of the Parliament of Quebec that amends the *Taxation Act* (Quebec);
 - (g.1) “refundable tax credit” means a tax credit to which a corporation is entitled under Part 6;
 - (g.2) “royalty tax credit” means a tax credit to which a corporation is entitled under section 26.1;
 - (g.3) repealed 2001 c1 s2;
 - (h) “royalty tax deduction” means the royalty tax deduction determined in accordance with section 20(2);
 - (h.1) “specified future tax consequence” for a taxation year means specified future tax consequence as defined in subsection 248(1) of the federal Act, except that the following replaces paragraph (a) of that definition:
 - (a) the consequence of the deduction or exclusion of an amount referred to in section 39(3)(a) of the *Alberta Corporate Tax Act*, and;
 - (i) “tax payable” with respect to a corporation, means the tax payable by that corporation as fixed by assessment or reassessment and subject to variation or objection or on appeal;
 - (j) “taxable income” means the income of a corporation calculated in accordance with Part 3;
 - (i.1) “tax shelter” means a tax shelter as defined in section 237.1(1) of the federal Act;
 - (k) “taxable income earned in Canada” means a corporation’s taxable income earned in Canada determined in accordance with section 17.1, except that in no case may a corporation’s taxable income earned in Canada be less than nil.
- (2.1)** For the purposes of this Act, a reference in this Act to the Minister of National Revenue is to be read as including the Commissioner of Revenue under the *Canada Revenue Agency Act* (Canada).

(3) If at any time an amount payable to a corporation by the Provincial Minister under this Act is applied by the Provincial Minister to reduce a liability of the corporation under this Act, the amount is an amount paid at that time on account of the liability of the corporation.

(4) Interest at a prescribed rate under this Act shall be computed and compounded daily.

(5) If interest is payable under a particular section and is not paid or applied on the day it would, but for this subsection, have ceased to be computed, interest at a prescribed rate under this Act shall be computed and compounded daily on the interest that is not paid or applied from that day to the day on which it is paid or applied.

(6) Repealed 2002 c28 s2.

RSA 2000 cA-15 s1;RSA 2000 cA-30 s88;2001 c1 s2;
2002 c28 ss2,34;2003 c34 s2;2009 c15 s2;2012 c4 s2;
2013 c11 s1;2014 c6 s1(2);2015 c21 Sched. 2 s1(2);
AR 217/2022

Application of federal Act

2(1) When a section of the federal Act or a regulation made under the federal Act has, by this Act, been made applicable for the purposes of this Act and reference is made in that section to another provision of the federal Act and this Act provides that the other provision is inapplicable for the purposes of this Act, then that section shall be read as if the reference to the other provision had been struck out.

(2) When a section of the federal Act or a regulation made under the federal Act has, by this Act, been made applicable for the purposes of this Act and reference is made in that section to another provision of the federal Act and that other provision does not apply for the purposes of this Act because a provision of this Act applies instead of it, then the reference to the other provision is deemed to be a reference to the provision of this Act that applies instead of it.

(3) When a section of the federal Act or a regulation made under the federal Act has, by this Act, been made applicable for the purposes of this Act and reference is made in that section to another provision of the federal Act and that other provision applies in a different manner for the purposes of the federal Act than it does for the purposes of this Act, then the reference is deemed to be a reference to the other provision as it applies for the purposes of this Act.

(3.1) If a section of the federal Act or a regulation made under the federal Act that is inapplicable for the purposes of this Act defines a term that is used in a provision of the federal Act or a regulation under the federal Act that is applicable for the purposes of this Act, that term is deemed to have the same meaning for the purposes of this Act as it does for the purposes of the federal Act or the regulation under the federal Act, unless otherwise provided in this Act.

(4) Repealed 1981 c8 s3.

(5) In the application of a section of the federal Act that, by this Act, is made applicable for the purposes of this Act, a reference to

(a) a return of income required to be filed under section 150 of that Act is deemed to be a reference to a return required to be filed under section 36 of this Act, and

(b) an assessment required to be made under section 152 of that Act is deemed to be a reference to an assessment required to be made under section 41 of this Act.

(5.1) If a provision of the federal Act or a regulation made under the federal Act that is made applicable by this Act refers to giving a notice or making an application to the Minister of National Revenue, the notice or application may be given or made to the Provincial Minister in respect of a matter under this Act.

(5.2) If in a provision of the federal Act or a regulation made under the federal Act that is made applicable by this Act something may be done by the Minister of National Revenue, it may be done by the Provincial Minister.

(6) Subject to sections 14.1, 14.2, 14.3, 16.1, 16.2 and 34.011(2), an election or designation by a corporation that may

be made under the federal Act may be filed with the Provincial Minister and if so filed the rules respecting that election or designation in the federal Act apply but, in the event that the election or designation is not filed with the Provincial Minister, the Provincial Minister shall accept an election or designation made under the federal Act and the provisions of the federal Act imposing penalties for late filing of elections or designations are not applicable for the purposes of this Act.

(6.1) Except as otherwise provided in this Act, where

- (a) a section or part of a section of the federal Act has, by this Act, been made applicable for the purposes of this Act,
- (b) a coming into force provision in respect of that section or that part of a section of the federal Act provides for an election as to how or whether that section or that part of a section applies to a taxpayer in any particular taxation year, and
- (c) a taxpayer that is a corporation has made an election,

that section or that part of a section of the federal Act shall apply for the purposes of this Act in the same manner as elected by the corporation pursuant to the coming into force provision in respect of that section or that part of a section.

(7) Repealed 1992 c2 s3.

(8) Repealed 2015 c21 Sched. 2 s1(4).

(9) Repealed 1990 c4 s4.

(10) Subsections 248(7) and (11) of the federal Act do not apply for the purposes of this Act.

RSA 2000 cA-15 s2;2001 c1 s3;2002 c28 ss3,34;2014 c6 s1(3);
2015 c21 Sched. 2 s1(4);2017 c15 s1(2)

Income Tax Convention or Treaty

3 If Canada has entered into an Income Tax Convention or Treaty with another jurisdiction and that Convention or Treaty is inconsistent with the federal Act and if by reason of any other Act of the Parliament of Canada that Convention or Treaty prevails to the extent of that inconsistency, that Convention or Treaty is, to the extent of the inconsistency, deemed to apply for the purposes of this Act in the same manner as it applies for the purposes of the federal Act.

RSA 1980 cA-17 s3

Application of federal Act

4 The sections of the federal Act and the regulations made under it that are by this Act made applicable for the purposes of this Act, are, unless otherwise provided in this Act, deemed to apply as amended or re-enacted from time to time and those amendments or re-enactments shall apply for the purposes of this Act in the same manner as they apply for the purposes of the federal Act.

RSA 1980 cA-17 s4

Functional currency reporting

4.01 In determining the Canadian tax results, as defined in section 261 of the federal Act as it applies for the purposes of this Act, of a corporation for a particular taxation year,

- (a) subject to section 4.02, Canadian currency is to be used, and
- (b) subject to section 4.02 and subsections 20(14.2) and 79(7) and paragraphs 80(2)(k) and 142.7(8)(b) of the federal Act as they apply for the purposes of this Act, if a particular amount that is relevant in computing those Canadian tax results is expressed in a currency other than Canadian currency, the particular amount is to be converted to an amount expressed in Canadian currency using the relevant spot rate for the day on which the particular amount arose.

2009 c15 s3;2010 c2 s2;2017 c15 s1(3)

Functional currency election**4.02(1)** A corporation that

- (a) makes an election or is deemed to have made an election in accordance with subsection 261(3) of the federal Act for the purposes of the federal Act is deemed to have made the same election for the purposes of this Act, or
- (b) revokes an election in accordance with subsection 261(4) of the federal Act for the purposes of the federal Act is deemed to have made the same revocation of that election for the purposes of this Act.

(2) Amounts required to be paid pursuant to section 38(1)(a) must be determined with respect to tax payable in Canadian currency.

(3) Section 261 of the federal Act applies for the purposes of this Act, except that

- (a) all amounts payable by a corporation under this Act in respect of a taxation year must be paid in Canadian currency,
- (b) if a particular amount that is determined in the corporation's elected functional currency, other than any Alberta SR&ED tax credit, interactive digital media tax credit, film and television tax credit or innovation employment grant to which the corporation is entitled, is deemed to be paid at any time on account of an amount payable by the corporation under this Act for the particular taxation year, the particular amount is to be converted to Canadian currency using the relevant spot rate for the day that includes that time,
- (c) the corporation's tax payable for the year must be converted to Canadian currency in accordance with the regulations,
- (d) subsections 261(2), (11), (15) and (18) of the federal Act do not apply, and
- (e) the references to subsection (18) in subsections 261(19) and (22) of the federal Act as they apply for the purposes of this Act shall be read as references to subsection (5) of this section.

(4) For the purposes of determining the amount that may be deducted in respect of a particular amount that arises in a taxation year (referred to in this subsection as the "later year") of a corporation under section 111 or subsection 126(2), 127(5), 181.1(4) or 190.1(3) of the federal Act as it applies for the purposes of this Act in computing the corporation's tax payable for a taxation year (referred to in this subsection as the "current year") that ended before the later year,

- (a) if the later year is a functional currency year of the taxpayer and the current year is a Canadian currency year of the taxpayer,
 - (i) amounts, expressed in functional currency, available to be deducted in the current year are to be converted to Canadian currency using the relevant spot rate for the last day of the corporation's last Canadian currency year, and
 - (ii) amounts so deducted are to be converted back to functional currency at the same rate for purposes of determining amounts available to be deducted in any other taxation year,
- (b) if the later year is a reversionary year of the corporation and the current year is a functional currency year of the corporation,
 - (i) amounts, expressed in Canadian currency, available to be deducted in the current year are to be converted to functional currency at the average exchange rate for the current year, determined in accordance with the regulations, and
 - (ii) amounts so deducted are to be converted back to Canadian currency at the same rate,

- (c) if the later year is a reversionary year of the corporation and the current year is a Canadian currency year of the corporation, for the purposes of determining amounts available to be deducted in the current year, amounts deducted in a functional currency year ending after the current year and before the later year are to be converted to Canadian currency at the average exchange rate for that functional currency year determined in accordance with the regulations, and
- (d) in any other case, this subsection does not apply.

(5) The Canadian tax results of a corporation for any one or more taxation years shall be determined using a particular currency if

- (a) at any time (referred to in this subsection as the “transfer time”) one or more properties are directly or indirectly transferred
 - (i) by the corporation to another corporation (referred to in this subsection as the “transferor” and the “transferee”, respectively), or
 - (ii) by another corporation to the corporation (referred to in this subsection as the “transferor” and the “transferee”, respectively),
- (b) the transferor and the transferee are related at the transfer time or become related in the course of a series of transactions or events that includes the transfer,
- (c) the transfer time
 - (i) is, or would in the absence of subsections 261(16) and (17) of the federal Act as they apply for the purposes of this Act be, in a functional currency year of the transferor and the transferor and the transferee have, or would in the absence of those subsections have, different tax reporting currencies at the transfer time, or
 - (ii) is, or would in the absence of those subsections be, in a reversionary year of the transferor and is not in a reversionary year of the transferee,
- (d) it can reasonably be considered that one of the main purposes of the transfer or of any portion of a series of transactions or events that includes the transfer is to change, or to enable the changing of, the currency in which the Canadian tax results in respect of the property, or property substituted for it, for a taxation year would otherwise be determined, and
- (e) the Minister of National Revenue directs that those Canadian tax results be determined in the particular currency.

(6) For the purposes of determining a corporation’s Canadian tax results in a taxation year that is a functional currency year of the corporation, the following amounts shall be converted to the functional currency at the average exchange rate for the year determined in accordance with the regulations:

- (a) the corporation’s business limit for the year;
- (b) the corporation’s maximum expenditure limit for the year;
- (b.1) the amount of any API tax credit as defined in section 25.04 that is deducted by the corporation under that section in the taxation year;
- (c) repealed 2018 c13 s1;
- (d) the amount of any Alberta SR&ED tax credit as defined in section 26.6 that is paid to the corporation in the taxation year;

- (e) the amount of any interactive digital media tax credit that is paid to the corporation under section 26.93 in the taxation year;
- (f) the amount of any film and television tax credit that is paid to the corporation under section 26.94 in the taxation year;
- (g) the amount of any innovation employment grant that is paid to the corporation under section 26.96 in the taxation year.

2010 c2 s2;2012 c4 s3;2016 c17 s2;2018 cI-3.1 s21;2018 c13 s1;
2019 cF-11.3 s21;2020 c40 s1;2023 c3 s1

Application of Parts 9 and 10

4.1(1) Subject to subsection (2), Parts 9 and 10 do not apply for the purposes of Parts 1 to 8.

(2) A liability of a corporation that may be reduced by the application of an amount to the liability by the Provincial Minister under section 26.4 or 47 includes a liability under Part 9 or 10.

RSA 2000 cA-15 s4.1;2002 c28 s34

Extension of time limits and periods (COVID-19)

4.2(1) Notwithstanding any other provision of this Act or the regulations, if

(a) by or under the *Time Limits and Other Periods Act (COVID-19)* (Canada)

(i) a time limit set out in the federal Act or the federal regulations is suspended or extended, or

(ii) a period set out in the federal Act or the federal regulations is extended,

and

(b) this Act sets out a time limit or period that is, in the opinion of the Provincial Minister, similar or related to the time limit or period referred to in clause (a),

the Provincial Minister may suspend or extend the similar or related time limit or period for the purposes of this Act.

(2) If, under subsection (1), a time limit set out in this Act is suspended or extended or a period set out in this Act is extended, then during the period that the suspension or extension is in effect, every reference to that time limit or period in this Act is to be read as a reference to the time limit or p