



Jersey

INCOME TAX (AMENDMENT No. 32) (JERSEY) LAW 2009

Arrangement

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INCOME TAX (AMENDMENT No. 32) (JERSEY) LAW 2009

A **LAW** to amend further the Income Tax (Jersey) Law 1961, the Goods and Services Tax (Jersey) Law 2007 and the Bankruptcy (Désastre) (Jersey) Law 1990.

Adopted by the States

14th July 2009

Sanctioned by Order of Her Majesty in Council

17th November 2009

Registered by the Royal Court

4th December 2009

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

PART 1

INTEREST RATE ON INCOME TAX REPAYMENT

1 **Income Tax (Jersey) Law 1961 amended**

In Article 28 of the Income Tax (Jersey) Law 1961¹ –

- (a) in paragraph (4), for the amount “0.3%” there shall be substituted the amount “0.03%”;
- (b) after paragraph (4) there shall be added the following paragraph –
 - “(5) The Minister may by Order amend the rate of interest expressed in paragraph (4).”.

PART 2**RECOVERY OF TAX DURING BANKRUPTCY****2 Bankruptcy (Désastre) (Jersey) Law 1990 amended**

In Article 32(1)(c) of the Bankruptcy (Désastre) (Jersey) Law 1990² for clause (i) there shall be substituted the following clauses –

- “(i) all sums payable to the Health Insurance Fund under Article 25 of the Health Insurance (Jersey) Law 1967³ and to the Social Security Fund under Article 41 of the Social Security (Jersey) Law 1974⁴,
- (ia) all amounts due as described in Article 45(3) of the Income Tax (Jersey) Law 1961⁵ and all amounts due as described in Article 47(8) of the Goods and Services Tax (Jersey) Law 2007⁶.”.

3 Income Tax (Jersey) Law 1961 amended

For paragraph (3) of Article 45 of the Income Tax (Jersey) Law 1961 there shall be substituted the following paragraph –

- “(3) In the event of any composition with creditors, désastre, dégrèvement, réalisation or other bankruptcy, the following amounts shall rank for payment pari passu with other privileged debts and in priority to all other debts –
 - (a) the income tax due from the debtor for the year in which that event occurs and for the preceding year;
 - (b) any amount deducted by the debtor in accordance with Article 41B(1) and due from the debtor, in the year in which that event occurs or in the preceding year, in accordance with Article 41B(5);
 - (c) any amount deducted by the debtor in accordance with Article 41E(1) and due from the debtor, in the year in which that event occurs or in the preceding year, in accordance with Article 41E(5);
 - (d) any amount deducted by the debtor in accordance with paragraph 3(1) of Schedule 3A, and due from the debtor, in the year in which that event occurs or in the preceding year in accordance with sub-paragraph (8) of that paragraph; and
 - (e) any amount deducted by the debtor in accordance with paragraph 4(2) of Schedule 3A, and due from the debtor, in the year in which that event occurs or in the preceding year in accordance with sub-paragraph (8) of that paragraph.”.

4 Goods and Services Tax (Jersey) Law 2007 amended

At the end of Article 47 of the Goods and Services Tax (Jersey) Law 2007⁷ there shall be added the following paragraphs –

“(7) Where the Royal Court has granted –

- (a) an application made by any person to place his or her property under the control of the Court (de remettre ses biens entre les mains de la Justice); or
- (b) an application for the holding of a bénéfice d’inventaire on the estate of any deceased person,

the autorisés or the Viscount, as the case may be, shall pay, out of the property of such person or the estate of such deceased person, any GST or other amount due under this Law or the Regulations by such person, or such deceased person or his or her estate, at the time of the granting of the application and having become due and payable within 12 months next before that time.

- (8) In the event of any composition with creditors, désastre, dégrèvement, réalisation or other bankruptcy, any GST or other amount due from the debtor under this Law or the Regulations in the year in which that event occurs or in the preceding year shall rank for payment pari passu with other privileged debts and in priority to all other debts.”.

PART 3

CLOSING PROVISION

5 Citation

This Law may be cited as the Income Tax (Amendment No. 32) (Jersey) Law 2009.

A.H. HARRIS

Deputy Greffier of the States

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- ¹ *chapter 24.750*
² *chapter 04.160*
³ *chapter 26.500*
⁴ *chapter 26.900*
⁵ *chapter 24.750*
⁶ *chapter 24.700*
⁷ *chapter 24.700*