

ORDINANCE

OF THE STATES OF DELIBERATION

ENTITLED

The Income Tax (Exempt Bodies) **(Guernsey) Ordinance, 1989 ***

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.

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Recueil d'Ordonnances Tome XXV, p. 106; as amended by the Income Tax (Zero 10) (Guernsey) Law, 2007 (No. V of 2011); the Income Tax (Exempt Bodies: Offshore Insurers) Ordinance, 1992 (Recueil d'Ordonnances Tome XXVI, p. 41); the Income Tax (Exempt Bodies: Limited Partnerships) Ordinance, 1996 (No. VI of 1996, Recueil d'Ordonnances Tome XXVII, p. 4); the Income Tax (Exempt Bodies) (Amendment) (Guernsey) Ordinance, 1997 (No. XXXIX of 1997, Recueil d'Ordonnances Tome XXVII, p. 419); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Income Tax (Exempt Bodies) (Guernsey) (Amendment) Ordinance, 2006 (No. XXXVII of 2006, Recueil d'Ordonnances Tome XXXI, p. 616); the Administrator of Income Tax (Guernsey) (Transfer of Functions) Ordinance, 2009 (No. VII of 2009, Recueil d'Ordonnances Tome XXXIII, p. 472); the Income Tax (Exempt Bodies) (Guernsey) (Amendment) Ordinance, 2009 (No. XIX of 2009, Recueil d'Ordonnances Tome XXXIII, p. 532); the Income Tax (Exempt Bodies) (Guernsey) (Amendment) (No. 2) Ordinance, 2009 (No. XXXIV of 2009, Recueil d'Ordonnances Tome XXXIII, p. 622); the Income Tax (Exempt Bodies) (Guernsey) (Amendment) Ordinance, 2012 (No. XVII of 2012); the Income Tax (Guernsey) (Miscellaneous Amendments) Ordinance, 2014 (No. III of 2015); the Director of Income Tax (Transfer of Functions) (Guernsey) Ordinance, 2018 (No. XXVII of 2018); Income Tax (Guernsey) (Amendment) Ordinance, 2023 (No. ** of 2023). See also the Fees, Charges and Penalties (Guernsey) Law, 2007 (No. VII of 2008).

ORDINANCE
OF THE STATES OF DELIBERATION

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The Income Tax (Exempt Bodies)
(Guernsey) Ordinance, 1989

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6. Requirements to provide information.
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(Made on 13th December, 1989.)

The Income Tax (Exempt Bodies) (Guernsey) Ordinance, 1989

THE STATES, in pursuance of their Resolutions of the 15th day of December 1988 and the 26th day of July 1989 and in exercise of the powers conferred upon them by sections 40A and 40B of the Income Tax (Guernsey) Law, 1975¹, hereby order: –

Eligibility for exemption from tax.

1. [(1)] A body is exempt from tax for any year of charge on its income other than Guernsey source income, and is accordingly to be treated (whether or not its Board meetings are held in Guernsey) as not being resident in Guernsey in that year of charge, if –

- (a) it is a body of a description set out in Schedule 1, and
- (b) it applies for, and is granted, such exemption in accordance with the provisions of this Ordinance, and
- (c) it fulfils the appropriate conditions of eligibility for exemption specified in Schedule 2:
 - (i) [...] on the date with effect from which the exemption is granted,
 - (ii) ...

¹ Ordres en Conseil Vol. XXV, p. 124; Vol. XXVI, pp. 146, 200 and 292; Vol. XXVII, pp. 84, 118, 200, 333 and 565; Nos. VIII and XV of 1983; Nos. II and IX of 1984; No. XIII of 1986; Nos. XIV and XXIII of 1989.

[(1A) An exemption from tax under this Ordinance may be granted in respect of any class, description or source of the body's income.]

[(2) ...]

NOTES

In section 1,

subsection (1) was renumbered by the Income Tax (Exempt Bodies: Offshore Insurers) Ordinance, 1992, section 1(1), with effect from 1st May, 1992;

the words and letters omitted in square brackets in sub-paragraph (i) of paragraph (c) of subsection (1) were repealed, and subsection (1A) was inserted, by the Income Tax (Exempt Bodies) (Guernsey) (Amendment) Ordinance, 2012, respectively section 2 and section 3, with effect from 30th May, 2012;¹

sub-paragraph (ii) of paragraph (c) of subsection (1), and subsection (2) (which latter was previously inserted by the Income Tax (Exempt Bodies: Offshore Insurers) Ordinance, 1992, section 3, with effect from 1st May, 1992), were repealed by the Income Tax (Zero 10) (Guernsey) Law, 2007, section 58(b), with effect from 1st January, 2008.

Application for exemption.

2. (1) An application for an exemption from tax shall –
 - (a) be made to the [Director of the Revenue Service] in writing, and be in such form (if any) and signed by such person (if any) as the [Director of the Revenue Service] may from time to time determine,
 - (b) be made –
 - (i) in the case of a Guernsey company, on or before

31st March in the year of charge in respect of which it is made or, if later, within three months of the date of registration of its constitutive documents,

- (ii) in any other case, not later than three months after the first Board meeting of the body in Guernsey during the year of charge for which it is made,

[Provided that:

- (i) [...] the [Director of the Revenue Service] may accept a later application if [he] is satisfied that there is a reasonable cause for its not having been made within the time specified in this paragraph, and

- (ii) [...].]

(2) Every such application shall be accompanied by –

- (a) sufficient information, verified in such manner (if any) as the [Director of the Revenue Service] may require, to satisfy the [Director of the Revenue Service] that the appropriate conditions of eligibility for exemption from tax specified in Schedule 2 –

- (i) have been fulfilled, or

- (ii) will be fulfilled when the body commences to

operate, or

- (iii) in the case of an existing body, will be fulfilled with effect from the beginning of the year of charge for which the exemption is granted, and
- (b) the annual fee, and
- (c) [...] [if the [Director of the Revenue Service] so directs in any particular case] –
- (i) details of the investment policy to be pursued, and
 - (ii) a copy of [the body's] constitutive documents, and
 - (iii) a copy of the prospectus or similar document to be issued to investors, and
 - (iv) such other particulars as the [Director of the Revenue Service] considers necessary to enable [him] to determine whether the exemption should be granted,
- [(d) ...].

NOTES

In section 2,

the words "Director of the Revenue Service" in square brackets,

wherever occurring, were substituted by the Director of Income Tax (Transfer of Functions) (Guernsey) Ordinance, 2018, section 1, with effect from 1st November, 2018, subject to the savings and transitional provisions in section 2 of the 2018;²

the words in the third pair of square brackets in subsection (1) were substituted by the Income Tax (Exempt Bodies: Offshore Insurers) Ordinance, 1992, section 4(1), with effect from 1st May, 1992;

the words and letters omitted in the first pair of square brackets within the third pair of square brackets in subsection (1) were repealed by the Income Tax (Exempt Bodies) (Guernsey) (Amendment) Ordinance, 2012, section 4, with effect from 30th May, 2012;³

the words in square brackets in, first, the third pair of square brackets within the third pair of square brackets in subsection (1) and, second, in the third pair of square brackets in paragraph (c) of subsection (2) were substituted by the Income Tax (Exempt Bodies) (Guernsey) (Amendment) Ordinance, 2009, section 3, with effect from 4th July, 2011;

the words omitted in the third pair of square brackets within the third pair of square brackets in subsection (1) were repealed by the Income Tax (Zero 10) (Guernsey) Law, 2007, section 58(d), with effect from 1st January, 2008;

the words and letters omitted in the first pair of square brackets in paragraph (c) of subsection (2) were repealed by the Income Tax (Exempt Bodies) (Guernsey) (Amendment) Ordinance, 2012, section 5, with effect from 30th May, 2012;⁴

the words in the second pair of square brackets in paragraph (c) of subsection (2) were inserted by the Income Tax (Exempt Bodies) (Guernsey) (Amendment) Ordinance, 2006, section 1(a), with effect from 1st October, 2006;

the words in square brackets in sub-paragraph (ii) of paragraph (c) of subsection (2) were substituted by the Income Tax (Exempt Bodies) (Guernsey) (Amendment) Ordinance, 2012, section 6, with effect from 30th May, 2012.

paragraph (d) of subsection (2) (which was previously inserted by the Income Tax (Exempt Bodies: Offshore Insurers) Ordinance, 1992, section 4(2), with effect from 1st May, 1992) was repealed by the Income Tax (Zero 10) (Guernsey) Law, 2007, section 58(e), with effect from 1st January, 2008.

Grant or refusal of exemption.

3. (1) The [Director of the Revenue Service][...] shall consider as

soon as practicable any application made in accordance with section 2 for exemption of a body [...], and may –

- (a) grant to it exemption from tax, or
- (b) refuse to grant such exemption, or
- (c) grant such exemption subject to such reasonable conditions (in addition to the appropriate conditions specified in Schedule 2) as the [Director of the Revenue Service] may think it necessary or expedient to impose.

(2) ...

(3) The [Director of the Revenue Service] shall, as soon as practicable, notify the applicant in writing of the decision made in respect of his application and, if that decision is to refuse to grant the exemption applied for, of the reasons for that refusal.

NOTES

In section 3,

the words "Director of the Revenue Service" in square brackets, wherever occurring, were substituted by the Director of Income Tax (Transfer of Functions) (Guernsey) Ordinance, 2018, section 1, with effect from 1st November, 2018, subject to the savings and transitional provisions in section 2 of the 2018;⁵

the words and punctuation omitted in the second pair of square brackets in subsection (1) were repealed by the Income Tax (Exempt Bodies) (Guernsey) (Amendment) Ordinance, 2009, section 4, with effect from 4th July, 2011;

the words and letters omitted in the third pair of square brackets in subsection (1) were repealed by the Income Tax (Exempt Bodies) (Guernsey) (Amendment) Ordinance, 2012, section 7, with effect from 30th May, 2012;⁶

subsection (2) was repealed by the Income Tax (Zero 10) (Guernsey) Law, 2007, section 58(g), with effect from 1st January, 2008.

[Election by category E body for different basis of taxation.]

3A. ...]

NOTE

Section 3A (which was previously inserted by the Income Tax (Exempt Bodies: Offshore Insurers) Ordinance, 1992, section 5, with effect from 1st May, 1992) was repealed by the Income Tax (Zero 10) (Guernsey) Law, 2007, section 58(h), with effect from 1st January, 2008.

Renewal of exemption previously granted.

4. (1) A body to which an exemption from tax has been granted for a year of charge may apply to the [Director of the Revenue Service] for the renewal of that exemption for the next year of charge.

(2) A renewal application shall –

- (a) be made in writing, and in such form (if any) and signed by such person (if any) as the [Director of the Revenue Service] may from time to time determine, and
- (b) be made on or before the 31st March of the year of charge for which it is made (but the [Director of the Revenue Service] may accept a later application if it is satisfied that there is reasonable cause for its not having been made within that time), and

- (c) be accompanied by –
 - (i) sufficient information, verified in such manner (if any) as the [Director of the Revenue Service] may require, [to satisfy him that] the conditions of the exemption (including any conditions imposed as mentioned in section 3(1)(c)) continue to be fulfilled, and
 - (ii) the annual fee.

(3) Upon receipt of a renewal application made in accordance with this section the [Director of the Revenue Service] shall –

- (a) if it is satisfied as to all of the matters mentioned in paragraph (c) of subsection (2) of this section, renew the exemption from tax for the year of charge for which the renewal application is made, and notify the applicant accordingly in writing as soon as practicable, or
- (b) if it is not so satisfied –
 - (i) institute such inquiries as it considers necessary, then
 - (ii) decide whether to renew the exemption, and
 - (iii) notify the applicant in writing as soon as practicable of its decision and, if that decision is to refuse to renew the exemption, of the reasons

for refusal.

NOTES

In section 4,

the words "Director of the Revenue Service" in square brackets, wherever occurring, were substituted by the Director of Income Tax (Transfer of Functions) (Guernsey) Ordinance, 2018, section 1, with effect from 1st November, 2018, subject to the savings and transitional provisions in section 2 of the 2018;⁷

the words in square brackets in sub-paragraph (i) of paragraph (c) of subsection (2) were substituted by the Income Tax (Exempt Bodies) (Guernsey) (Amendment) Ordinance, 2009, section 5, with effect from 4th July, 2011.⁸

Annual Fee.

5. [(1) The annual fee is [£1,600].]

(2) When an application under section 2 or section 4 is refused and the refusal is finally confirmed, the annual fee accompanying the application shall be refunded to the applicant.

(3) For the purposes of this section a refusal is "**finally confirmed**" –

(a) when the time limited by the Law for a request to state and sign a case for submission to the Royal Court has expired without such a request being made, or

(b) if such a request is made, when the Royal Court has determined every question of law arising on the case and has affirmed the refusal.

NOTES

In section 5,

subsection (1) was substituted by the Income Tax (Zero 10) (Guernsey) Law, 2007, section 58(i), with effect from 1st January, 2008;⁹

the symbol and figures in square brackets within subsection (1) were substituted by the Income Tax (Guernsey) (Amendment) Ordinance, 2023, section 6, with effect from 1st January, 2024.¹⁰

In accordance with the provisions of the Fees, Charges and Penalties (Guernsey) Law, 2007, section 1, Schedule, the power to prescribe by Ordinance the fee therein referred to and payable under this Ordinance may be exercised by Regulation, with effect from 19th May, 2008.

Requirements to provide information.

6. Without prejudice to any other provision of this Ordinance, the [Director of the Revenue Service] may from time to time –

- (a) require any [...] body to furnish [him] with the name and address of every person who, on a date specified by the [Director of the Revenue Service], was resident in Guernsey and had any beneficial interest in the body, together with details of the nature and extent of the beneficial interest of each such person,
- (b) require any body to which any exemption from tax has been granted to provide such information [...], verified in such manner (if any) as [he] may specify, in order to satisfy [himself] that the body continues to fulfil the conditions (including any conditions imposed as mentioned in section 3(1)(c)) of the exemption.

NOTES

In section 6,

the words "Director of the Revenue Service" in square brackets, wherever occurring, were substituted by the Director of Income Tax (Transfer of Functions) (Guernsey) Ordinance, 2018, section 1, with effect from 1st November, 2018, subject to the savings and transitional provisions in section 2 of the 2018;¹¹

the words and letters omitted in the first pair of square brackets in paragraph (a) were repealed by the Income Tax (Exempt Bodies) (Guernsey) (Amendment) Ordinance, 2012, section 8, with effect from 30th May, 2012;

the words in, first, the second pair of square brackets in paragraph (a) and, second, the second and third pairs of square brackets in paragraph (b) were substituted by the Income Tax (Exempt Bodies) (Guernsey) (Amendment) Ordinance, 2009, section 3, with effect from 4th July, 2011;

the words omitted in the first pair of square brackets in paragraph (b) were repealed by the Income Tax (Zero 10) (Guernsey) Law, 2007, section 58(j), with effect from 1st January, 2008.

Interpretation and construction.

7. (1) In this Ordinance, unless the context otherwise requires –

"the [Director]" means the [Director of the Revenue Service] referred to in section 205 of the Law,

"the annual Fee" means the fee specified in section 5(1),

[...]

"beneficial interest", in relation to a company, means any interest, whether vested or contingent and whether direct or through a body corporate or trust, and a person has a beneficial interest in a company –

- (a) if he has a right to acquire or dispose of any share or debenture in that company, or any interest therein, or to

vote in respect thereof, or

- (b) if his consent is necessary for the exercise of any of the rights of other persons interested in the company, or
- (c) if other persons interested in the company can be required or are accustomed to exercise their rights in accordance with his instructions,

"Board meeting" in relation to a company means a meeting of its directors (by whatever name called), and in relation to any other body means a meeting of the members of that body's governing organ (by whatever name called),

[**"collective investment"** means any arrangement relating to property of any description (including money) which is a collective investment scheme within the meaning of paragraph 1 of Schedule 1 to the Protection of Investors (Bailiwick of Guernsey) Law, 1987, provided that the purpose or effect of the arrangement, or of the trusts, constitutive documents or objects of the arrangement, is to enable members of the public to participate in, or receive profits or income arising from, the acquisition, holding, management or disposal of the property, or sums paid out of such profits or income,]

[**"collective investment vehicle"** means a body established for the purposes of undertaking collective investment,]

"constitutive documents" means –

- (a) in the case of a Guernsey company, the memorandum and articles of association,

- (b) in the case of a unit trust, the trust deed,
- (c) in the case of any other body, the documents dealing collectively with the same or similar rights and duties as the memorandum and articles of association of a Guernsey company,

"custodian services" means the services provided by a custodian who has the custody and care of property but not its beneficial ownership or management,

[**"domestic business"** has the same meaning as in the Insurance Business (Guernsey) Law, 1986^{aa},]

[**"established"** in a place, in relation to a body, means that the body is incorporated, registered or established in that place or created under or governed by the law of that place,]

"the Financial Services Commission" means the Guernsey Financial Services Commission, established by the Financial Services Commission (Bailiwick of Guernsey) Law, 1987²,

"Guernsey" includes Alderney and Herm,

"Guernsey company" means a body incorporated under the Loi relative aux Sociétés Anonymes ou à Responsabilité Limitée registered on 21st

^{aa} Order in Council No. XIII of 1986.

² Order in Council No. XIX of 1987.

March 1908³ (the Guernsey Company Law) or under the Loi relative aux Sociétés Anonymes ou à Responsabilité Limitée registered on 22nd May 1894⁴ (the Alderney Company Law),

"Guernsey source income" means income arising or accruing from any source in Guernsey other than a relevant bank deposit,

[**"insurance business"** has the same meaning as in the Insurance Business (Guernsey) Law, 1986,]

[**"insurer"** has the same meaning as in the Insurance Business (Guernsey) Law, 1986,]

"the Law" means the Income Tax (Guernsey) Law, 1975,

[...]

[**"long term business"** has the same meaning as in the Insurance Business (Guernsey) Law, 1986,]

[**"managerial and secretarial services"** means, in relation to any body, the managerial, secretarial, administrative and clerical functions, conducted and carried out generally in Guernsey to the satisfaction of the [Director of the Revenue Service], of that body and of any body which is beneficially owned by it,]

[**"offshore insurance business"** means insurance business which is not domestic business,]

³ Ordres en Conseil Vol. IV, p. 178.

⁴ Ordres en Conseil Vol. II, p. 451.

"quoted body corporate" means a body corporate in which the shares may be bought and sold in a market which is recognised as a stock exchange within the meaning of the law relating to stock exchanges of the country or territory where the market is established,

"relevant bank deposit" means a deposit of money with a person registered, or exempt from any requirement to register, under the Protection of Depositors (Bailiwick of Guernsey) Ordinance, 1971⁵,

"renewal application" means an application made by a body which has been granted an exemption from tax for a year of charge for the renewal of that exemption for the next year of charge,

"tax" means income tax,

[**"units"** means the rights and interests (however described) of investors in a collective investment,]

and other words and expressions defined in the Law have the meanings given to them by the Law.

- (2) For the purposes of this Ordinance –
- (a) a body which has been granted an exemption from tax is not to be regarded as having Guernsey source income by reason only of the fact that –

⁵ Recueil d'Ordonnances Tome XVII, p. 225; Tome XVIII, pp. 24 and 55; Ordinance No. XXVII of 1985; Nos. IX and XVIII of 1988.

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- (i) its directors or other members of its governing organ (by whatever name called), or any of them, are resident in Guernsey, or
 - (ii) its Board meetings, or any of them, take place in Guernsey,
 - (b) a person is not to be regarded as being resident in Guernsey if that person is exempt from tax by virtue of section 40 of the Law.
- (3) In this Ordinance, unless the context otherwise requires, a reference –
- (a) ...
 - (b) to a numbered provision or Schedule, refers to the provision or Schedule which is so numbered in this Ordinance,
 - (c) to an enactment, refers to that enactment as amended, repealed and replaced, extended or applied by or under any other enactment.
- (4) This Ordinance and the Law shall be construed as one.

NOTES

In section 7,

the words in square brackets in the definition of the expression "the Director" in subsection (1) were substituted by the Director of Income Tax (Transfer of Functions) (Guernsey) Ordinance, 2018, section 1, with effect

*from 1st November, 2018, subject to the savings and transitional provisions in section 2 of the 2018 Ordinance;*¹²

*the words omitted in the square brackets immediately after the definition of the expression "the annual Fee" in subsection (1) were repealed by the Income Tax (Exempt Bodies) (Guernsey) (Amendment) Ordinance, 2009, section 6, with effect from 4th July, 2011;*¹³

the definitions in square brackets of the expressions "collective investment", "collective investment vehicle", "established" and "units" in subsection (1) were inserted by the Income Tax (Exempt Bodies) (Guernsey) (Amendment) Ordinance, 2012, section 9, with effect from 30th May, 2012;

the definitions in square brackets of the expressions "domestic business", "insurance business", "insurer", "long term business" and "offshore insurance business" in subsection (1) were inserted, and the definition of the expression "managerial and secretarial services" therein was substituted, by the Income Tax (Exempt Bodies: Offshore Insurers) Ordinance, 1992, respectively section 6(2)(a) and section 6(2)(b), with effect from 1st May, 1992;

the words omitted in square brackets immediately after the definition of the expression "the Law" in subsection (1) were repealed by the Income Tax (Exempt Bodies: Limited Partnerships) Ordinance, 1996, section 1(a), with effect from 1st February, 1996;

*the words in square brackets within the definition of the expression "managerial and secretarial services" in subsection (1) were substituted by the Director of Income Tax (Transfer of Functions) (Guernsey) Ordinance, 2018, section 1, with effect from 1st November, 2018, subject to the savings and transitional provisions in section 2 of the 2018;*¹⁴

*paragraph (a) of subsection (3) was repealed by the Income Tax (Exempt Bodies) (Guernsey) (Amendment) Ordinance, 2012, section 10, with effect from 30th May, 2012.*¹⁵

The Protection of Investors (Bailiwick of Guernsey) Law, 1987 has since been repealed by the Protection of Investors (Bailiwick of Guernsey) Law, 2020, section 80(a), with effect from 1st November, 2021, subject to the savings and transitional provisions in section 81 of the 2020 Law.

The Insurance Business (Guernsey) Law, 1986 has since been repealed by the Insurance Business (Bailiwick of Guernsey) Law, 2002, section 100(1), Schedule 6, Part I, with effect from 5th November, 2002, subject to the savings in, first, section 102 of the 2002 Law and, second, section 78 of the Insurance Managers and Insurance Intermediaries (Bailiwick of Guernsey) Law, 2002.

The Loi relative aux Sociétés Anonymes ou à Responsabilité Limitée, 1908 has since been repealed by the Companies (Guernsey) Law, 1994, section

122, with effect from 31st March, 1995, subject to the savings and transitional provisions in section 121 of, and Schedule 1 to, the 1994 Law. The Companies (Guernsey) Law, 1994 has since been repealed by the Companies (Guernsey) Law, 2008, section 543, Schedule 5, paragraph 4(1)(a), with effect from 1st July, 2008, subject to the savings and transitional provisions in, first, section 541 of and Schedule 4 (paragraphs 2 and 4 of which entered into force on 12th June, 2008) to the 2008 Law, second, the Companies (Transitional Provisions) Regulations, 2008, third, the Companies (Transitional Provisions) (No. 2) Regulations, 2008 and, fourth, the Companies (Transitional Provisions) (No. 3) Regulations, 2008.

The Loi relative aux Sociétés Anonymes ou à Responsabilité Limitée, 1894 has since been repealed by the Companies (Alderney) Law, 1994, section 170, with effect from 3rd May, 1995, subject to the savings and transitional provisions in section 169 of, and Schedule 2 to, the 1994 Law.

The Protection of Depositors (Bailiwick of Guernsey) Ordinance, 1971 has since been repealed by the Banking Supervision (Bailiwick of Guernsey) Law, 1994, section 57(b), with effect from 1st October, 1994, subject to the savings in section 58 of the 1994 Law. The Banking Supervision (Bailiwick of Guernsey) Law, 1994 has since been repealed by the Banking Supervision (Bailiwick of Guernsey) Law, 2020, section 67(a), with effect from 1st November, 2021, subject to the savings and transitional provisions in section 68 of the 2020 Law.

Incidental and administrative provisions.

8. Schedule 3 contains incidental and administrative provisions which shall have effect.

Repeal, savings and transitional provisions.

9. (1) The Income Tax (Exempted Companies and Trusts) (Guernsey) Ordinance, 1984⁶ is repealed.

(2) Schedule 4 contains savings and transitional provisions which shall have effect.

Citation.

10. This Ordinance may be cited as the Income Tax (Exempt Bodies)

⁶ Ordinance No. XXII of 1984.

(Guernsey) Ordinance, 1989.

Deemed commencement.

11. This Ordinance shall be deemed to have come into force on 1st January, 1989.

BODIES ELIGIBLE FOR EXEMPTION FROM TAX

1. A collective investment vehicle established in Guernsey.
2. A collective investment vehicle established in any place outside Guernsey.
3. A body established in Guernsey or elsewhere solely for the purposes of –
 - (a) the management of a specific collective investment vehicle described in paragraph 1 or 2,
 - (b) enabling investment into a specific collective investment vehicle described in paragraph 1 or 2,
 - (c) the acquisition or the management of the assets of a specific collective investment vehicle described in paragraph 1 or 2, or
 - (d) facilitating the funding of, or borrowing by, a specific collective investment vehicle described in paragraph 1 or 2 for the acquisition of its assets.
4. A body not covered by paragraphs 1 to 3, established for the purposes of undertaking collective investment in which the units are listed on an exchange or market approved by the [Director of the Revenue Service] for the purpose of this Schedule.
5. A company which is in the beneficial ownership or which is a wholly owned subsidiary of such a body, but only to the extent that the subsidiary company does not have income taxable under the provisions of the Law at the company

intermediate rate or company higher rate.]

NOTES

Schedule 1 was substituted by the Income Tax (Exempt Bodies) (Guernsey) (Amendment) Ordinance, 2012, section 11, with effect from 30th May, 2012.¹⁶

In Schedule 1, the words in square brackets were substituted by the Director of Income Tax (Transfer of Functions) (Guernsey) Ordinance, 2018, section 1, with effect from 1st November, 2018, subject to the savings and transitional provisions in section 2 of the 2018 Ordinance.

[SCHEDULE 2 Sections 1(1)(c) and 2(2)(a)

CONDITIONS OF ELIGIBILITY FOR EXEMPTION FROM TAX

1. That the body has contracted with a person for the provision of managerial and secretarial services and, where appropriate, custodian services in respect of its affairs for remuneration calculated on an arm's length basis.

2. That the person with whom the body has contracted –
 - (a) is resident in Guernsey,

 - (b) is the holder of a licence or other authorisation in respect of the provision of the relevant services under the Protection of Investors (Bailiwick of Guernsey) Law, 1987 or the Regulation of Fiduciaries, Administration Businesses and Company Directors, etc. (Bailiwick of Guernsey) Law, 2000, and

 - (c) has not itself been granted an exemption from tax under this Ordinance.

3. That no investment or other property situated in Guernsey, other than –
 - (a) a relevant bank deposit,

 - (b) an interest in another body to which an exemption from tax has been granted under this Ordinance, or

 - (c) shares in a Guernsey company,

is acquired or held.]

NOTED

Schedule 2 was substituted by the Income Tax (Exempt Bodies) (Guernsey) (Amendment) Ordinance, 2012, section 11, with effect from 30th May, 2012.¹⁷

The Protection of Investors (Bailiwick of Guernsey) Law, 1987 and the Regulation of Fiduciaries, Administration Businesses and Company Directors, etc (Bailiwick of Guernsey) Law, 2000 have both since been repealed by, respectively, the Protection of Investors (Bailiwick of Guernsey) Law, 2020, section 80(a), with effect from 1st November, 2021, subject to the savings and transitional provisions in section 81 of the 2020 Law; and the Regulation of Fiduciaries, Administration Businesses and Company Directors, etc (Bailiwick of Guernsey) Law, 2020, section 62(a), with effect from 1st November, 2021, subject to the savings and transitional provisions in section 60 of the 2020 Law.

SCHEDULE 3

Section 8

INCIDENTAL AND ADMINISTRATIVE PROVISIONS

...

NOTE

Schedule 3 was repealed by the Income Tax (Zero 10) (Guernsey) Law, 2007, section 58(n), with effect from 1st January, 2008.

SCHEDULE 4

Section 9(2)

SAVINGS AND TRANSITIONAL PROVISIONS

Continued application of repealed Ordinance.

1. It is hereby declared for the purposes of section 19 of the Interpretation (Guernsey) Law, 1948^h that this Ordinance repeals and re-enacts with modifications those provisions of the Income Tax (Exempted Companies and Trusts) (Guernsey) Ordinance, 1984 relating to category A, B and C companies and trusts.

2. Without prejudice to the general effect of paragraph 1 of this Schedule, but subject to paragraph 4 of this Schedule –

(a) any exemption from tax granted under the Income Tax (Exempted Companies and Trusts) (Guernsey) Ordinance, 1984 before 1st January 1989 shall be deemed to have been granted under section 3 of this Ordinance, and

(b) all other rights and obligations arising under or by virtue of the Income Tax (Exempted Companies and Trusts) (Guernsey) Ordinance, 1984 shall continue to apply and may be enforced as if this Ordinance had not been passed.

Existing Guernsey companies: beneficial ownership changes.

3. ...

Existing investment schemes: partial refund.

4. ...

^h Ordres en Conseil Vol. XIII, p. 355.

NOTES

In Schedule 4, paragraph 3 and paragraph 4 were repealed by the Income Tax (Zero 10) (Guernsey) Law, 2007, section 58(n), with effect from 1st January, 2008.

The Interpretation (Guernsey) Law, 1948 has since been repealed by the Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016, section 28(a), with effect from 1st October, 2018.

¹ Paragraph (c)(i) of subsection (1) was previously amended by the Income Tax (Exempt Bodies: Offshore Insurers) Ordinance, 1992, section 1(1), with effect from 1st May, 1992; the Income Tax (Zero 10) (Guernsey) Law, 2007, section 58(a), with effect from 1st January, 2008.

² These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 18, with effect from 6th May, 2004; the Income Tax (Exempt Bodies) (Guernsey) (Amendment) Ordinance, 2009, section 2, with effect from 4th July, 2011.

³ Paragraph (i) of the Proviso to subsection (1) of section 2 was previously amended by the Income Tax (Zero 10) (Guernsey) Law, 2007, section 58(c), with effect from 1st January, 2008.

⁴ These words were previously amended, in part, by the Income Tax (Exempt Bodies) (Guernsey) (Amendment) Ordinance, 2006, section 1(a), with effect from 1st October, 2006.

⁵ These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 18, with effect from 6th May, 2004; the Income Tax (Exempt Bodies) (Guernsey) (Amendment) Ordinance, 2009, section 2, with effect from 4th July, 2011.

⁶ Prior to this repeal, these words were previously substituted, in part, by the Income Tax (Exempt Bodies: Offshore Insurers) Ordinance, 1992, section 6(1), with effect from 1st May, 1992; and the Income Tax (Zero 10) (Guernsey) Law, 2007, section 58(f), with effect from 1st January, 2008.

⁷ These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 18, with effect from 6th May, 2004; the Income Tax (Exempt Bodies) (Guernsey) (Amendment) Ordinance, 2009, section 2, with effect from 4th July, 2011.

⁸ These words were previously substituted, in part, by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 18, with effect from 6th May, 2004; the Income Tax (Exempt Bodies)

(Guernsey) (Amendment) Ordinance, 2009, section 2, with effect from 4th July, 2011.

9 Subsection (1) was previously amended by the Income Tax (Exempt Bodies) (Amendment) (Guernsey) Ordinance, 1997, section 1, with effect from 1st January 1998.

10 Subsection (1) was previously amended by the Income Tax (Guernsey) (Miscellaneous Amendments) Ordinance, 2014, section 2, with effect from 1st January, 2015.

11 These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 18, with effect from 6th May, 2004; the Income Tax (Exempt Bodies) (Guernsey) (Amendment) Ordinance, 2009, section 2, with effect from 4th July, 2011.

12 These words were previously substituted by the Administrator of Income Tax (Guernsey) (Transfer of Functions) Ordinance, 2009, section 1, with effect from 25th February, 2009, subject to the savings and transitional provisions in section 2 of the 2009 Ordinance.

13 These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 18, with effect from 6th May, 2004; and the functions, rights and liabilities of the Treasury and Resources Department and its Minister arising under or by virtue of this Ordinance were previously transferred to them from the Income Tax Authority and its President, respectively, by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 18, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

14 These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 18, with effect from 6th May, 2004; the Income Tax (Exempt Bodies) (Guernsey) (Amendment) Ordinance, 2009, section 2, with effect from 4th July, 2011.

15 Paragraph (a) of subsection (3) was previously amended by the Income Tax (Exempt Bodies: Offshore Insurers) Ordinance, 1992, section 6(3), with effect from 1st May, 1992; the Income Tax (Zero 10) (Guernsey) Law, 2007, section 58(k), with effect from 1st January, 2008.

16 Prior to its substitution, Schedule 1 was amended by the Income Tax (Exempt Bodies: Offshore Insurers) Ordinance, 1992, section 1(2) and section 6(4), with effect from 1st May, 1992; the Income Tax (Exempt Bodies: Limited Partnerships) Ordinance, 1996, respectively section 1, with effect from 1st February, 1996; the Income Tax (Exempt Bodies) (Guernsey) (Amendment) (No. 2) Ordinance, 2009, section 2, with effect from 25th November, 2009; and the Income Tax (Zero 10) (Guernsey) Law, 2007, section 58(1), with effect from 1st January, 2008.

17 Prior to its substitution, Schedule 2 was amended by the Income Tax (Exempt Bodies: Offshore Insurers) Ordinance, 1992, section 2, with effect from 1st May,

1992; the Income Tax (Exempt Bodies: Limited Partnerships) Ordinance, 1996, section 1, with effect from 1st February, 1996; the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 18, with effect from 6th May, 2004; the Income Tax (Exempt Bodies) (Guernsey) (Amendment) Ordinance, 2006, section 1(b), with effect from 1st October, 2006; the Income Tax (Zero 10) (Guernsey) Law, 2007, section 58(m), with effect from 1st January, 2008; the Income Tax (Exempt Bodies) (Guernsey) (Amendment) Ordinance, 2009, section 2, with effect from 4th July, 2011; and the Income Tax (Exempt Bodies) (Guernsey) (Amendment) (No. 2) Ordinance, 2009, respectively section 3(a) and section 3(b), with effect from 25th November, 2009.