

ORDER IN COUNCIL

**XII
2010**

ratifying a Projet de Loi

ENTITLED

The Income Tax (Guernsey) (Amendment) Law, 2010

(Registered on the Records of the Island of Guernsey
on the 5th August, 2010.)



2010

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

5th day of August, 2010 before Sir Geoffrey Rowland, Bailiff; present:- Stephen Edward Francis Le Poidevin, David Osmond Le Conte, John Ferguson, Stephen Murray Jones, Peter Sean Trueman Girard, Niall David McCathie, Esquires, and Margaret Ann Spaargaren, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated 21st July, 2010, approving and ratifying a *Projet de Loi* entitled “The Income Tax (Guernsey) (Amendment) Law, 2010”, THE COURT, after the reading of the said Order in Council and after having heard Crown Advocate Robert Titterington, *Contrôle Délégué* thereon, ORDERED: -

1. That the said Order in Council be registered on the records of this Island;
and
2. That an extract of this present Act, together with a copy of the said Order in Council be sent by Her Majesty’s Greffier to the Greffier of the Court of Alderney for registration on the records of that Island.



At the Court at Buckingham Palace

THE 21st DAY OF JULY 2010

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY
IN COUNCIL

The following report from the Committee of Council for the Affairs of Jersey and Guernsey was today read at the Board:

“In accordance with Your Majesty’s General Order of Reference of 22nd February 1952 the Committee have considered a Petition of the States of Guernsey:

“That, in pursuance of their Resolution of 30th January 2009, the States of Deliberation at a meeting on 27th January 2010 approved a *Projet de Loi* entitled the Income Tax (Guernsey) (Amendment) Law, 2010 and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction to it. That the *Projet de Loi* is as set forth in the attached Schedule. The Petition most humbly prays that Your Majesty might be graciously pleased to sanction the Income Tax (Guernsey) (Amendment) Law, 2010 and to order that it shall have force of law in the Islands of Guernsey and Herm.

“The Committee have considered the *Projet de Loi* and have agreed to report that it may be advisable for Your Majesty to approve and ratify it”.

Her Majesty, having taken the report into consideration, was pleased, by and with the advice of Her Privy Council, to approve and ratify the *Projet de Loi* (a copy of which is annexed to this Order) and to order that it, together with this Order, shall have the force of law in the Islands of Guernsey and Herm and shall be entered on the Register of the Island of Guernsey and observed accordingly.

Her Majesty’s Officers in the Bailiwick of Guernsey, and all others whom it may concern, are therefore to take notice of Her Majesty’s Order and to proceed accordingly.

Judith Simpson

PROJET DE LOI

ENTITLED

The Income Tax (Guernsey) (Amendment) Law, 2010

THE STATES, in pursuance of their Resolution of the 30th January, 2009^a, 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.

Amendment of 1975 Law.

1. The Income Tax (Guernsey) Law, 1975, as amended^b, is further amended as follows.

^a Article XII of Billet d'État No. II of 2009.

^b 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, VI and XVII of 2005; No's. II and VII of 2006; No. XXI of 2007; the Income Tax (Zero 10) (Guernsey) Law, 2007; the Income Tax (Zero 10) (Guernsey) (No. 2) Law, 2007; the Charities and Non Profit Organisations (Registration) (Guernsey) Law, 2008; the Income Tax (Guernsey) (Amendment) Law, 2008; the Income Tax (Miscellaneous Provisions) (Guernsey) (Amendment) Law, 2009; the Income Tax (Zero 10, etc) (Guernsey) (Amendment) Law, 2009; and the Income Tax (Guernsey) (Amendment) Law, 2009; also amended by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII) and the Administrator of Income Tax (Guernsey) (Transfer of Functions) Ordinance, 2009.

2. In section 5F^c -

- (a) the existing text is numbered as subsection (1), and
- (b) after subsection (1), as so numbered, insert the following subsections -

"(2) Notwithstanding the provisions of subsection (1)(b), a relevant individual in respect of whom the Director of Income Tax is satisfied as to the matters set out in subsection (3) is liable, in respect of any year of charge, to pay tax only -

- (a) on his income arising or accruing in Guernsey in that year of charge, and
- (b) on any amount of income not so arising or accruing brought into or received by him in Guernsey in that year of charge; and for the purposes of this section any amount not so arising or accruing and brought into or received by him in Guernsey in that year of charge shall be presumed to be income unless he can establish otherwise to the satisfaction of the Director of Income Tax.

(3) The matters are -

^c Section 5F was inserted by the Income Tax (Guernsey) (Amendment) Law, 2009.

- (a) all the income of the relevant individual arising or accruing in Guernsey in that year of charge, other than any interest arising in Guernsey upon money deposited with a licensed institution or other person exempted from the requirement to be licensed under the provisions of the Banking Supervision (Bailiwick of Guernsey) Law, 1994 -
 - (i) is income of Class 2(1)(b), and
 - (ii) is subject to the deduction of tax under section 81A,
- (b) the sole or main purpose for the relevant individual being present in Guernsey in that year of charge is in order that he may undertake the duties of an employment, and
- (c) the relevant individual has delivered a return as to his income in accordance with section 68 on the basis of -
 - (i) his total income arising or accruing in Guernsey in that year of charge, and
 - (ii) any amount of income not so arising or accruing brought into or received by him in Guernsey in that year of charge,

which return may be delivered instead of the return required by subsection (1)(a).".

Citation.

3. This Law may be cited as the Income Tax (Guernsey) (Amendment) Law, 2010.

Commencement.

4. This Law shall have effect, by virtue of the States' resolution of the 27th January, 2010^d, under and subject to the provisions of the Taxes and Duties (Provisional Effect) (Guernsey) Law, 1992^e, in respect of any year of charge after 2009 (but subject to the transitional provisions set out in section 5I of the Income Tax (Guernsey) Law, 1975), as if it were a Law sanctioned by Her Majesty in Council and registered on the records of the Island of Guernsey.

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

^d Article I of Billet d'État No. I of 2009.

^e Order in Council No. XI of 1992.

**Copies may be purchased from
Her Majesty's Greffier, Royal Court House, Guernsey.**

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