



Jersey

**GOODS AND SERVICES TAX  
(INTERNATIONAL SERVICES ENTITIES)  
(JERSEY) REGULATIONS 2008**

**Official Consolidated Version**

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# GOODS AND SERVICES TAX (INTERNATIONAL SERVICES ENTITIES) (JERSEY) REGULATIONS 2008

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## GOODS AND SERVICES TAX (INTERNATIONAL SERVICES ENTITIES) (JERSEY) REGULATIONS 2008

THE STATES, in pursuance of Articles 56, 57, 59, 60 and 100 of the [Goods and Services Tax \(Jersey\) Law 2007](#), have made the following Regulations –

Commencement [[see endnotes](#)]

### 1 Interpretation

In these Regulations –

“AIF services business” has the meaning given by Article 1(1) of the [Financial Services \(Jersey\) Law 1998](#);

“alternative investment fund” means a scheme or arrangement which is an AIF within the meaning given by Regulation 3 of the [Alternative Investment Funds \(Jersey\) Regulations 2012](#);

“collective investment fund” means –

- (a) a collective investment fund within the meaning of the [Collective Investment Funds \(Jersey\) Law 1988](#); or
- (b) an unregulated fund within the meaning of the [Collective Investment Funds \(Unregulated Funds\) \(Jersey\) Order 2008](#);

“the Law” means the [Goods and Services Tax \(Jersey\) Law 2007](#);

“managed entity” means a person who –

- (a) is registered to carry on fund services business under the [Financial Services \(Jersey\) Law 1998](#) because the person falls within the classes of person specified in Article 2(10)(a) of that Law; and
- (b) is managed under a service contract by a person registered to carry on fund services business under that Law because the person falls within any of the classes specified in Article 2(10) of that Law;

“managed manager” means a person who –

- (a) holds a permit under the [Collective Investment Funds \(Jersey\) Law 1988](#) as a functionary falling within Group 2 of Part 2 of the Schedule to that Law; and

- (b) is managed under a service contract by a functionary holding a permit under that Law.<sup>1</sup>

## **2 Prescribed requirement: Article 57(1) of Law**

- (1) For the purposes of Article 57(1)(b) of the Law, the prescribed requirement in relation to a supply of goods or services to an international services entity shall be that the supply –
  - (a) shall not, if it is a supply of goods, be for onward re-supply –
    - (i) of the goods in the same state as they existed in when supplied to the entity, and
    - (ii) to, for the purposes of, or for the benefit of, a person who belongs in Jersey; and
  - (b) if it were (but for the operation of Article 57 of the Law) a taxable supply, would not be a taxable supply –
    - (i) to which special provision under Article 43(1) of the Law applied, and
    - (ii) having a value (within the meaning of Part 9 of the Law) of less than £1,000.
- (2) If a supply of goods is made to, for the purposes of, or for the benefit of, a person who is an individual, and the supply is received otherwise than for the purposes of any business carried on by the person, the person shall be treated for the purposes of paragraph (1)(a)(ii) as belonging in Jersey if the person has his or her usual place of residence there.
- (3) If a supply of goods is made to, for the purposes of, or for the benefit of, a person who is not an individual, or the supply is received for the purposes of a business carried on by the person, the person shall be treated for the purposes of paragraph (1)(a)(ii) as belonging in Jersey if –
  - (a) the person has an establishment there and no fixed establishment elsewhere in the world;
  - (b) the person has no establishment anywhere in the world but the person's usual place of residence is in Jersey; or
  - (c) the person has establishments both in Jersey and elsewhere in the world and the person's establishment at which, or for the purposes of which, the goods supplied to the person are most directly used or to be used is in Jersey.

## **3 Fee for listing of ISE: Article 59 of Law**

- (1) For the purposes of Article 59(1)(c) of the Law, the fee prescribed for an application for entering the name of an entity on a list kept by the Comptroller is the aggregate of such of the amounts set out in Regulation 4 as apply to the entity.<sup>2</sup>
- (2) For the purposes of Article 59(2)(b) of the Law, the sum prescribed in respect of an entity shall be a sum –
  - (a) payable on or before such date as the Comptroller specifies by direction;

- (b) payable in respect of any year or part of a year (other than the first year or part of the first year) in which an entry of the name of the entity has effect; and
- (c) calculated as equivalent to the fee that would apply under paragraph (1) if application were being made on that date for entering the name of that entity on the list.

#### 4 Basis of fee

- (1) For the purposes of Regulation 3, the amounts are as follows –
  - (a) in the case of an entity that is registered under the [Financial Services \(Jersey\) Law 1998](#) in respect of trust company business –
    - (i) the sum of –
      - (A) £13,100 in respect of each such registration of the entity as an affiliation leader or as a non-affiliated person, and
      - (B) £300 multiplied by the number of vehicles administered by the entity in its capacity as an affiliation leader or non-affiliated person,
    - (ii) the sum of –
      - (A) £300 in respect of each such registration of the entity as a participating member of an affiliation where the fee prescribed under clause (i)(A) in respect of the entry of the name of the affiliation leader on a list for the purposes of Article 59 of the Law has been paid in respect of the same period and the same affiliation, and
      - (B) £300 multiplied by the number of vehicles administered by the entity in its capacity as a participating member, or
    - (iii) the sum of –
      - (A) £13,100 in respect of each such registration of the entity as a participating member of an affiliation where the fee prescribed under clause (i)(A) in respect of the entry of the name of the affiliation leader on a list for the purposes of Article 59 of the Law has not been paid in respect of the same period and the same affiliation, and
      - (B) £300 multiplied by the number of vehicles administered by the entity in its capacity as a participating member;
  - (b) in the case of an entity that is registered under the [Banking Business \(Jersey\) Law 1991](#) in respect of deposit-taking business, £78,300 in respect of each such registration of the entity;
  - (c) in the case of an entity that holds a permit under the [Collective Investment Funds \(Jersey\) Law 1988](#), is not a collective investment fund and does not hold the permit as a managed manager, one amount of £4,700, however many permits the entity holds under that Law otherwise than as a managed manager;

- (ca) in the case of an entity that holds a permit as manager under the [Collective Investment Funds \(Jersey\) Law 1988](#), is not a collective investment fund, and holds the permit as a managed manager but is not also a permit holder as –
- (i) an administrator,
  - (ii) a registrar, or
  - (iii) a custodian,
- one amount of £4,700, however many other permits the entity holds under that Law as a managed manager;
- (d) in the case of an entity that holds a permit under the [Collective Investment Funds \(Jersey\) Law 1988](#), is not a collective investment fund but holds the permit as a managed manager, one amount of £950, however many permits the entity holds under that Law as a managed manager;
- (da) in the case of an entity that is registered under the [Financial Services \(Jersey\) Law 1998](#) in respect of AIF services business, one amount of £4,700;
- (e) in the case of an entity that is registered under the [Financial Services \(Jersey\) Law 1998](#) to carry on fund services business in relation to one or more unclassified funds within the meaning of that Law, and is not so registered as a managed entity, one amount of £4,700, however many unclassified funds there are in relation to which the entity is so registered to carry on fund services business otherwise than as a managed entity;
- (f) in the case of an entity that is registered under the [Financial Services \(Jersey\) Law 1998](#) to carry on fund services business in relation to one or more unclassified funds within the meaning of that Law, and is so registered as a managed entity, one amount of £950, however many unclassified funds there are in relation to which the entity is so registered to carry on fund services business as a managed entity;
- (fa) in the case of an entity that is registered under the [Financial Services \(Jersey\) Law 1998](#) to carry on fund services business as a manager in relation to one or more unclassified funds within the meaning of that Law, and is so registered as a managed entity but is not also registered as –
- (i) an administrator,
  - (ii) a registrar, or
  - (iii) a custodian,
- one amount of £4,700, however many unclassified funds there are in relation to which the entity is so registered to carry on fund services business as a manager;
- (g) in the case of an entity that is a body corporate or partnership, limited partnership, limited liability partnership or limited liability company, but is not –
- (i) an affiliation leader, non-affiliated person or participating member referred to in sub-paragraph (a),
  - (ii) an entity to which any of sub-paragraphs (b) to (fa) applies, or

- (iii) a vehicle in respect of which a fee has been calculated under sub-paragraph (a)(i)(B), (ii)(B) or (iii)(B),  
an amount of £750;
  - (h) in the case of an entity that is a trustee, but is not –
    - (i) an affiliation leader, non-affiliated person or participating member referred to in sub-paragraph (a), or
    - (ii) an entity to which any of sub-paragraphs (b) to (fa) applies,  
a nil amount;
  - (i) in the case of an entity that is an alternative investment fund or a collective investment fund, but is not –
    - (i) an affiliation leader, non-affiliated person or participating member referred to in sub-paragraph (a), or
    - (ii) a vehicle in respect of which a fee has been calculated under sub-paragraph (a)(i)(B), (ii)(B) or (iii)(B),  
one amount of £300, notwithstanding that the entity in question may be both an alternative investment fund and a collective investment fund;
  - (j) in the case of an entity that is an Anstalt, Stiftung or foundation, or a thing prescribed or specified under Article 60(1)(h) of the Law, but is not –
    - (i) an affiliation leader, non-affiliated person or participating member referred to in sub-paragraph (a), or
    - (ii) a vehicle in respect of which a fee has been calculated under sub-paragraph (a)(i)(B), (ii)(B) or (iii)(B),  
an amount of £750.<sup>3</sup>
- (2) In this Regulation –
  - (a) the expressions “affiliation”, “affiliation leader”, “non-affiliated person” and “participating member” have the same meanings as those expressions in the Financial Services (Trust Company Business (Registration and Fees)) (Jersey) Order 2003;
  - (b) a reference in paragraph (1)(a) to an entity’s administering a vehicle is a reference to the entity’s providing in relation to the vehicle any of the services specified in Article 2(4) of the [Financial Services \(Jersey\) Law 1998](#);
  - (ba) a reference to an administrator, a manager, a registrar or a custodian –
    - (i) in sub-paragraph (ca), is to such a person as so called in, and for the purposes of, Part 2 of the Schedule to the [Collective Investment Funds \(Jersey\) Law 1988](#), and
    - (ii) in sub-paragraph (fa), is to such a person as so called in, and for the purposes of, Article 2(10) of the [Financial Services \(Jersey\) Law 1998](#);
  - (c) a reference to a vehicle is a reference to an entity that meets the requirements of Article 60 of the Law, whether or not it is an international services entity;
  - (d) a reference to a vehicle does not include a trustee;

- (e) a reference in paragraph (1)(a)(i)(B), (ii)(B) or (iii)(B) to a vehicle administered by an entity does not include a vehicle –
  - (i) that is administered by another entity referred to in the same provision or in another of those provisions, being an entity within the same affiliation, and
  - (ii) in respect of which a fee has already been calculated under any of those provisions and paid;
- (f) a reference in paragraph (1)(a)(i)(B), (ii)(B) or (iii)(B) to a vehicle does not include an entity in respect of which a fee has already been calculated under paragraph (1)(g), (i) or (j) and paid.<sup>4</sup>

5 <sup>5</sup>

6 <sup>6</sup>

## 7 Other types of ISE: Article 60(1)(h) of Law<sup>7</sup>

The following are prescribed for the purposes of Article 60(1)(h) of the Law –

- (a) a person registered under the [Financial Services \(Jersey\) Law 1998](#) to carry on trust company business or fund services business;
- (b) a person registered under the [Banking Business \(Jersey\) Law 1991](#) to carry on deposit-taking business;
- (c) a person (other than a collective investment fund) who holds a permit as a functionary within the meaning of the [Collective Investment Funds \(Jersey\) Law 1988](#).
- (d) an AIF services business.

## 8 Relief on supplies valued at less than £1,000: Article 56 of Law

The Comptroller shall refund to an entity that meets the requirements of Article 60 of the Law the GST that is chargeable on any supplies to it of goods or services if all of the following conditions are satisfied in relation to the entity, the supplies and the goods or services –

- (a) in the case of the supply of –
  - (i) goods, the goods are to be used or held for the purpose of any business carried on by or through the entity, or
  - (ii) services, the services are supplied for the purpose of any business carried on by or through the entity;
- (b) the supplies were made when the entity was an international services entity within the meaning of Part 12 of the Law;
- (c) each of the supplies has a value (within the meaning of Part 9 of the Law) of less than £1,000;



- (d) such records of the supplies to the entity, and of the GST chargeable on them, are kept by the entity as the Comptroller by direction requires;
- (e) the GST has actually been paid;
- (f) such records of supplies of goods or services, being supplies made by the entity, are kept as the Comptroller by direction requires;
- (g) application is made for the refund at such time or times as the Comptroller specifies by direction;
- (h) that application is made in the approved form.

## **9 Citation**

These Regulations may be cited as the Goods and Services Tax (International Services Entities) (Jersey) Regulations 2008.

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement	Project No (where applicable)
Goods and Services Tax (International Services Entities) (Jersey) Regulations 2008	<a href="#">R&amp;O.39/2008</a>	12 March 2008 (same day as <a href="#">P.17/2008</a> , by virtue of <a href="#">R&amp;O.40/2008</a> )	<a href="#">P.10/2008</a>
Goods and Services Tax (Miscellaneous Amendments) (Jersey) Regulations 2010	<a href="#">R&amp;O.125/2010</a>	1 January 2011	<a href="#">P.161/2010</a>
Goods and Services Tax (Miscellaneous Amendments No. 2) (Jersey) Regulations 2011	<a href="#">R&amp;O.147/2011</a>	1 January 2012	<a href="#">P.162/2011</a>
Finance (2018 Budget) (Jersey) Law 2018	<a href="#">L.14/2018</a>	1 January 2018 (except Article 13(2) on 30 November 2017)  Adopted Law given effect as if enacted on 30 November 2017 by <a href="#">R&amp;O.125/2017</a>	<a href="#">P.98/2017</a>
Finance (2019 Budget) (Jersey) Law 2019	<a href="#">L.6/2019</a>	1 January 2019  Adopted Law given effect as if enacted on 6 December 2018 by <a href="#">R&amp;O.125/2018</a>	<a href="#">P.130/2018</a>
Finance (2020 Budget) (Jersey) Law 2020	<a href="#">L.6/2020</a>	1 January 2020  Adopted Law given effect as if enacted on 2 December 2019 by <a href="#">R&amp;O.130/2019</a>	<a href="#">P.109/2019</a>
Finance (2021 Budget) (Jersey) Law 2021	<a href="#">L.3/2021</a>	1 January 2021  Adopted Law given effect as if enacted on 17 December 2020 by <a href="#">R&amp;O.167/2020</a>	<a href="#">P.147/2020</a>

Legislation	Year and No	Commencement	°Projet No (where applicable)
Finance (2022 Budget) (Jersey) Law 2022	<a href="#">L.5/2022</a>	1 January 2022 – except Articles 29, 30, 32 to 40 and 42  Adopted Law given effect as if enacted on 17 December 2021 by <a href="#">R&amp;O.158/2021</a>	<a href="#">P.100/2021</a>
Finance (2023 Budget) (Jersey) Law 2023	<a href="#">L.3/2023</a>	1 January 2023  Adopted Law given effect as if enacted on 16 December 2022 by <a href="#">R&amp;O.112/2022</a>	<a href="#">P.102/2022</a>

°Projets available at [statesassembly.gov.je](https://statesassembly.gov.je)

### Table of Renumbered Provisions

Original	Current
9(1)	9
9(2)	spent, omitted

### Table of Endnote References

<sup>1</sup> Regulation 1	amended by L.14/2018
<sup>2</sup> Regulation 3(1)	amended by R&O.147/2011
<sup>3</sup> Regulation 4(1)	amended by R&O.125/2010, R&O.147/2011, L.14/2018, L.6/2019, L.6/2020, L.3/2021, L.3/2023
<sup>4</sup> Regulation 4(2)	amended by L.14/2018
<sup>5</sup> Regulation 5	not in force: enabling power repealed by P.17/2008
<sup>6</sup> Regulation 6	not in force: enabling power repealed by P.17/2008
<sup>7</sup> Regulation 7	amended by L.6/2020, L.5/2022