

ORDER IN COUNCIL

I
1949

Ratifying a Projet de Loi entitled

**“Loi de 1948 portant amendement à
la Loi ayant rapport à la Taxe sur le
Revenu de 1920 ”.**

(Registered on the Records of the Island of Guernsey
on the 13th day of January, 1949.)



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1949.

ORDER IN COUNCIL.



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 13th day of January, 1949, before Ambrose James Sherwill, Esquire, C.B.E., M.C., Bailiff; present: Osmond Priaulx Gallienne, Esquire, Ernest de Garis, Esquire, O.B.E., Sir John Leale, Knight, Arthur Falla, Pierre de Putron, Quartier Le Pelley, Walter John Sarre, Esquires, Richard Henry Johns, Esquire, O.B.E., William Robert Freaake Clarke, Walter John Gavey and Ernest Francis Lainé, Esquires, Jurats.

The Bailiff having this day placed before the Court an Order of His Majesty in Council dated the 22nd day of December, 1948, ratifying a *Projet de Loi* entitled "*Loi de 1948 portant amendement à la Loi ayant rapport à la Taxe sur le Revenu de 1920*",—the Court, after the reading of the said Order in Council and after having heard His Majesty's Comptroller thereon, ordered that the said Order in Council be registered on the records of the Island of Guernsey, of which Order in Council the tenor followeth:—

At the Court at Buckingham Palace,

The 22nd day of December, 1948.

Present,

The King's Most Excellent Majesty.

LORD PRESIDENT.
EARL OF LISTOWEL.
MR. SECRETARY HENDERSON.
MR. ALEXANDER.

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 10th day of December, 1948, in the words following, viz. :—

“ YOUR MAJESTY having been pleased, by Your General Order of Reference of the 18th day of December, 1936, 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 21st day of April, 1948, the States of Deliberation at a meeting held on the 22nd day of September, 1948, approved a Bill or “ *Projet de Loi* ” entitled “ *Loi de 1948 portant amendement à la Loi ayant rapport à la Taxe sur le Revenu de 1920* ” 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 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 “ *Loi de 1948 portant amendement à la Loi ayant rapport à la Taxe sur le Revenu de 1920,* ” and to order and direct 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.*”

HIS MAJESTY having taken the said Report into consideration is pleased, by and with the advice of His Privy Council, to approve of and ratify the said Projet de Loi, and to order, as it is hereby ordered, that the same shall have the force of Law within the Islands of Guernsey and Herm.

AND HIS 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 His 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.

E. C. E. Leadbitter.

" **Projet de Loi** " referred to in the foregoing
Order in Council.

PROJET DE LOI

ENTITLED

" **Loi de 1948 portant amendement à la Loi
ayant rapport à la Taxe sur le Revenu de
1920.** "

LES ETATS, vu leur Délibération en date du 21 avril, 1948, ont approuvé les dispositions suivantes, lesquelles, moyennant la Sanction de Sa Très Excellente Majesté en Conseil, auront force de loi en cette Ile et en l'Ile de Herm :—

1. Articles 17 and 18 of the Loi ayant rapport à la Taxe sur le Revenu, registered on the Records of this Island on the 10th day of January, 1920, are hereby repealed, and the following Articles are substituted therefor :—

ARTICLE 17.

Commencements.

The assessable income from a business, trade, profession or vocation carried on in Guernsey or deemed to be carried on in Guernsey for the year of assessment in which the business, trade, profession or vocation is commenced or is commenced to be so carried on, or the assessable income from any other source for the year of assessment in which the income first arises to a taxpayer and for the two following years of assessment, which years of assessment are in this article respectively rereferred to as " the first year ", " the second year " and the " third year " shall be computed in accordance with the following provisions :—

(a) Business, Trade, Profession or Vocation.

- (i) The basis of assessment for the first year shall be the actual profits arising within the year of assessment.
- (ii) The basis of assessment for the second year shall be the profits for twelve months from the date of commencement of the business.

- (iii) The basis of assessment for the third years shall be the profits of twelve months up to the end of the trading year ending in the year preceding the year of assessment but where the trading period or periods preceding the year of assessment constitutes a period or periods of less than twelve months or where no trading period ends in the first or second years of assessment the basis for the third year of assessment shall be the profits of twelve months preceding the year of assessment.
 - (iv) At any time within two years after the end of the second year the taxpayer may, by notice in writing under his hand given to the Administrator of Income Tax, elect to have the assessments of both the second and the third years but not of one or other only of those years, based on the profits of those years. A taxpayer may further, at any time within twelve months after the end of the third year, in the like manner revoke the notice so given, in which case his assessable income for both the second and the third years shall be computed as if the first notice had never been given.
- (b) Other Classes of Income.
- (i) The basis of assessment for the first year shall be the actual income of the year of assessment.
 - (ii) The basis of assessment for the second year shall be the actual income of the second year.
 - (iii) The basis of assessment of the third year shall be the income of the year preceding the year of assessment.
 - (iv) The taxpayer may claim within twelve months from the end of the third year that the assessment for the year be reduced to the actual income thereof.

- (v) Where in any year of assessment a new source, or an addition to an existing source, of income is acquired by any taxpayer the income attributable to that source or to the addition, as the case may be, shall for the purposes of this article be treated as income which first arose to that taxpayer in that year.

ARTICLE 18.

Cessations.

- (a) Where in any year of assessment a business, trade, profession or vocation carried on in Guernsey, or deemed to be carried on in Guernsey, permanently ceases to be carried on or to be so carried on or the income from any other source permanently ceases to be the income of the taxpayer the basis of assessment for the said year of assessment shall be the profits or income from the first day of the year of assessment to the date of cessation.
- (b) The Administrator of Income Tax shall be entitled to make an additional assessment for the penultimate year of assessment so as to increase the assessment for that year to the actual amount of the profit or income thereof.
- (c) Where in any year of assessment any taxpayer ceases to possess any source, or part of any source, of income, the income from that source or attributable to that part shall for the purpose of this article be treated as income which permanently ceased to be income of that taxpayer in that year.

ARTICLE 18A.

Apportionments.

Where it is necessary, in order to arrive at the assessable profits or losses of any year of assessment, to divide and apportion to specific periods the profits or

losses for any period for which accounts have been made up, or to aggregate any such profits or losses or any apportioned parts thereof, it shall be lawful to make such a division and apportionment or aggregation, and any apportionment under this Article shall be made in proportion to the number of months or fractions of months in the respective periods."

2. The repeals effected by this Law shall not—
 - (a) affect the previous operation of the provisions repealed or anything duly done or suffered thereunder ; or
 - (b) affect any right, privilege, obligation or liability acquired, accrued or incurred thereunder ; or
 - (c) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation or liability as aforesaid ;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced as if such repeals had not been effected.

3. This Law shall be deemed to have come into operation on the 1st day of January, 1948.

4. This Law shall be construed together with the Income Tax Laws, 1920 to 1946, and may be cited as the Income Tax Law, 1948, and this Law and the Income Tax Laws, 1920 to 1946, may be cited together as the Income Tax Laws, 1920 to 1948.

JAMES E. LE PAGE,
H.M. Greffier.