

# ORDER IN COUNCIL

ratifying a Projet de Loi

**IX**  
**1984**

ENTITLED

## **The Income Tax (Amendment) (Guernsey) Law, 1984**

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(Registered on the Records of the Island of Guernsey  
on the 3rd day of April, 1984.)

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1984.

# ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 3rd day of April, 1984 before Graham Martyn Dorey, Esquire, Deputy Bailiff; present:— Albert Richard McCartney Straw, Esquire, Lionel Walter Sarre, Esquire, M.B.E., K.P.M., Sydney Haydn Heard, Esquire, M.B.E., Brian Ernest Herbert Joy, Esquire, Charles Henry Hodder, Esquire, O.B.E., Harry Wilson Bisson, Herbert Nicolle Machon, James de Sausmarez Carey, Geoffrey Ernest Le Page and Stanley Walter John Jehan, Esquires, Jurats.*

The Deputy Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 14th day of March, 1984, ratifying a *Projet de Loi* of the States of Guernsey entitled "The Income Tax (Amendment) (Guernsey) Law, 1984", the Court, after the reading of the said Order in Council and after having heard Her Majesty's Procureur thereon, ordered that the said Order in Council be registered on the records of this Island of which Order in Council the tenor followeth:—

# At the Court at Buckingham Palace

The 14th day of March 1984

PRESENT,

## The Queen's Most Excellent Majesty in Council

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey dated the 13th day of February 1984 in the words following, viz.:—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 22nd day of February 1952, to refer unto this Committee the humble Petition of the States of the Island of Guernsey setting forth:—

‘ 1. That in pursuance of their Resolution of the 28th day of July 1983 the States of Deliberation at a meeting held on the 28th day of September 1983 approved a Bill or “Projet de Loi” entitled “The Income Tax (Amendment) (Guernsey) Law, 1984” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the said Bill or “Projet de Loi” is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or “Projet de Loi” of the States of Guernsey entitled “The Income Tax (Amendment) (Guernsey) Law, 1984”, and to order that the same shall have force of law in the Islands of Guernsey and Herm.’

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, have taken the said Petition and the said Projet de Loi into consideration and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said Projet de Loi.”

HER MAJESTY having taken the said Report into consideration is pleased, by and with the advice of Her Privy Council, to approve of and ratify the said Projet de Loi, and to order, as it is hereby ordered, that the same shall have the force of Law within the Islands of Guernsey and Herm.

AND HER MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed), be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant Governor and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty’s Officers for the time being in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

*N. E. Leigh.*



# PROJET DE LOI

ENTITLED

## **The Income Tax (Amendment) (Guernsey) Law, 1984**

THE STATES, in pursuance of their two Resolutions of the twenty-eighth day of July nineteen hundred and eighty three, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Islands of Guernsey and Herm.

1. The Income Tax (Guernsey) Law, 1975(a), as amended (b), is hereby further amended as follows:—

**Amend-  
ments to the  
Law of 1975.**

(a) in the Arrangement of Sections thereto—

(i) immediately after the heading "PART III" the word "EXEMPTIONS" is deleted and the following words are substituted therefor:—

**"EXEMPTIONS AND ANNUAL FEES PAYABLE BY CERTAIN EXEMPTED COMPANIES AND TRUSTS";**

(ii) there are inserted immediately after the entry relating to section forty thereof, the following entries:—

**"40A. Exemption of certain companies and trusts.**

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(a) Ordres en Conseil Vol. XXV, p. 124.

(b) Ordres en Conseil Vol. XXVI, pp. 146, 200 and 292; No. IV of 1979; No. VII of 1979; No. II of 1980; No. VIII of 1981; No. XI of 1982; No.....of 1983.

40B. Levy of annual fee upon certain exempted companies and trusts.”;

(b) immediately after the heading “PART III” the word “EXEMPTIONS” is deleted and the words “EXEMPTIONS AND ANNUAL FEES PAYABLE BY CERTAIN EXEMPTED COMPANIES AND TRUSTS” are substituted therefore;

(c) immediately after section forty thereof there are inserted the following sections numbered “40A” and “40B” :—

“Exemption of certain companies and trusts. 40A. (1) The States may, from time to time, by Ordinance provide:—

(a) that a company or trust which complies with the conditions prescribed therein may be eligible for exemption from tax;

(b) for such incidental and supplementary matters for which the States may deem it necessary or expedient for the purposes of any such Ordinance to provide.

(2) Upon application by a company or trust which claims to be eligible for exemption from tax under the provisions of

such Ordinance, the Authority may, if it is satisfied that the company or trust is so eligible, determine that the company or trust shall be exempted from **tax**.

- (3) Where in the opinion of the Authority a company or trust which has been granted exemption from tax has ceased to comply with the provisions of such Ordinance, the Authority may, subject to the following provisions of this section, revoke such exemption.
- (4) The Authority shall not refuse an application for exemption from tax nor revoke an exemption which it has granted unless the company or trust concerned has first been given a reasonable opportunity to make representations upon the matter to the Authority.
- (5) The revocation of an exemption from tax granted by the Authority under this section shall

take effect as from the first day of January next following the date upon which notice in writing of the revocation is given by the Authority to the company or trust concerned.

- (6) Subject to the provisions of subsection (7) of this section a decision of the Authority to grant or to revoke an exemption from tax under this section shall be final.
- (7) Where the Authority refuses to grant an exemption from tax or revokes such an exemption, a person who is dissatisfied with such refusal or revocation as being erroneous in point of law may require the Authority to state and sign a case for submission to the Royal Court, in which case the provisions of section eighty of this Law shall apply, with such adaptations as may be necessary, as if such refusal or revocation were the determination of an appeal.

Levy of  
annual fee  
upon certain  
exempted  
companies  
and trusts.

40B. (1) The States may, from time to time, by Ordinance provide:—

- (a) for the levying, charging and securing the payment of an annual fee by companies or trusts which are exempted from tax in accordance with the provisions of section 40A of this Law in such sum, or according to such formula or scale of fees as may be prescribed therein, and different sums, formulae or scales of fees may be prescribed for different categories of companies or trusts or for different classes of companies or trusts within any category;
- (b) for such incidental and supplementary matters for which the States may deem it necessary or expedient for the purposes of any such Ordinance to provide.

- (2) In default of payment of such fee as is mentioned in sub-section (1) of this section, the Administrator may proceed to enforce payment as if the amount due were a **civil debt.**”;

(d) section eighty-four thereof is repealed and the following section is substituted therefor:—

“Annual Allowances.

84. (1) Subject to the provisions of this Part of this Law, where a person carries on a business in any year of charge, an allowance (hereafter in this Part of this Law referred to as an “annual allowance”) shall be made to him for that year of charge on account of the depreciation of any machinery, plant, building or glasshouse which belongs to him and is in use for the purposes of the business at the end of the basis period for that year of charge.

- (2) Where, after the thirty-first day of December, nineteen hundred and eighty, a person carries on a business in any year of

charge and incurs, for the purposes of that business, capital expenditure on the acquisition of patent rights, there shall be made to him an annual allowance in respect of that expenditure and for the purposes of the provisions of this Part of this Law such expenditure shall be deemed to be expenditure on the provision of machinery and plant.”.

2. (1) The provisions of paragraph (d) of section one of this Law shall be deemed to have come into force on the first day of January, nineteen hundred and eighty-two. Commence-  
ment.

(2) The provisions of this Law, other than the provisions of paragraph (d) of section one thereof shall—

- (a) if this Law is registered on the Records of this Island on or before the first day of January, nineteen hundred and eighty-four, come into force on that date; or
- (b) if this Law is not so registered until after the first day of January, nineteen hundred and eighty-four, be deemed to have come into force on that date.

3. (1) This Law may be cited as the Income Tax (Amendment) (Guernsey) Law, 1984. Citation and  
collective  
title.

(2) This Law and the Income Tax (Guernsey) Laws, 1975 to 1982, may be cited together as the Income Tax (Guernsey) Laws, 1975 to 1984.

K. H. TOUGH,  
Her Majesty's Greffier.