

I.  
1936

# ORDRE EN CONSEIL

Ratifiant un Projet de Loi intitulé

## Loi instituant une Taxe dite "Corporation Tax."

(Enregistré sur les Records de l'Île de Guernesey le  
4 janvier 1936.)



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1936.

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A LA COUR ROYALE DE L'ILE DE GUERNESEY.

*Le 4 janvier 1936, pardevant Victor Gosselin Carey, écuyer, Baillif; présents: William de Prélaz Crousaz, Jean Allès Simon, John Roussel, Osmond Priaulx Gallienne, Geoffrey Alfred Carey, Ernest de Garis, Jean Nicolas Robin, Cyril de Pultron, Aylmer Mackworth Drake et John Leale, écuyers, Jurés.*

Monsieur le Baillif ayant ce jour communiqué à la Cour un Ordre de Sa Majesté en Conseil en date du 20 décembre 1935, ratifiant un Projet de Loi intitulé "Loi instituant une Taxe dite 'Corporation Tax'." La Cour, après avoir eu lecture du dit Ordre, ouïes les conclusions des Officiers du Roi, a ordonné que le dit Ordre en Conseil sera enregistré sur les Records de cette Ile, duquel Ordre la teneur suit :—

**At the Court at Buckingham Palace,**  
The 20th day of December, 1935.

**Present,**

**The King's Most Excellent Majesty**

LORD PRESIDENT  
LORD COLEBROOKE

SIR LANGLLOT SANDERSON  
SIR KINGSLEY WOOD

**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 6th day of December, 1935, in the words following, viz. :—

**"Your Majesty** having been pleased by Your General Order of Reference of the 10th day of May, 1910, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth :—

**LE 4 JANVIER 1936,**

' 1. That on the 24th day of April, 1935, the States of Deliberation, on the recommendation of their Finance Committee, decided to levy a Corporation Tax of £50 per annum, irrespective of the capital of the Company, on all Companies which are registered in Guernsey but which, by reason of their being controlled from a place outside Guernsey do not and are not liable to pay local Income Tax; and the Royal Court was requested to prepare a Bill or Projet de Loi in order to give effect to the decision of the States in the matter. 2. That in accordance with the aforesaid decision of the States, the Royal Court on the 24th day of August 1935 adopted a Bill or Projet de Loi intituled "Loi instituant une Taxe dite 'Corporation Tax'," and requested the Bailiff to submit the same to the States for approval. 3. That at an adjourned sitting of the States held on the 4th day of October, 1935, the said Bill or Projet de Loi was duly considered, when a resolution was passed approving the same with certain modifications and authorising the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 4. That the said Bill or Projet de Loi is in the words and figures set forth in the Schedule annexed to the Petition. 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 intituled "Loi instituant une Taxe dite 'Corporation Tax'," and to order and direct that the same shall have force of Law within 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.

M. P. A. HANKEY.

LOI referred to in the foregoing Order.

PROJET DE LOI

INTITULÉ

LOI INSTITUANT UNE TAXE DITE  
" CORPORATION TAX ".

Les Etats ont approuvé les dispositions suivantes rédigées en anglais, lesquelles moyennant la Sanction de Sa Très Excellente Majesté en Conseil, auront force de Loi en cette Ile.

1.—There is hereby instituted a States Tax hereinafter called " Corporation Tax ".

2.—Subject to the provisions of Section 4 of this Law, on and after the first day of January One thousand nine hundred and thirty-six every limited liability company (" Société anonyme ou à responsabilité limitée ") registered in the Island of Guernsey whether before or after the date of the commencement of this Law shall be liable to pay Corporation Tax.

3.—(a) The amount of Corporation Tax leviable in any calendar year in the case of a Company incorporated before the commencement of that year shall be the sum of Fifty Pounds to be paid by the 31st day of January of that year by means of a States of Guernsey Revenue stamp impressed upon the Annual Return (" Liste Annuelle ") required by Article LXV of the Law entitled " Loi relative aux Sociétés Anonymes ou à Responsabilité Limitée " sanctioned by Order of His Majesty in Council registered on the Records of this Island on the 21st day of March 1908 and hereinafter called " The Guernsey Companies Law, 1908 " or under any Law amending or superseding the same to be forwarded to His Majesty's Greffier (hereinafter referred to as " the Greffier ") during the month of January of each year.

(b) The amount of Corporation Tax leviable in any calendar year in the case of a Company incor-

porated during that year shall be the product of the multiplication of one-twelfth part of the sum of Fifty Pounds by the number of calendar months occurring in that year after the last day of the calendar month immediately preceding the calendar month in which that Company is incorporated and that amount shall be paid by means of a States of Guernsey Revenue Stamp impressed upon the Memorandum of Association of the Company before the registration thereof.

4.—The following Companies shall be exempt from liability to pay Corporation Tax in a particular calendar year :—

(a) Every Company incorporated before the commencement of that calendar year which delivers to the Greffier by the 31st day of January of that year a declaration in duplicate under the seal of the Company to the effect that throughout the existence of that Company in that calendar year control of that Company and of the whole of its affairs will be exercised within the Island of Guernsey :

(b) Every Company incorporated after the commencement of that calendar year which delivers to the Greffier before registration of its Memorandum of Association a declaration in duplicate signed by three at the least of the founder members who have signed the Memorandum of Association to the effect that throughout the existence of that Company during the then unexpired portion of that calendar year control of the Company and of the whole of its affairs will be exercised within the Island of Guernsey.

5.—The Greffier shall file one copy of every such declaration and shall forthwith transmit the other copy thereof to the Administrator of States Income Tax. The contents of every such declaration shall constitute irrefutable proof as between the Company by or on behalf of which the same is made and the Administrator of States Income Tax that, during the calendar year or part thereof to which such declaration has reference, control of the Company by

or on behalf of which such declaration is made and of the whole of the affairs thereof will be or has been exercised within the Island of Guernsey.

6.—It shall be the duty of the Greffier before the 1st day of March in each calendar year to forward to the States Supervisor a list containing the name of every Company which has not complied in that year with the provisions of Section 4 (a) of this Law and has failed to pay the amount of Corporation Tax leviable during that year in the case of that Company, together with the address of the registered office of that Company.

7.—Proceedings for the recovery of Corporation Tax unpaid by any Company liable to pay the same may be instituted and prosecuted by the States Supervisor and for the purposes of any such proceedings and of the provisions of the Guernsey Companies Law, 1908, the States Supervisor shall be deemed to be the creditor of the Company as regards the amount of Corporation Tax so remaining unpaid and that amount shall be deemed to be a debt owing by the Company to the States Supervisor.

8.—For the purpose of removing doubts, it is hereby declared that the meaning of the expression “une somme excédant cinquante livres sterling” contained in paragraph (a) of Section 4 of Article LXXII of The Guernsey Companies Law, 1908, is “a sum exceeding Fifty Pounds sterling in the money legally current in Guernsey at the time of the commencement of that Law and exceeding £47 12s. 6d. in the money legally current therein at the date of the commencement of this Law.

9.—Upon the production to the States Supervisor by the 31st day of March next occurring after the end of any calendar year in respect of which Corporation Tax has been paid by any Company of a certificate signed by the Administrator of States Income Tax to the effect that the Company has paid States Income Tax on the whole of its profits from every source as assessed whether provisionally or otherwise in that calendar year by the Administrator of Income Tax (who shall assess the same at the request

of any Company upon production to his satisfaction of the accounts of the Company requisite in that behalf), or to the effect that the Administrator of Income Tax is satisfied that the Company made no profits assessable in that calendar year, the Company shall be entitled to have reimbursed to it the amount of Corporation Tax paid by the Company in respect of that calendar year.

QUERTIER LE PELLEY,  
Greffier du Roi.