

ORDER IN COUNCIL

XX
1947

Ratifying a Projet de Loi entitled

“War Profits Levy (Guernsey) (Amendment) Law, 1947”.

(Registered on the Records of the Island of Guernsey
the 30th August 1947).



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1947.

ORDER IN COUNCIL.



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 30th August, 1947, before Sir Abraham James Lainé, K.C.I.E., Lieutenant 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., and William Robert Freake Clark, Esquire, Jurats.

The Lieutenant Bailiff having this day placed before the Court an Order of His Majesty in Council dated August 8th, 1947, ratifying a *Projet de Loi* entitled "War Profits Levy (Guernsey) (Amendment) Law, 1947", The Court, after the reading of the said Order in Council and after having heard His Majesty's Procureur, 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 8th day of August, 1947.

Present,

The King's Most Excellent Majesty

MR. ALEXANDER.
MR. GREENWOOD.
MR. TOM WILLIAMS.
MR. HENDERSON.

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the 30th AUGUST, 1947.

Committee of Council for the Affairs of Guernsey and Jersey, dated the 29th day of July, 1947, 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 on the 14th day of April, 1947, the Royal Court adopted a Bill or “ *Projet de Loi* ” entitled “ War Profits Levy (Guernsey) (Amendment) Law, 1947,” and requested the Bailiff to submit the same to the States of Deliberation for approval : 2.—That on the 7th day of May, 1947, the said Bill or “ *Projet de Loi* ” was duly considered by the States, when a resolution was passed approving the same with one slight amendment and authorising the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto : 3.—That the said Bill or “ *Projet de Loi* ” in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty would be graciously pleased to grant Your Royal Sanction to the Bill or “ *Projet de Loi* ” of the States of Guernsey entitled “ War Profits Levy (Guernsey) (Amendment) Law, 1947,” and to order and direct that the same shall have force of law in the Island of Guernsey.’

“ 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 Island of Guernsey.

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 or 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

"War Profits Levy (Guernsey) (Amendment) Law, 1947".

THE STATES have approved the following provisions which, subject to the Sanction of His Most Excellent Majesty in Council, shall have force of law in this Island :—

Arrangement of Articles.

Article.

1. Interpretation.
2. Repeal of part of the principal law.
3. Revised provisions as to computation of profits.
4. Refunds.
5. Short Title.

ARTICLE I.

INTERPRETATION.

In this law unless the context otherwise requires "principal law" means the War Profits Levy (Guernsey) Law, 1946.

ARTICLE 2.

REPEAL OF PART OF THE PRINCIPAL LAW.

Paragraph (1) of Article 8 of the principal law is hereby repealed.

ARTICLE 3.

REVISED PROVISIONS AS TO
COMPUTATION OF PROFITS.

The following paragraph numbered (1) shall henceforth form part of Article 8 of the principal law :—

“(1) For the purposes of Articles 6 and 7, the profits arising from a business in the standard period or the chargeable accounting period shall be separately computed and shall be so computed on income tax principles as adapted in accordance with the provisions of Part I of the First Schedule to the principal law ;

PROVIDED that where the standard period or the chargeable accounting period is not an accounting period, the profits or losses of the business for any accounting period wholly or partly included within the standard period or the chargeable accounting period shall be so computed as aforesaid and such division and apportionment of those profits or losses and such aggregation of those profits or losses, or any apportioned part thereof, shall be made as appears necessary to arrive at the profits arising in the standard period or chargeable accounting period ; and any such apportionment shall be made in proportion to the number of months or fractions of months in the respective periods, unless the Administrator, having regard to any special circumstances, otherwise directs.

PROVIDED ALSO that if it can be shown to the satisfaction of the Administrator, or on appeal the Income Tax Authority, that the profits of a business earned or accrued in the

period beginning on the eighth day of May, 1945 and ending on the thirtieth day of June, 1945, are proportionately greater than the profits earned or accrued in that portion of the chargeable accounting period prior to the eighth day of May, 1945 during which the business has been carried on by a person chargeable to the Levy then the profits of the chargeable accounting period, as computed in accordance with the provisions of this law, shall be reduced by an amount equal to the sum by which the profits of the period beginning on the eighth day of May, 1945 and ending on the thirtieth day of June, 1945 are proportionately greater than the profits earned or accrued in the said portion of the chargeable accounting period prior to the eighth day of May, 1945.

For the purpose of this paragraph 'income tax principles', in relation to a business, means the principles on which the profits arising from the business are computed for the purposes of income tax ''.

ARTICLE 4.

REFUNDS.

Notwithstanding the provisions of Article 32 (3) of the principal law a person chargeable to the Levy who may become entitled to a refund of the Levy by virtue of any of the provisions of this Law may claim the said refund at any time within one year next following the date of the notice of assessment to the Levy or the determination of an appeal against the same, or within one month next following the date on which this law is registered, whichever is the later.

ARTICLE 5.

SHORT TITLE.

1. This Law may be cited as the War Profits Levy (Guernsey) (Amendment) Law, 1947.
2. This Law shall be construed as one with the principal law and the principal law and this law may be cited together as the War Profits Levy (Guernsey) Laws, 1946 and 1947.

PETER J. MAUGER,
H.M. Greffier.