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The Direct Taxes for 2005 (Sark)

(No. 2) Ordinance, 2004

THE CHIEF PLEAS OF SARK, in exercise of the powers conferred upon them by sections 1 (1), 2 (2), 7 (a) and (i), 8 (2), 10 (a), (b), (d) and (h), and 20, of the Direct Taxes (Sark) Law, 2002, hereby order:-

Imposition of direct taxes for 2005.

1. In order to raise revenue towards financing the budgeted cost of public purposes which Chief Pleas have resolved should be provided or undertaken, there are hereby imposed for the financial year ending on 31st December 2005:

- (a) property tax; and
- (b) personal capital tax,

in accordance with the Law, the General Provisions Ordinance, and this Ordinance.

General rates of property tax for 2005.

2. (1) Subject to section 3 of this Ordinance, the rates of property tax for 2004 are:

- (a) in respect of dwellings, £ 5.50 per quarter;
- (b) in respect of domestic outbuildings, £ 5.50 per quarter;
- (c) in respect of tourist or guest accommodation, £5.50 per quarter;
- (d) in respect of other commercial buildings, £5.50 per quarter;
- (e) in respect of agricultural buildings, including hay barns, £ 5.50 per quarter;
- (f) in respect of open land, £ Nil per quarter.

(2) If a designation has been assigned to any land, building or part thereof in the Cadastre in accordance with the General Provisions Ordinance, that designation determines the classification of that land, building or part thereof for the purposes of this section.

General rate of personal capital tax for 2005.

3. Subject to sections 4 and 5 of this Ordinance, the rate of personal capital tax for 2005 payable by an individual who does not make an election in accordance with section 8 (2) (b) or 8 (2) (c) of the Law is 0.265% per pound of that individual's net capital assets.

Minimum and maximum personal capital tax.

4. (1) The minimum personal capital tax payable by an individual for 2005 is, subject to section 5 of this Ordinance and section 10 of the General Provisions Ordinance, £150.

(2) The maximum personal capital tax payable by an individual for 2005 is £ 3,500.

Age and infirmity relief.

5. (1) This section applies to an individual who -

(a) is aged 69 years or above on 31st December 2004, or

(b) on 1st January 2005 holds a certificate stating that in the opinion of the Sark Medical Officer of Health he is permanently unfit to undertake gainful employment.

(2) An individual to whom this section applies is not liable to pay any personal capital tax for 2005 if the value of his net capital assets is £60,000 or less.

(3) An individual to whom this section applies and the value of whose net capital assets exceeds £60,000 but is less than £150,000, is liable, subject to section 10 of the General Provisions Ordinance, to pay only the minimum personal capital tax for 2005.

“Forfait” factor.

6. For the purpose of making the calculation required in the case of a person who makes an election in accordance with section 8 (2) (b) of the Law, the factor prescribed for 2005 is a factor of 3.

Deferred and instalment payments.

7. Notwithstanding section 13 (2) of the Law, an individual may elect in writing, at the same time as delivering to the Assessor his own declaration and calculation of the direct tax(es) which he is liable to pay, or within 14 days of service upon him of an assessment under section 14 of the Law, to pay his property tax and/or personal capital tax for 2005 –

- (a) in one lump sum, and less a discount of 2.5%, on or before 28th January 2005;
- (b) by four equal ~~banker's standing order payments~~, on or before 28th January, 28th April, 28th July and 28th October 2005; or
- (c) by not more than nine equal monthly banker's standing order payments, commencing on or before 28th January 2005;

provided, in the case of instalment payments, that no such payment is less than £22.50.

Interpretation and construction.

8. (1) In this Ordinance:

“2005” means the financial year ending on 31st December 2005;

“employment” includes self-employment;

“the Law” means the Direct Taxes (Sark) Law, 2002;

“the General Provisions Ordinance” means the Direct Taxes (General Provisions) (Sark) Ordinance, 2003;

and other words and expressions used in this Ordinance have the same meanings as they have in the Law.

(2) This Ordinance, the General Provisions Ordinance and the Law are to be construed as one.

Ordinance Repealed

9. The Ordinance entitled the Direct Taxes for 2005 (Sark) Ordinance, 2004, approved by Chief Pleas at their Michalmas Meeting on 6 October 2004 is hereby repealed.

Citation.

10. This Ordinance may be cited as the Direct Taxes for 2005 (Sark) (No. 2) Ordinance, 2004.