STATES OF JERSEY



DRAFT FINANCE (2011 BUDGET) (JERSEY) LAW 201-

Lodged au Greffe on 26th October 2010 by the Minister for Treasury and Resources

STATES GREFFE



DRAFT FINANCE (2011 BUDGET) (JERSEY) LAW 201-

European Convention on Human Rights

In accordance with the provisions of Article 16 of the Human Rights (Jersey) Law 2000 the Minister for Treasury and Resources has made the following statement –

In the view of the Minister for Treasury and Resources the provisions of the Draft Finance (2011 Budget) (Jersey) Law 201- are compatible with the Convention Rights.

(Signed) Senator P.F.C. Ozouf

REPORT

This Draft Law gives effect to proposals described in the Expenditure Proposals for 2012 and 2013 and Draft Budget Statement 2011.

Financial and manpower implications

The financial and manpower implications are clearly identified at Part C of the Expenditure Proposals for 2012 and 2013 and Draft Budget Statement 2011 (P.157/2010)

European Convention on Human Rights

Article 16 of the Human Rights (Jersey) Law 2000 requires the Minister in charge of a Projet de Loi to make a statement about the compatibility of the provisions of the Projet with the Convention rights (as defined by Article 1 of the Law). On 21st October 2010 the Minister for Treasury and Resources made the following statement before Second Reading of this Projet in the States Assembly –

In the view of the Minister for Treasury and Resources the provisions of the Draft Finance (2011 Budget) (Jersey) Law 201- are compatible with the Convention Rights.

Explanatory Note

Article 1 sets the standard rate of income tax for the year of assessment 2011 at 20%.

Article 2 increases the income tax exemption thresholds for a married couple, a married couple in which at least one spouse is aged 63 or more, a single person and a single person aged 63 or more. The increase is 1.1%, rounded up to the nearest multiple of £10. The increase has effect for the year of assessment 2011, and ensuing years.

Article 3 increases the rate of goods and services tax from 3% to 5% with effect from 1st June 2011.

Article 4 amends the Customs and Excise (Jersey) Law 1999 so as to increase duty on alcohol.

Article 5 amends the Customs and Excise (Jersey) Law 1999 so as to increase duty on tobacco.

Article 6 amends the Customs and Excise (Jersey) Law 1999 so as to increase duty on hydrocarbon oil.

Article 7 amends in the Stamp Duties and Fees (Jersey) Law 1998 and the Taxation (Land Transactions) (Jersey) Law 2009 the scale of stamp duty or land transaction tax payable on the value of a property transaction. Currently, a flat rate of 3% applies to all transactions of a value in excess of £700,000. The amendment introduces an escalating rate applicable to such transactions, rising to a maximum rate of 5% for all transactions of a value in excess of £2 million. In the case of land transactions tax, other fixed, nominal costs are also increased, in line with the court fee increases specified in Article 9. The increase takes effect on 1st June 2011.

Article 8 amends the Stamp Duties and Fees (Jersey) Law 1999 so as to amend the stamp duty payable on the value of immovable property devised by a will, with the effect that the rate is exactly the same as that applicable to a property transaction. The increase takes effect on 1st June 2011.

Article 9 amends the Stamp Duties and Fees (Jersey) Law 1999 so as to increase court fees payable in respect of applications to the court, conduct of cases and associated activities. The majority of the fees have not been altered since 2004. The only change of significance since that date was the introduction, in last year's Budget, of a higher rate for each half day of a contested hearing before the Royal Court of a claim for more than £2 million.

Article 10 provides for the citation of the Law and its commencement. With the exception of the changes in the rate of goods and services tax and the rates of stamp duty and land transaction tax on land, the Law would come into force on 1st January 2011.



DRAFT FINANCE (2011 BUDGET) (JERSEY) LAW 201-

Arrangement

Article		
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DRAFT FINANCE (2011 BUDGET) (JERSEY) LAW 201-

A LAW to set the rate of income tax for 2011 and to amend the Income Tax (Jersey) Law 1961, the Goods and Services Tax (Jersey) Law 2007, the Customs and Excise (Jersey) Law 1999, the Stamp Duties and Fees (Jersey) Law 1998 and the Taxation (Land Transactions) (Jersey) Law 2009

Adopted by the States [date to be inserted]
Sanctioned by Order of Her Majesty in Council [date to be inserted]
Registered by the Royal Court [date to be inserted]

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law –

1 Standard rate of income tax for 2011

There shall be levied and charged in Jersey for the year 2011, in accordance with, and subject to the provisions of, the Income Tax (Jersey) Law 1961¹, income tax at the standard rate of 20 pence in the pound.

2 Income tax exemption thresholds

- (1) In Article 92A of the Income Tax (Jersey) Law 1961
 - (a) for paragraphs (2) and (3) there shall be substituted the following paragraph –
 - "(2) Subject to paragraphs (4), (5), (8) and (9) and Article 92B, where an individual proves, for the year of assessment
 - (a) that he has his wife living with him; or
 - (b) that his wife is wholly maintained by him during the year of assessment and that he is not entitled, in computing the amount of his income for that year for the purposes of this Law, to make any deductions in respect of sums paid for the maintenance of his wife,

the threshold applicable in his case is –

- (i) if the individual also proves that, at the commencement of the year of assessment, either he or his wife was of the age of 63 years or more, £23,480;
- (ii) in any other case, £20,510.";
- (b) for paragraphs (6) and (7) there shall be substituted the following paragraph –
- "(6) Subject to paragraphs (8) and (9) and Article 92B, the threshold applicable in the case of an individual to whom, for the year of assessment, paragraph (2) does not apply is
 - (a) where the individual proves that, at the commencement of the year of assessment, he or she was of the age of 63 years or more, £14,270;
 - (b) in any other case, £12,790.".
- (2) This Article shall have effect for the year of assessment 2011 and ensuing years.

3 Rate of goods and services tax

- (1) In Article 8(1) of the Goods and Services Tax (Jersey) Law 2007² for the rate "3%" there shall be substituted the rate "5%".
- (2) This Article shall come into force on 1st June 2011.

4 Excise duty: alcohol

In Part 2 of Schedule 1 to Customs and Excise (Jersey) Law 1999³ for the amount specified in column 2 of the table in respect of goods specified in column 1 there shall be substituted the amount specified in column 3 of the table –

I		2	3
	Paragraph	Existing amount	Substituted amount
1	Spirits		
(a)	small independent distiller	£11.72	£12.45
(b)	all other	£23.43	£24.88
2	Wines		
Exceeding 1.2% volume but not exceeding 5.5% volume		£57.06	£60.60
Exceeding 5.5% volume but not exceeding 15% volume		£149.75	£159.03
Exceeding 15% volume but not exceeding 22% volume		£183.51	£194.89

	1	2	3	
	Paragraph	Existing amount	Substituted amount	
Exce	eeding 22% volume	£23.43	£24.88	
3	Beer			
(a)	small independent brewer, beer –			
	(i) not exceeding 4.9% volume	£24.74	£26.27	
	(ii) exceeding 4.9% volume	£37.22	£39.53	
(b)	all other, beer –			
	(i) not exceeding 4.9% volume	£49.47	£52.54	
	(ii) exceeding 4.9% volume	£74.44	£79.06	
4	Cider			
(a)	small independent cider-maker, cider –			
	(i) not exceeding 4.9% volume	£23.15	£24.59	
	(ii) exceeding 4.9% volume	£34.83	£36.99	
(b)	all other, cider –			
	(i) not exceeding 4.9% volume	£46.31	£49.18	
	(ii) exceeding 4.9% volume	£69.65	£73.97	
5	Other alcoholic beverages	£23.43	£24.88.	

5 Excise duty: tobacco

In Part 2 of Schedule 1 to Customs and Excise (Jersey) Law 1999 for the amount specified in column 2 of the table in respect of goods specified in column 1 there shall be substituted the amount specified in column 3 of the table –

I		2	3
Paragraph		Existing amount	Substituted amount
6	Tobacco		
(a)	unprocessed tobacco	£163.74	£181.92
(b)	cigars	£177.17	£196.84
(c)	cigarettes	£221.55	£246.14
(d)	hand-rolling tobacco	£188.31	£209.21

1	2	3
Paragraph	Existing amount	Substituted amount
(e) other types of processed tobacco	£171.48	£190.51.

6 Excise duty: hydrocarbon oil

In Part 2 of Schedule 1 to Customs and Excise (Jersey) Law 1999 for the amount specified in column 2 of the table in respect of goods specified in column 1 there shall be substituted the amount specified in column 3 of the table -

	1	2	3
Paragraph		Existing amount	Substituted amount
7(1)	Hydrocarbon oil		
(a)	higher octane ultra low sulphur petrol	£42.61	£44.70
(b)	all other low sulphur petrol	£40.92	£42.93
(c)	ultra low sulphur diesel	£40.92	£42.93
(d)	all other types of hydrocarbon oil	£44.27	£46.44.

7 Stamp duty and land transactions tax: land and buildings

(1) In Part 1 of the Schedule to the Stamp Duties and Fees (Jersey) Law 1998⁴, in items 13(a), 13(c), 13(h), 13(j), 13(k), 13(l)(2) and 13(n)(A) for clause (v) there shall be substituted the following clauses –

"(v)	exceeds £700,000 but does not exceed £1,000,000	£13,000 in respect of the first £700,000, plus £3 for each £100 or part of £100 in excess thereof	Contract	Greffier
(vi)	exceeds £1,000,000 but does not exceed £1,500,000	£22,000 in respect of the first £1,000,000 plus £3.50 for each £100 or part of £100 in excess thereof	Contract	Greffier

		1		1
(vii)	exceeds £1,500,000 but does not exceed £2,000,000	£39,500 in respect of the first £1,500,000 plus £4 for each £100 or part of £100 in excess thereof	Contract	Greffier
(viii)	exceeds £2,000,000	£59,500 in respect of the first £2,000,000 plus £5 for each £100 or part of £100 in excess thereof	Contract	Greffier".

- (2) In the Schedule to the Taxation (Land Transactions) (Jersey) Law 2009⁵
 - (a) for paragraph 2(1) there shall be substituted the following sub-paragraph –
 - Except as otherwise provided in the following provisions of this Schedule, LTT shall be charged on the value of a transaction described in Article 3(1)(a) or (b) at the rate of £60 plus, where the value of the transaction –

(a)	does not exceed £50,000 –	50p for each £100 or part of £100 subject to a minimum of £10;
(b)	exceeds £50,000 but does not exceed £300,000 –	£250 in respect of the first £50,000, plus £1.50 for each £100 or part of £100 in excess thereof;
(c)	exceeds £300,000 but does not exceed £500,000 –	£4,000 in respect of the first £300,000, plus £2 for each £100 or part of £100 in excess thereof;
(d)	exceeds £500,000 but does not exceed £700,000 –	£8,000 in respect of the first £500,000, plus £2.50 for each £100 or part of £100 in excess thereof;
(e)	exceeds £700,000 but does not exceed £1,000,000 –	£13,000 in respect of the first £700,000, plus £3 for each £100 or part of £100 in excess thereof;
(f)	exceeds £1,000,000 but does not exceed £1,500,000 –	£22,000 in respect of the first £1,000,000 plus £3.50 for each £100 or part of £100 in excess thereof;

(g)	exceeds £1,500,000 but does not exceed £2,000,000 –	£39,500 in respect of the first £1,500,000 plus £4 for each £100 or part of £100 in excess thereof;
(h)	exceeds £2,000,000 –	£59,500 in respect of the first £2,000,000 plus £5 for each £100 or part of £100 in excess thereof.".

- (b) in paragraphs 3, 3A(3)(a), 3A(3)(b)(i), 4(3), 5(2) and 9, for the amount "£50" there shall be substituted the amount "£60";
- (c) in paragraphs 6(2) and 7(2) for the amount "£60" there shall be substituted the amount "£70";
- (d) in paragraph 8 for the amount "£100" there shall be substituted the amount "£120".
- (3) This Article shall come into force on 1st June 2011.

8 Stamp duty: wills devising immovable property

(1) In Part 1 of the Schedule to the Stamp Duties and Fees (Jersey) Law 1998 in item 46(1) for sub-paragraph (e) there shall be substituted the following sub-paragraphs –

"(e)	exceeds £700,000 but does not exceed £1,000,000	£13,000 in respect of the first £700,000, plus £3 for each £100 or part of £100 in excess thereof	Application	Greffier
(f)	exceeds £1,000,000 but does not exceed £1,500,000	£22,000 in respect of the first £1,000,000 plus £3.50 for each £100 or part of £100 in excess thereof	Application	Greffier
(g)	exceeds £1,500,000 but does not exceed £2,000,000	£39,500 in respect of the first £1,500,000 plus £4 for each £100 or part of £100 in excess thereof	Application	Greffier

(h) exceeds £2,000,000	£59,500 in respect of the first £2,000,000 plus £5 for each £100 or part of £100 in excess thereof	Application	Greffier".
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(2) This Article shall come into force on 1st June 2011.

9 Stamp duty: court fees

(1) In Part 1 of the Schedule to the Stamp Duties and Fees (Jersey) Law 1998, for the amount specified in column 2 of the following table in respect of an item specified in column 1 of the table there shall be substituted the amount specified in column 3 of the table –

1	2	3
Item	Existing amount	Substituted amount
1 Acknowledgement of debt on table or au Greffe		
1(ba)(i)	£50	£60
1(ba)(ii)(I)	£50	£60
1(d)	£50	£60
Paragraph (A) of the proviso to 1	£50	£60
Paragraph (B) of the proviso to 1	£5	£6
2(1) Actions in the Petty Debts Court		
2(1)(a)	£6	£7
2(1)(b)	£15	£18
2(1)(c)	£20	£24
2(1)(d)	£30	£36
2(1)(da)	£40	£48
2(1)(e)	£25	£30
2(1)(f)	£25	£30
2(1)(g)	£25	£30
2(1)(h)	£25	£30

1	2	3
Item	Existing amount	Substituted amount
2(2) Actions in the Royal Court		
2(2)(a)	£50	£60
2(2)(b)	£50	£60
2(2)(c)	£50	£60
2(2)(d)	£50	£60
2(2)(e)(i)	£300	£309
2(2)(e)(ii)	£1,000	£1,030
2(2)(f)	£25	£30
3 Act of the Court registered in the register of obligations	£25	£30
4 Adoption	£50	£60
5 Application or declaration not otherwise provided for	£50	£60
6 Arbitration before Greffier	£200	£240
7 Arrest of debtor (saisie)		
7(a)	£200	£240
7(b)	£50	£60
7(c)	£50	£60
7(d)	£200	£240
8 Authority to practise	£100	£120
9 Casier judiciaire	£50	£60
10 Caveat in relation to the passing of a contract transferring immovable property		
10(a)	£50	£60
10(b)	£50	£60
11 Cession	£50	£60
13 Contracts		
13(d1)	£50	£60
13(0)	£50	£60

1	2	3
Item	Existing amount	Substituted amount
13(p)	£50	£60
13(q)	£50	£60
13(r)	£50	£60
13(s)	£50	£60
13(t)	£50	£60
13(u)	£50	£60
14 Loi (1991) sur la copropriété des immeubles bâtis		
14(a)	£150	£180
14(b)	£75	£90
15 Copy of act or other document		
15(a)	£10	£12
15(c)	£25	£30
16 Deed poll	£50	£60
17 Dégrèvement		
17(a)	£50	£60
17(b)	£200	£240
17(c)	£50	£60
18 Désastre		
18(a)	£100	£120
18(b)(i)	£100	£120
18(b)(ii)	£50	£60
18(b)(iii)	£200	£240
18(b)(iv)	£50	£60
18(b)(v)	£100	£120
18(b)(vi)	£100	£120
19 Distraint (arrêt)		
19(a)	£200	£240
19(b)(i)	£50	£60

1	2	3
Item	Existing amount	Substituted amount
19(b)(ii)	£50	£60
19(c)	£50	£60
19(d)	£100	£120
19(e)	£200	£240
20 Documents (including wills) lodged au Greffe	£50	£60
21 Enrolment of acts and other documents au Greffe	£25	£30
22 Evidence of witness taken in writing before Viscount or Greffier		
22(a)	£200	£240
22(b)	£6	£7
23 Extracts or copies from Public Registry		
23(a)(ii)	£25	£30
23(b)(i)	£250	£300
23(b)(ii)	£150	£180
23(b)(iii)	£150	£180
23(b)(iv)	£100	£120
23(b)(v)	£300	£360
24 Guardian ad litem	£25	£30
25 Judgment debts	£200	£240
26 Judgments, registration of		
26(a)	£100	£120
26(b)	£25	£30
27 Legitimacy (Jersey) Law 1973	£100	£120
28 Licensing (Jersey) Law 1974	£50	£60
29 Jersey Gas Company (Jersey) Law 1989		
29(a)	£120	£144

1	2	3
Item	Existing amount	Substituted amount
29(b)(i)	£3	£4
29(b)(ii)	£8	£10
29(c)(i)	25p	30p
29(c)(ii)	£10	£12
30 Mental Health (Jersey) Law 1969		
30(a)	£50	£60
30(b)	£50	£60
30(c)	£50	£60
30(d)	£50	£60
31 Orders of justice and provisional orders		
31(a)	£50	£60
31(b)(i)	£50	£60
31(b)(ii)	£25	£30
32 Patents and designs		
32(a)	£85	£102
32(b)(i)	£25	£30
32(b)(ii)	£50	£60
32(c)(iii)	£25	£30
32A Political Parties (Registration) (Jersey) Law 2008		
32A(a)	£50	£60
32A(b)	£50	£60
33 Power of attorney		
33(a)	£25	£30
33(b)	£25	£30
34 Prisoner for debt (production before court)	£200	£240
35 Réalisation		

I	2	3
Item	Existing amount	Substituted amount
35(a)	£50	£60
35(b)	£200	£240
36 Remonstrance, representation or doléance		
36(a)	£50	£60
36(b)	£300	£360
37 Searches au Greffe		
37(a)	£25	£30
37(b)	£10	£12
38 Hearing of summons		
38(a)	£25	£30
38(b)	£300	£360
38(c)	£200	£240
39 Service or attempted service of summons by Viscount		
39(a)	£50	£60
39(b)	£200	£240
39(c)	£25	£30
39(d)	£25	£30
39(e)	£200	£240
39(f)	£100	£120
40 Service of summons	£50	£60
41 Taxation of costs by Greffier	£37.50	£45
42 Expulsion of refractory tenants		
42(a)(i)	£50	£60
42(a)(ii)	£50	£60
42(b)	£200	£240
42(c)	£200	£240
43 Trusts and corporations	£50	£60

1	2	3
Item	Existing amount	Substituted amount
44 Vue de justice		
44(a)	£100	£120
44(b)	£50	£60
44(c)	£200	£240
44(d)	£50	£60
44(e)	£200	£240
44(e)	£500	£600
45 Vue de Vicomte		
45(a)	£50	£60
45(b)	£50	£60
45(c)	£200	£240
45(d)	£50	£60
45(e)	£200	£240
45(e)	£500	£600
46 Wills devising immovable property		
46(1)(a)	£10	£12
46(2)(a)	£50	£60
46(2)(b)	£150	£180
47 Children (Jersey) Law 2002		
47(a)	£90	£125
47(b)	£90	£125
47(c)	£90	£125
47(d)	£90	£125
47(e)	£90	£125
47(f)	£90	£125.

(2) In Part 1 of the Schedule to the Stamp Duties and Fees (Jersey) Law 1998 for item 47(g) and (h) there shall be substituted the following item –

"(g)	An application made on Form C2 in the Children Rules 2005	£125	Application	Greffier".	
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(3) For Part 2 of the Schedule to the Stamp Duties and Fees (Jersey) Law 1998 there shall be substituted the following Part –

"PART 2

FEES IN MATRIMONIAL CAUSES

	Item	Stamp Duty	Chargeable Document	Designated Officer
1.	APPLICATION FOR LEAVE to file petition	£250	The application	Greffier
2.	INSTITUTING PROCEEDINGS			
	to include filing petition, including all documents for service, issuing and renewing Greffier's certificate and hearing an undefended cause -			
(a)	following grant of application for leave to file petition	£100	The petition	Greffier
(b)	in any other case	£250	The petition	Greffier
3.	FILING AMENDED OR SECOND OR SUBSEQUENT PETITION	£80	The petition	Greffier
4.	FILING ANSWER TO PETITION or cross-petition	£120	The answer	Greffier
5.	HEARING DEFENDED CAUSE - for each half day or part of a half day	£360	The Billet	Greffier
6.	APPLYING FOR DECREE ABSOLUTE (to include issue of one copy)	£40	The application	Greffier
7.	ORIGINATING APPLICATION, SUMMONS OR NOTICE OF INTENTION TO PROCEED WITH APPLICATION FOR ANCILLARY RELIEF –			
(a)	Application for consent order	£40	The application	Greffier

	Item	Stamp Duty	Chargeable Document	Designated Officer
(b)	application other than for consent order - filing summons or Form 16, fixing date, signing copy for service for preliminary directions hearing	£125	The summons or notice	Greffier
(c)	Any application, summons or notice of intention to proceed with application for ancillary relief not falling within (a) or (b)	£80	The summons or notice	Greffier
8.	CONTESTED HEARING BEFORE THE COURT for each half day or part of a half day	£360	The summons	Greffier
9.	FILING NOTICE OF APPEAL against Registrar's decision	£125	The Notice of Appeal	Greffier
10.	APPEALS , hearing by the Court of any appeal from an order of the Greffier, for each half day or part of a half day	£360	The Billet	Greffier
11.	COMMISSION FOR EXAMINATION OF WITNESSES ABROAD, issue of	£60	The application	Greffier
12.	LETTERS OF REQUEST –			
(a)	for service of process out of Jersey	£60	The undertaking	Greffier
(b)	for the examination of witnesses abroad	£60	The undertaking	Greffier
13.	EVIDENCE –			
(a)	taking of in writing by Viscount, for each half day or part or a half day	£240	The deposition	Greffier
(b)	Copy of transcript of, for each page	£7	Transcript	Greffier
14.	SERVICE OR ATTEMPTED SERVICE BY VISCOUNT, each party served (or attempted to serve)	At discretion of Viscount subject to a maximum of £120	The record	Viscount

	Item	Stamp Duty	Chargeable Document	Designated Officer
15.	TAXING BILL OF COSTS, for each half hour	£45	The bill	Greffier
16.	COPY Decree Nisi, Decree Absolute or other Act of Court, Memorandum of Agreement or other document, for each Act or document	£30	Сору	Greffier".

(4) In Part 3 of the Schedule to the Stamp Duties and Fees (Jersey) Law 1998, for the amount specified in column 2 of the following table in respect of an item specified in column 1 of the table there shall be substituted the amount specified in column 3 of the table –

I	2	3
Item	Existing amount	Substituted amount
1 Actions		
1(a)	£50	£60
1(b)	£300	£360
2 Caveats	£50	£60
3 Copies		
3(b)	£10	£12
3(c)	£25	£30
4 Document	£50	£60
5 Evidence		
5(a)	£200	£240
5(b)	£6	£7
6 Order of justice	£50	£60
7 Applications	£300	£360
8 Interventions or oppositions	£50	£60
9 Probate or letters of administration		
9(2)(a)	£50	£60
9(2)(b)	£150	£180
10 Representations to the Court		

1	2	3
Item	Existing amount	Substituted amount
10(a)	£50	£60
10(b)	£300	£360
11 Searches	£25	£30
12 Summonses		
12(a)	£50	£60
12(b)	£50	£60
13 Trust corporations	£500	£600
14 Viscount as administrator		
14(a)	£200	£240
14(b)	£100	£120
14(d)	£200	£240.

10 Citation and commencement

- (1) This Law may be cited as the Finance (2011 Budget) (Jersey) Law 201-.
- (2) Save as provided in Articles 3, 7 and 8 this Law shall come into force on 1st January 2011.

1	chapter 24.750
2	chapter 24.700
3	<i>chapter 24.660</i>
4	chapter 24.960
5	chapter 24.980