

# **The Income Tax (Investment Companies) (Guernsey) (Amendment) Ordinance, 2024**

THE STATES, in pursuance of their Resolution of the 23<sup>rd</sup> November, 2023<sup>a</sup>, and in exercise of the powers conferred on them by sections 203A and 208C of the Income Tax (Guernsey) Law, 1975<sup>b</sup> and all other powers enabling them in that behalf, hereby order:-

## **Amendment of 1975 Law.**

1. The Income Tax (Guernsey) Law, 1975 is further amended as follows.

2. In the proviso to section 6(1) after "a business" insert "or an investment company within the meaning of section 169 (an "**investment company**)".

3. In section 6(2) after "a business" where first appearing insert "or an investment company".

4. In section 6(2)(a) after "a business" insert "or an investment company".

5. For the proviso to section 6(2) substitute –

"Provided that –

(i) in the case of a business or an investment company

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<sup>a</sup> Article I (proposition 14) of Billet d'État No. XVIII of 2023.

<sup>b</sup> Ordres en Conseil Vol. XXV, p. 124; the Law has been amended.

every year of charge must have an accounting period ending within it, except the year of charge in which the business is commenced or, as the case may be, the investment company is incorporated, and

- (ii) where a business is commenced or, as the case may be, an investment company is incorporated, the first year of charge of the business or the investment company shall be the year of charge within which the first accounting period of the business or the investment company (which shall not exceed 18 months or, in the case of an investment company, such shorter period as the Director may determine) ends."

6. In section 6(3A) after "every business" insert "and of every investment company".

7. In section 6(4) –

(a) for "subsection (2)(b)" substitute "subsection (2)", and

(b) after "a business" insert "or an investment company".

8. After subsection 6(6) insert the following subsection –

"(6A) The application of this section to investment companies is without prejudice to the application of Part XIV (special provisions as to investment companies resident in Guernsey and to unit trust schemes)."

9. In section 206AB for the words "section 206, or in any oath taken in accordance with that section," substitute "section 205A".

**Transitional provisions.**

10. (1) The States Policy and Resources Committee ("**the Committee**") may by regulation make such provision as it considers necessary or expedient for effecting the transition, in relation to the taxation of income arising or accruing to an investment company, from the law in force immediately before the commencement of this Ordinance to the law as it will have effect (subject to the provisions of any such regulations) immediately thereafter.

(2) Regulations under this section may, without limitation, include anti-avoidance provisions and provisions enabling the Director to make such adjustments to liabilities, and to grant such reliefs, as the Director thinks fit,

(3) Sections 203 and 203A of the Income Tax (Guernsey) Law, 1975 apply to regulations of the Committee made under this Ordinance as they apply to regulations of the Committee made under that Law.

**Citation.**

11. This Ordinance may be cited as the Income Tax (Investment Companies) (Guernsey) (Amendment) Ordinance, 2024.

**Commencement.**

12. This Ordinance shall come into force on the day appointed by regulations of the States Policy and Resources Committee; and different days may be appointed for different provisions and for different purposes.