

**The Income Tax (Surcharges and Supplements)
(Guernsey) Regulations, 2005**

<i>Made</i>	<i>20th December, 2005</i>
<i>Coming into operation</i>	<i>See regulation 9</i>
<i>Laid before the States</i>	<i>22nd February 2006</i>

THE STATES TREASURY AND RESOURCES DEPARTMENT, in exercise of the powers conferred upon it by sections 199 and 199A of the Income Tax (Guernsey) Law, 1975^a ("the Law") and all other powers enabling it in that behalf, hereby makes the following regulations:-

Rate of surcharge.

1. For the purposes of section 199(3) of the Law, a surcharge is payable at the rate of 5% of the amount due under the Law (including any penalty) at the close of the settlement date.

Rate of additional surcharge.

2. For the purposes of section 199(5) of the Law, an additional surcharge

^a Ordres en Conseil Vol. XXV, p. 124; Vol. XXVI, pp. 146, 200 and 292; Vol. XXVII, pp. 84, 118, 200, 333 and 565; Vol. XXVIII, pp. 184, 278, 353 and 409; Vol. XXIX, p. 214; Vol. XXXI, pp. 406 and 473; Vol. XXXII, p. 307; No. IV of 1991; No. VI of 1992; No's. IV and VIII of 1993; No. XXV of 1994; No's. III and VII of 1995; No. V of 1996; No's. IV and XXII of 1997; No's. II and VI of 1999; No. IV of 2000; No's. VI and XVII of 2001; No. VII of 2002; No's. IV, XVIII and XXVI of 2003; No's. XII and XVI of 2004; No's. V and VI of 2005; sections 199 and 199A were inserted by the Income Tax (Surcharges and Supplements) (Guernsey) (Amendment) Law, 2005.

is payable at the rate of 5% of the amounts specified in section 199(4) of the Law.

Minimum amount of surcharge.

3. (1) Surcharges and additional surcharges are not payable unless the total amount thereof due has attained £50 or more.

(2) For the purposes of paragraph (1), once the total amount of surcharges and additional surcharges due has attained £50 or more, liability for the balance thereof is not affected by the making of any payment which reduces the total amount due to less than £50.

Cases in which surcharges and additional surcharges are not payable.

4. (1) For the purposes of section 199(7)(b) of the Law, and subject to paragraph (2), surcharges and additional surcharges are not payable where the amount on which the surcharge or additional surcharge would otherwise be payable has been included in a coding notice or a direction notice pursuant to regulation 2(2)(c) or 8(3) of the Income Tax (Guernsey) (Employees Tax Instalment Scheme) Regulations, 2001^b.

(2) The exemption from the payment of surcharges and additional surcharges provided for in paragraph (1) is applicable -

- (a) only in relation to the employee concerned and not in relation to the employer, and
- (b) only if the amount concerned is paid in the year of charge in which it becomes due or in the following year; and, if the amount is not so paid, then surcharges and additional surcharges, including arrears thereof, are

^b Guernsey Statutory Instrument 2001 No. 40; amended by 2005 No. 1.

payable in accordance with the provisions of section 199 of the Law as if paragraph (1) did not apply.

Rate of supplement.

5. For the purposes of section 199A(3) of the Law, a supplement is payable at the rate of 5% of the amount of tax overpaid and not repaid at the close of the repayment date.

Rate of additional supplement.

6. For the purposes of section 199A(5) of the Law, an additional supplement is payable at the rate of 5% of the amounts specified in section 199A(4) of the Law.

Interpretation.

7. (1) In these Regulations, unless the context requires otherwise -

(a) "the Law" means the Income Tax (Guernsey) Law, 1975, and

(b) other expressions have the same meanings as in the Law.

(2) Any reference in these Regulations to an enactment or regulations is a reference thereto as from time to time amended, repealed and re-enacted (with or without modification), extended or applied.

(3) The Interpretation (Guernsey) Law, 1948^c applies to the interpretation of these Regulations.

^c Ordres en Conseil Vol. XIII, p. 355.

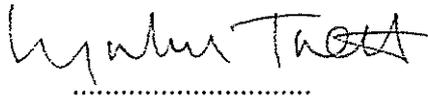
Citation.

8. These Regulations may be cited as the Income Tax (Surcharges and Supplements) (Guernsey) Regulations, 2005.

Commencement.

9. These Regulations shall come into force, for any purpose of any provision of the Income Tax (Surcharges and Supplements) (Guernsey) (Amendment) Law, 2005, on the same day as that provision of that Law comes into force for that purpose.

Dated this 20th day of December, 2005.



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L. S. TROTT

Minister of the States Treasury and Resources Department

For and on behalf of the Department.

EXPLANATORY NOTE.

(This note is not part of the Regulations)

These Regulations specify the rates of surcharge, additional surcharge, supplement and additional supplement for the purposes of the Income Tax (Guernsey) Law, 1975, and also the cases in which surcharges and additional surcharges are not payable.