

ORDER IN COUNCIL

VI
2001

ratifying a Projet de Loi

ENTITLED

The Income Tax (States Trading Companies and Public Servants' Pension Scheme) (Guernsey) Law, 2001

(Registered on the Records of the Island of Guernsey
on the 1st May, 2001.)



2001

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 1st day of May, 2001 before Andrew Christopher King Day, Esquire, Deputy Bailiff; present:– David Charles Lowe, Esquire, Mrs. Eileen May Glass, Derek Martin Le Page, Stephen Edward Francis Le Poidevin, Alan Cecil Bisson, David Michael Jory, Esquires, The Reverend Peter Gerald Lane, Michael John Wilson, Michael Henry De La Mare, and Michael John Tanguy, Esquires, Jurats.

The Deputy Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 11th day of April, 2001, approving and ratifying a *Projet de Loi* entitled “The Income Tax (States Trading Companies and Public Servants’ Pensions Scheme) (Guernsey) Law, 2001”, THE COURT, after the reading of the said Order in Council and after having heard Her Majesty’s Comptroller 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 Clerk of the Court of Alderney for registration on the records of that Island, of which Order in Council the tenor followeth:–

At the Court at Windsor Castle

The 11th day of April, 2001

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 4th day of April 2001 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 16th day of March 2000, the States of Deliberation at a meeting held on the 31st day of January 2001 approved a Bill or “Projet de Loi” entitled “The Income Tax (States Trading Companies and Public Servants’ Pension Scheme) (Guernsey) Law, 2001”, 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 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 (States Trading Companies and Public Servants’ Pension Scheme) (Guernsey) Law, 2001”, 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.

A. K. Galloway

PROJET DE LOI

ENTITLED

The Income Tax (States Trading Companies and Public Servants' Pension Scheme) (Guernsey) Law, 2001

THE STATES, in pursuance of their resolution of the 16th day of March, 2000^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.

Application of Income Tax Law to States trading companies and Public Servants' Pension Scheme.

1. (1) For section 40(l) of the Income Tax (Guernsey) Law, 1975, as amended^b, substitute the following paragraph -

"(l) the income of -

- (i) any fund or trading department administered by or on behalf of the States, but excluding the income of a States trading company;

^a Article III of Billet d'État No. VIII of 2000.

^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; Nos. IV and VIII of 1993; No. XXV of 1994; Nos. III and VII of 1995; No. V of 1996; Nos. IV and XXII of 1997; No. II of 1999; and No. IV of 2000.

(ii) the Public Servants' Pension Scheme; or

(iii) any parish or parochial institution;".

(2) After section 150(4) of the Income Tax (Guernsey) Law, 1975, as amended^c, insert the following subsection -

"(5) The Public Servants' Pension Scheme shall be deemed to be an approved scheme for the purposes of this Part of this Law.".

(3) In section 209(1) of the Income Tax (Guernsey) Law, 1975, as amended -

(a) after the definition of the expression "personal representative" insert the following definition-

"Public Servants' Pension Scheme" means the scheme of that name established and maintained under the States of Guernsey (Public Servants) (Pensions and other Benefits) Rules, 1972 to 1999, as from time to time amended, re-enacted (with or without modification), extended or applied;";

(b) after the definition of the expression "States" insert the following definition-

^c Subsection (4) was inserted by No. IV of 1991.

"States trading company" means a company for the time being designated by Ordinance under section 1 of the States Trading Companies (Bailiwick of Guernsey) Law, 2001;"

Citation.

2. This Law may be cited as the Income Tax (States Trading Companies and Public Servants' Pension Scheme) (Guernsey) Law, 2001.

Commencement.

3. This Law shall come into force on the day appointed by Ordinance of the States; and different days may be appointed for different provisions.