

STATES OF JERSEY



DRAFT TAXATION (DOUBLE TAXATION) (AMENDMENT No. 2) (JERSEY) REGULATIONS 201-

**Lodged au Greffe on 21st May 2013
by the Chief Minister**

STATES GREFFE



Jersey

DRAFT TAXATION (DOUBLE TAXATION) (AMENDMENT No. 2) (JERSEY) REGULATIONS 201-

REPORT

The States have been asked to ratify the following –

- The signed Agreement for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income between the Government of Jersey and the States of Guernsey;
- The signed Agreement for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income between the Government of Jersey and the Government of the Isle of Man;
- The signed Convention for the Avoidance of Double Taxation and the prevention of Fiscal Evasion with respect to Taxes on Income and Capital, and the signed Exchange of Notes, between Jersey and The Grand Duchy of Luxembourg.

These Regulations amend the Taxation (Double Taxation) (Jersey) Regulations 2010 by inserting the name of the country in the list of countries with which Jersey has made a Double Taxation Agreement or Convention.

These Regulations also insert the date upon which the Double Taxation Agreement with Singapore came into force.

With the coming into effect of the Double Taxation Agreement with Guernsey, there is a need to repeal the Double Taxation Relief (Arrangement with Guernsey) (Jersey) Act 1956. These Regulations provide for the repeal of that Act and also provide for the repeal to have effect on 1st January 2014, being the tax year following that in which the Double Taxation Agreement enters into force.

Financial and manpower implications

There are no implications for the financial or manpower resources of the States arising from the adoption of these Regulations.

Explanatory Note

Regulation 1 amends the Schedule to the Taxation (Double Taxation) (Jersey) Regulations 2010 (the “2010 Regulations”) by adding Guernsey, the Isle of Man and Luxembourg to the list of countries with which Jersey has made an agreement for the avoidance of double taxation. It also inserts the date upon which the double taxation agreement (“DTA”) with Singapore came into force.

Regulation 2 repeals the Double Taxation Relief (Arrangement with Guernsey) (Jersey) Act 1956 (the “1956 Act”), which is replaced by the DTA with Guernsey given effect under the 2010 Regulations as amended by these Regulations. The repeal of the 1956 Act will, by virtue of *Regulation 3*, take effect on 1st January 2014 being the tax year following that in which the DTA with Guernsey enters into force.

Regulation 3 sets out the title of these Regulations and provides that they will come into force forthwith, except for *Regulation 2* which will come into force on 1st January 2014.



Jersey

**DRAFT TAXATION (DOUBLE TAXATION)
(AMENDMENT No. 2) (JERSEY)
REGULATIONS 201-**

Arrangement

Regulation

1	Schedule amended.....	7
2	Double Taxation Relief (Arrangement with Guernsey) (Jersey) Act 1956 repealed.....	8
3	Citation and commencement.....	8



Jersey

**DRAFT TAXATION (DOUBLE TAXATION)
(AMENDMENT No. 2) (JERSEY)
REGULATIONS 201-**

Made [date to be inserted]
Coming into force [date to be inserted]

THE STATES, in pursuance of Article 2 of the Taxation (Implementation) (Jersey) Law 2004¹ and having regard to P.46/2013 and P.47/2013 both adopted by the States on [] June 2013, and following the decision of the States taken on the day these Regulations are made, to adopt P.58/2013, have made the following Regulations –

1 Schedule amended

In the Schedule to the Taxation (Double Taxation) (Jersey) Regulations 2010² –

- (a) after the matter relating to Estonia, there shall be inserted the following matter –

“Guernsey	The States of Guernsey. When used in a geographical sense, means the islands of Guernsey, Alderney and Herm, including the territorial sea adjacent to those islands, in accordance with international law, save that any reference to the law of Guernsey is to the law of the island of Guernsey as it applies there and in the islands of Alderney and Herm.”	
-----------	--	--

- (b) after the matter relating to The Hong Kong Special Administrative Region of the People’s Republic of China, there shall be inserted the following matters –

“Isle of Man	The island of the Isle of Man including its territorial sea, in accordance with international law.	
Luxembourg	The Grand Duchy of Luxembourg.	

	When used in a geographical sense, means the territory of the Grand Duchy of Luxembourg.”;	
--	--	--

- (c) in column 3, opposite the entry in column 1 for Singapore, there shall be inserted the date “2nd May 2013”.

2 Double Taxation Relief (Arrangement with Guernsey) (Jersey) Act 1956 repealed

The Double Taxation Relief (Arrangement with Guernsey) (Jersey) Act 1956³ shall be repealed.

3 Citation and commencement

- (1) These Regulations may be cited as the Taxation (Double Taxation) (Amendment No. 2) (Jersey) Regulations 201-.
- (2) Regulation 2 shall come into force on 1st January 2014.
- (3) Regulation 1 and this Regulation shall come into force forthwith.

-
- ¹ *chapter 17.850*
² *chapter 17.850.20*
³ *R&O.3707*