
STATUTORY INSTRUMENTS

1994 No. 3209

INCOME TAX

**The Double Taxation Relief (Taxes
on Income) (Guernsey) Order 1994**

Made - - - - 14th December 1994

Whereas a draft of this Order was laid before the House of Commons in accordance with the provisions of section 788(10) of the Income and Corporation Taxes Act 1988⁽¹⁾, and an Address has been presented to Her Majesty by that House praying that an Order may be made in the terms of that draft:

Now, therefore, Her Majesty, in exercise of the powers conferred upon Her by section 788 of the said Act, and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Double Taxation Relief (Taxes on Income) (Guernsey) Order 1994.
2. It is hereby declared—
 - (a) that the arrangements specified in the Arrangement set out in the Schedule to this Order, which vary the arrangements set out in the Schedule to the Double Taxation Relief (Taxes on Income) (Guernsey) Order 1952⁽²⁾, have been made with the States of Guernsey with a view to affording relief from double taxation in relation to income tax or corporation tax and taxes of a similar character imposed by the laws of Guernsey; and
 - (b) that it is expedient that those arrangements have effect.

R. P. Bulling
Deputy Clerk of the Privy Council

(1) 1988 c. 1: section 788 is extended by section 277 of the Taxation of Chargeable Gains Act 1992 (c. 12).
(2) S.I.1952/1215.

SCHEDULE

ARRANGEMENT BETWEEN HER MAJESTY'S GOVERNMENT AND THE STATES OF GUERNSEY AMENDING THE 1952 ARRANGEMENT BETWEEN THE TWO GOVERNMENTS FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION WITH RESPECT TO TAXES ON INCOME

1. After paragraph 9 of the 1952 Arrangement there shall be inserted the following new paragraph:

“**9A.** Notwithstanding the preceding provisions of this Arrangement, any person who is assessed in accordance with, or is exempt from assessment by virtue of, the provisions of—

- (a) The Income Tax (Exempt Bodies) (Guernsey) Ordinances, 1989 and 1992, or
- (b) The Income Tax (International Bodies) (Guernsey) Law, 1993,

in respect of any income or profits shall not be entitled under this Arrangement to any relief or exemption from United Kingdom tax which is computed by reference to that income or those profits, unless that person is assessed under those provisions on the whole of that income or those profits at a rate which is not less than the standard rate under section 36 of the Income Tax (Guernsey) Law, 1975, as amended.”.

2.—(1) Each of the parties to this Arrangement shall notify to the other the completion of the procedures required by law for the bringing into force of this Arrangement.

(2) This Arrangement shall enter into force on the date of the receipt of the later of those notifications and shall thereupon have effect in the United Kingdom in relation to income and profits arising on and after that date.

EXPLANATORY NOTE

(This note is not part of the Order)

The Arrangement scheduled to this Order amends the Arrangement between the United Kingdom and the States of Guernsey which is scheduled to the Double Taxation Relief (Taxes on Income) (Guernsey) Order 1952.

The effect of the amendment is to make relief or exemption from United Kingdom tax under the 1952 Arrangement dependent on a person who is entitled to the benefit of certain special provisions of Guernsey law being assessed under those provisions on the whole of his income at the standard rate of tax in force in Guernsey at the relevant time.

The Arrangement will have effect in respect of income or profits arising on or after the date on which the Arrangement enters into force. The date of entry into force will in due course be published in the *London, Edinburgh and Belfast Gazettes*.