

GUERNSEY STATUTORY INSTRUMENT

2025 No. 39

**The Income Tax (Pensions)
(Amendment) Regulations, 2025**

<i>Made</i>	<i>8th May, 2025</i>
<i>Coming into operation</i>	<i>1st June, 2025</i>
<i>Laid before the States</i>	<i>, 2025</i>

THE POLICY & RESOURCES COMMITTEE, in exercise of the powers conferred upon it by section 159 of the Income Tax (Guernsey) Law, 1975^a and all other powers enabling it in that behalf, hereby makes the following Regulations:-

Exemption from 157C(3) tax charge.

1. (1) This regulation applies to a payment –
 - (a) which is made on behalf of an individual out of a retirement annuity scheme or a retirement annuity trust scheme approved by the Director under section 157A of the Income Tax (Guernsey) Law, 1975 ("**the Law**"), and
 - (b) which is an approved outward transfer payment by virtue of –

^a Ordres en Conseil Vol. XXV, p. 124; this enactment has been amended.

- (i) section 157C(1)(b) of the Law (payments into annuity contracts to which section 40(ee) of the Law applies), or
- (ii) section 157C(1)(c) of the Law (payments into annuity schemes or annuity trust schemes situated in a place outside Guernsey),

where the individual –

- (A) was not, when the individual entered into the scheme from which the payment was made, and
- (B) has not been at any time since,

tax resident in Guernsey.

- (2) Where a payment described in paragraph (1) is made -
 - (a) the person administering the scheme from which the payment is made must notify the Director of the payment within a period of 30 days immediately following the date of the payment,
 - (b) the notification under paragraph (a) must be made in such form and manner, and by such means, and must be accompanied by such information and documents, as the Director may by notice require, and

- (c) any conditions specified by notice of the Director subject to which the payment or payments of that class or description may be made must be complied with.

(3) For the purposes of section 157C(3) of the Law, where the provisions of subparagraphs (a), (b) and (c) of paragraph (2) are complied with, the approved outward transfer payment is not chargeable to tax at one half of the appropriate rate in force for the year of charge in which the transfer is made.

Form of Director's notice.

- 2. A notice of the Director under regulation 1(2)(b) or (c) –
 - (a) may be of general application or given in respect of any particular case or any particular class or description of cases, and
 - (b) may be given in such form and manner, by such means, at such times or intervals and in respect of such periods of time as the Director thinks fit including, without limitation, by publication on the official website of the States of Guernsey Revenue Service or by being set out in a statement of practice issued under section 204 of the Law.

Additional information, etc.

3. The Director may, at any time after receipt of the notification referred to in regulation 1(2)(a), require the person giving the notification to furnish such additional information and documents –

- (a) relating to the payment, the scheme or the beneficiary of the scheme, or
- (b) as may be necessary to enable compliance with the conditions subject to which the payment was required to be made to be verified,

as the Director may require.

Civil penalties.

4. Section 193 of the Law (penalties in respect of returns not relating to income) applies in respect of these Regulations with the following modifications –

- (a) references in subsections (1) and (2) to a return other than a return of income include references to the notification to the Director required by regulation 1(2)(a),
- (b) references in subsection (1) to the time prescribed include references to the period of 30 days specified in regulation 1(2)(a),
- (c) the proviso to subsection (1) does not apply.

Tax on unauthorised payments.

5. Section 157DA of the Law (enhanced rate of tax on unauthorised payments) applies in respect of these Regulations with the modification that references howsoever expressed to a payment made in contravention of the provisions

of the Law include references to a payment in respect of which there has been a contravention of the provisions of these Regulations; and section 157A(5A)(b), (c), (d), (e) and (f) apply accordingly with appropriate modifications.

Consequential amendment of Income Tax Law.

6. In section 157C(3) of the Law, immediately before the words "be chargeable to tax" insert "(subject to the provisions of the Income Tax (Pensions) (Amendment) Regulations, 2025)".

Interpretation.

7. In these Regulations "**the Law**" means the Income Tax (Guernsey) Law, 1975.

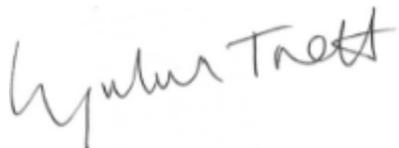
Citation.

8. These Regulations may be cited as the Income Tax (Pensions) (Amendment) Regulations, 2025.

Commencement.

9. These Regulations shall come into force on the 1st June, 2025.

Dated this 8th day of May, 2025

A handwritten signature in black ink, appearing to read "L. S. Trott". The signature is written in a cursive style and is positioned above the printed name of the signatory.

Deputy L. S. TROTT O.B.E.

President of the Policy & Resources Committee

For and on behalf of the Committee

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations apply to payments made on behalf of non-resident individuals from retirement annuity schemes or retirement annuity trust schemes approved by the Director under section 157A of the Income Tax (Guernsey) Law, 1975 ("**the Law**") which are "approved outward transfer payments" (ie, transfer payments that can lawfully be made from such schemes) by virtue of –

- (a) section 157C(1)(b) of the Law (payments into annuity contracts to which section 40(ee) of the Law applies), or
- (b) section 157C(1)(c) of the Law (payments into annuity schemes or annuity trust schemes situated in a place outside Guernsey).

The Regulations provide, for the purposes of section 157C of the Law, that the person administering the scheme from which the payment is made must notify the Director of the payment within a period of 30 days immediately following the date of the payment; and where that requirement (and other requirements as to the form and manner of the notification) are complied with, the payment is not chargeable to tax under section 157C(3) of the Law at the rate of one half of the appropriate rate (ie, 10%).

The Regulations also apply the provisions of the Law relating to civil penalties and tax on unauthorised payments.