

ORDER IN COUNCIL

VIII
1993

ratifying a Projet de Loi

ENTITLED

The Income Tax (Pension Amendments) (Guernsey) Law, 1993

(Registered on the Records of the Island of Guernsey
on the 24th August, 1993.)



1993

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 24th day of August, 1993 before Sir Graham Dorey, Kt., Bailiff; present:—Harry Wilson Bisson, Herbert Nicolle Machon, Geoffrey Ernest Le Page, Stanley Walter John Jehan, Raymond Arthur Heaume, Esquires, Mrs. Dorothy Winifred Le Pelley, Leonard Arthur Moss, John Edward Morris, Charles Anthony Spensley, Lawrence Oscar Ozanne and John Richard Rowe Henry, Esquires, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 20th July, 1993, approving and ratifying a *Projet de Loi* entitled "The Income Tax (Pension Amendments) (Guernsey) Law, 1993", 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 20th day of July 1993

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 22nd day of June 1993 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 10th day of December 1992, the States of Deliberation at a meeting held on the 31st day of March 1993, approved a Bill or “Projet de Loi” entitled “The Income Tax (Pension Amendments) (Guernsey) Law, 1993”, 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 as 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 (Pension Amendments) (Guernsey) Law, 1993”, 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, and 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. H. Nicholls

(No.VIII - 1993)

PROJET DE LOI

ENTITLED

**The Income Tax (Pension Amendments) (Guernsey) Law,
1993**

THE STATES, in pursuance of their Resolution of 10th December, 1992,(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.

Transfers between approved retirement annuity schemes and UK pension schemes

1. (1) In section 153(6) of the Law, for item (ii) of the proviso there is substituted:

"(ii) a "personal pension scheme" approved by the Commissioners of Inland Revenue under section 631 of the Income and Corporation Taxes Act 1988; or".

(2) Immediately after the words in section 157B(1)(e) of the Law(b) there is inserted:

"; or

(f) an "exempt approved scheme" as defined by section 592(1) of the Income and Corporation Taxes Act 1988".

(a) on Article 8 of Billet d'État No. XXIV of 1992.

(b) Section 157B and C were inserted by the Income Tax (Pension Amendments) (Guernsey) Law, 1991 (Order in Council No. IV of 1991).

(3) Immediately after the words in section 157C(1)(c) of the Law(b) there is inserted:

"; or

(d) an "exempt approved scheme" as defined by section 592(1) of the Income and Corporation Taxes Act 1988".

(4) Immediately after section 157C(3) of the Law there is inserted:

"Provided that the payment shall be exempt from tax if the Administrator is satisfied that the scheme into which it is made falls within proviso (i), (ii) or (iii) to section 153(6) of this Law."

Public Servants and States Members: Approved retirement annuity schemes

2. (1) For paragraph (b) of section 157A(9) of the Law(c) there is substituted:

"(b) the expression "pensionable office or employment" means an office or employment if, and only if, service in it is service which is taken into account for the purposes of providing for an individual retirement or other benefits payable on or after his retirement which are (disregarding any provision of regulations permitting augmentation of benefits which are in

(c) Section 157A was inserted by the Income Tax (Amendment) (Guernsey) Law, 1983 (Ordres en Conseil Vol. XXVIII, p.278).

payment or deferred) the maximum benefits which may be provided by a pension scheme approved under section 150 of this Law:

(i) by a pension scheme approved under that section, or

(ii) by a States' scheme; or

(iii) by a statutory scheme."

(2) Immediately after paragraph (b) of section 157B(1) of the Law there is inserted:

"(bA) a States' scheme; or

(bB) a statutory scheme; or".

(3) In section 158 of the Law, the following definitions are inserted immediately after the definition of "service":

" **"States' scheme"** means any scheme established by Resolution of the States for the purpose of providing pensions or other benefits for employees or members of the States when they retire, or for their spouses, children, dependants or legal personal representatives when they die;

"statutory scheme" has the meaning assigned by section 612(1) of the Income and Corporation Taxes Act 1988;"

Minor and consequential amendments

3. (1) In section 150(2)(1) of the Law, for "service" there is substituted "membership of the scheme".

(2) In the Income Tax (Pension Amendments) (Guernsey) Law, 1991(d):

(a) section 1(2) is repealed;

(b) paragraphs (b) and (c) of section 2(3) are repealed.

Interpretation

4. In this Law "the Law" means the Income Tax (Guernsey) Law, 1975, as amended (e).

Citation

5. This Law may be cited as the Income Tax (Pension Amendments) (Guernsey) Law, 1993.

(d) Order in Council No. IV of 1991.

(e) 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; Nos. XIV and XXIII of 1989; No. XXVI of 1990; No. IV of 1991; No.VI of 1992.