

Island of



Guernsey

Ordinance of the States

XXI
2013

Made 20th May, 2013

Laid before the States 30th July, 2013

The Foreign Tax (Retention Arrangements) (Guernsey and Alderney) (Amendment) Ordinance, 2013

The Foreign Tax (Retention Arrangements) (Guernsey and Alderney) (Amendment) Ordinance, 2013

THE STATES LEGISLATION SELECT COMMITTEE, in exercise of the powers conferred on the States by sections 1 to 5 of the Foreign Tax (Retention Arrangements) (Guernsey & Alderney) Law, 2004^a and on the Committee by Article 66(3) of the Reform (Guernsey) Law, 1948^b and all other powers enabling the States in that behalf, hereby orders:-

Approved international agreement with Croatia.

1. The agreement on the taxation of savings income made between Guernsey and Croatia in 2013 -

- (a) is approved for the purposes of the Foreign Tax (Retention Arrangements) (Guernsey & Alderney) Law, 2004, and
- (b) is an approved international agreement for the purposes of the Foreign Tax (Retention Arrangements) (Guernsey and Alderney) Ordinance, 2005, as amended.

Amendment of 2004 Law.

2. In the Foreign Tax (Retention Arrangements) (Guernsey & Alderney) Law, 2004 -

- (a) in section 1(1) after "In this Law "**retention tax**" means"

^a Order in Council No. VIII of 2005.

^b Ordres en Conseil Vol. XIII, p. 288 (there are amendments not material to this Ordinance).

insert ", subject to subsection (1A)",

- (b) after section 1(1) insert the following subsection -

"(1A) "Retention tax" includes, in the expression "in relation to retention tax" and related expressions, other matters dealt with by Council Directive 2003/48/EC of 3 June 2003 on the taxation of savings income in the form of interest payments^c (including, without limitation, the provisions thereof relating to information reporting and the exchange of information).",

- (c) in section 1(3)(b) the words "whether as an alternative to the retaining by deduction of retention tax or otherwise" are repealed, and

- (d) in section 4(1) for the definition of "retention tax" substitute -

"**"retention tax"** and "**in relation to retention tax**" (and related expressions) shall be construed in accordance with section 1,".

Amendment of 2005 Ordinance.

3. In the Foreign Tax (Retention Arrangements) (Guernsey and Alderney) Ordinance, 2005, as amended^d -

^c OJ L 157, 26.6.2003, p. 38.

^d Recueil d'Ordonnances Tome XXX, p. 31; Tome XXXI, p. 675; Tome XXXIII, p. 472; and Ordinance No. III of 2011.

- (a) in section 2(1) the expression ", entered into for the purpose of applying the retention tax in the transitional period," is repealed,
- (b) in the heading to section 6 for "retention tax" substitute "taxation of savings income",
- (c) sections 12(1)(b)(ii) and 12(2)(b)(ii) are repealed, and
- (d) in the table in Schedule 1 ("countries with which approved international agreements are made") add the following entry at the appropriate place -

Croatia	2013
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Amendment of 2006 Ordinance.

4. In section 1(2) of the Foreign Tax (Retention Arrangements) (Guernsey and Alderney) Ordinance, 2006^e the expression ", entered into for the purpose of applying the retention tax in the transitional period," is repealed.

Citation.

5. This Ordinance may be cited as the Foreign Tax (Retention Arrangements) (Guernsey and Alderney) (Amendment) Ordinance, 2013.

Commencement of Ordinance.

6. This Ordinance shall come into force on -

^e Recueil d'Ordonnances Tome XXXI, p. 675.

- (a) the 1st July, 2013, or
- (b) the date on which the agreement on the taxation of savings income between Guernsey and Croatia is made,

whichever is the later.

J. TORODE,
Her Majesty's Greffier.

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