# **STATES OF JERSEY**



# DRAFT FINANCE (2012 BUDGET) (JERSEY) LAW 201-

Lodged au Greffe on 27th September 2011 by the Minister for Treasury and Resources

# **STATES GREFFE**



# DRAFT FINANCE (2012 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 (2012 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 Draft Budget Statement 2012.

### Financial and manpower implications

The financial and manpower implications are clearly identified in Part 10 of the Draft Budget Statement 2012.

### **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 23rd September 2011 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 (2012 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 2012 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 4.5%, rounded up to the nearest multiple of £10. The increase has effect for the year of assessment 2012, and ensuing years.

Article 3 amends the Customs and Excise (Jersey) Law 1999 so as to increase duty on alcohol by 5%.

Article 4 amends the Customs and Excise (Jersey) Law 1999 so as to increase duty on tobacco by 10%.

*Article 5* amends the Customs and Excise (Jersey) Law 1999 so as to increase duty on motor vehicles by 5%.

Article 6 amends the Taxation (Land Transactions) (Jersey) Law 2009 so as to alter the amounts of land transaction tax payable, reflecting changes to equivalent provisions altered by the following Article.

Article 7 amends the Stamp Duties and Fees (Jersey) Law 1998 so as to alter amounts payable in respect of property transactions, wills of immovable property, applications to the court and conduct of cases. It also introduces a set of standard rates for several of those amounts.

*Article* 8 provides for the citation of the Law and for its commencement on 1st January 2012.



# DRAFT FINANCE (2012 BUDGET) (JERSEY) LAW 201-

# Arrangement

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# DRAFT FINANCE (2012 BUDGET) (JERSEY) LAW 201-

**A LAW** to set the rate of income tax for 2012 and to amend the Customs and Excise (Jersey) Law 1999, the Taxation (Land Transactions) (Jersey) Law 2009 and the Stamp Duties and Fees (Jersey) Law 1998.

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 2012

There shall be levied and charged in Jersey for the year 2012, in accordance with, and subject to the provisions of, the Income Tax (Jersey) Law 1961<sup>1</sup>, 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<sup>2</sup>
  - (a) in paragraph (2)(i) for the amount "£23,480" there shall be substituted the amount "£24,540";
  - (b) in paragraph (2)(ii) for the amount "£20,510" there shall be substituted the amount "£21,440";
  - (c) in paragraph (6)(a) for the amount "£14,270" there shall be substituted the amount "£14,920";
  - (d) in paragraph (6)(b) for the amount "£12,790" there shall be substituted the amount "£13,370".
- (2) This Article shall have effect for the year of assessment 2012 and ensuing years.

### 3 Excise duty: alcohol

In Part 2 of Schedule 1 to the Customs and Excise (Jersey) Law  $1999^3$  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
1	Spirits		
(a)	small independent distiller	£12.45	£13.07
(b)	all other	£24.88	£26.12
2	Wines		
	eeding 1.2% volume but not exceeding volume	£60.60	£63.63
	eeding 5.5% volume but not exceeding volume	£159.03	£166.98
	eeding 15% volume but not exceeding volume	£194.89	£204.63
Exce	eeding 22% volume	£24.88	£26.12
3	Beer		
(a)	small independent brewer, beer –		
	(i) not exceeding 4.9% volume	£26.27	£27.58
	(ii) exceeding 4.9% volume	£39.53	£41.51
(b)	all other, beer –		
	(i) not exceeding 4.9% volume	£52.54	£55.17
	(ii) exceeding 4.9% volume	£79.06	£83.01
4	Cider		
(a)	small independent cider-maker, cider –		
	(i) not exceeding 4.9% volume	£24.59	£25.82
	(ii) exceeding 4.9% volume	£36.99	£38.84
(b)	all other, cider –		
	(i) not exceeding 4.9% volume	£49.18	£51.64
	(ii) exceeding 4.9% volume	£73.97	£77.67
5	Other alcoholic beverages	£24.88	£26.12.

### 4 Excise duty: tobacco

In Part 2 of Schedule 1 to the Customs and Excise (Jersey) Law  $1999^4$  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	
6	Tobacco			
(a)	unprocessed tobacco	£181.92	£200.11	
(b)	cigars	£196.84	£216.52	
(c)	cigarettes	£246.14	£270.75	
(d)	hand-rolling tobacco	£209.21	£230.13	
(e)	other types of processed tobacco	£190.51	£209.56.	

## 5 Excise duty: motor vehicles

In paragraph 8 of Part 2 of Schedule 1 to the Customs and Excise (Jersey) Law 1999<sup>5</sup> –

(a) at the end of sub-paragraph (3) for Table 1 there shall be substituted the following Table –

"TABLE 1						
LPVs FIRST REGISTERED ON OR AFTER 1st MARCH 2001						
1	2	3	4	5		
CO <sub>2</sub> mass emission figure	LPV 1st registered in Jersey	LPV 1st registered outside Jersey 1 year or less ago	LPV 1st registered outside Jersey more than 1 but 2 years or less ago	LPV 1st registered outside Jersey more than 2 years ago		
120g or less	£0	£0	£0	£0		
More than 120g but not more than 150g	£42	£42	£26	£21		
More than 150g but not more than 165g	£126	£126	£84	£63		
More than 165g but not more than 185g	£189	£189	£121	£95		

More than 185g but not more than 225g	£315	£315	£205	£158
More than 225g but not more than 250g	£630	£630	£410	£315
More than 250g but not more than 300g	£1,050	£1,050	£683	£525
More than 300g	£1,313	£1,313	£856	£656";

(b) at the end of sub-paragraph (4) for Table 2 there shall be substituted the following Table –

"TABLE 2					
ALL OTHER MOTOR VEHICLES					
1	2	3	4	5	
Cylinder capacity of engine	Vehicle 1st registered in Jersey	Vehicle 1st registered outside Jersey 1 year or less ago	Vehicle 1st registered outside Jersey more than 1 but 2 years or less ago	Vehicle 1st registered outside Jersey more than 2 years ago	
1000cc or less	£0	£0	£0	£0	
More than 1000cc but not more than 1400cc	£158	£158	£105	£79	
More than 1400cc but not more than 1800cc	£263	£263	£173	£131	
More than 1800cc but not more than 2000cc	£399	£399	£257	£200	
More than 2000cc but not more than 2500cc	£525	£525	£341	£263	
More than 2500cc but not more than 3000cc	£788	£788	£515	£394	
More than 3000cc but not more than 3500cc	£1,050	£1,050	£683	£525	
More than 3500cc	£1,313	£1,313	£856	£656".	

#### 6 Land transactions tax

In the Schedule to the Taxation (Land Transactions) (Jersey) Law 2009<sup>6</sup> –

(a) in paragraphs 2(1), 3, 3A(3)(a), 3A(3)(b)(i), 4(3) and 5(2), for the amount "£60" there shall be substituted the amount "£80";

- (b) in paragraphs 6(2) and 7(2), for the amount "£70" there shall be substituted the amount "£80";
- (c) in paragraph 8, for the amount "£120" there shall be substituted the amount "£160";
- (d) in paragraph 9, for the amount "£60" there shall be substituted the amount "£80".

### 7 Stamp duty

- (1) In Part 1 of the Schedule to the Stamp Duties and Fees (Jersey) Law  $1998^7$ 
  - (a) after the sub-heading "Judicial Fees" there shall be inserted the following paragraph –

"In the column headed 'Stamp Duty, by Figure or Rate' in following table, the amounts represented by the lettered rates are –

- (a) by rate A, £1;
- (b) by rate B, £15;
- (c) by rate C, £30;
- (d) by rate D, £40;
- (e) by rate E, £60;
- (f) by rate F, £80;
- (g) by rate G, £120;
- (h) by rate H, £150;
- (i) by rate I, £200;
- (j) by rate J, £300;
- (k) by rate K, £360;
- (1) by rate L, £500;
- (m) by rate M, £1,500.";
- (b) in the header to the second column of the table, for the words "Stamp Duty" there shall be substituted the words "Stamp Duty, by Figure or Rate";
- (c) in the second column of the table, for the amount specified in column 2 of the following table in respect of an item specified in column 1 of the following table there shall be substituted the rate specified in column 3 of the following table –

1	2	3
Item	Existing amount	Substituted rate
1 Acknowledgement of debt on table or <i>au Greffe</i>		
1(ba)(i)	£60	rate F
1(ba)(ii)(I)	£60	rate F

1	2	3
Item	Existing amount	Substituted rate
1(d)	£60	rate F
2(1) Actions in the Petty Debts Court		
2(1)(a)	£7	rate B
2(1)(b)	£18	rate B
2(1)(c)	£24	rate C;

(d) in the table, for items 2(1)(d) and 2(1)(da) there shall be substituted the following sub-paragraphs –

	"(d)	Where the claim exceeds £1,000 but does not exceed £5,000	rate F	Claim Summary	Greffier
	(da)	Where the claim exceeds £5,000	rate G	Claim Summary	Greffier";

(e) in the second column of the table, for the amount specified in column 2 of the following table in respect of an item specified in column 1 of the following table there shall be substituted the rate specified in column 3 of the following table –

1	2	3
Item	Existing amount	Substituted rate
2(1)(e)	£30	rate G
2(1)(f)	£30	rate E
2(1)(g)	£30	rate E
2(1)(h)	£30	rate C
2(2) Actions in the Royal Court		
2(2)(a)	£60	rate F
2(2)(b)	£60	rate F
2(2)(c)	£60	rate F
2(2)(d)	£60	rate F
2(2)(e)(i)	£309	rate J
2(2)(e)(ii)	£1,030	rate M
2(2)(f)	£30	rate E

1	2	3
Item	Existing amount	Substituted rate
3 Act of the Court registered in the register of obligations	£30	rate E
4 Adoption	£60	rate G
5 Application or declaration not otherwise provided for	£60	rate F
6 Arbitration before Greffier	£240	rate L
7 Arrest of debtor (saisie)		
7(a)	£240	rate L
7(b)	£60	rate G
7(c)	£60	rate G
7(d)	£240	rate L;

(f) in the table, for item 8 there shall be substituted the following item –  $\,$ 

<b>"8</b>	AUTHORITY TO PRACTISE	rate H	Application	Greffier";
	as an architect, dentist, medical			
	practitioner, optician, veterinary			
	surgeon			

(g) in the second column of the table, for the amount specified in column 2 of the following table in respect of an item specified in column 1 of the following table there shall be substituted the rate specified in column 3 of the following table –

1	2	3
Item	Existing amount	Substituted rate
9 Casier judiciaire	£60	rate G
10 Caveat in relation to the passing of a contract transferring immovable property		
10(a)	£60	rate E
10(b)	£60	rate E
11 Cession	£60	rate G
13 Contracts		
13(d1)	£60	rate F

1	2	3
Item	Existing amount	Substituted rate
13(g)(i)	£2	rate B
13(g)(ii)	£10	rate E
13(o)	£60	rate F
13(p)	£60	rate F
13(q)	£60	rate F
13(r)	£60	rate E
13(s)	£60	rate E
13(t)	£60	rate F
13(u)	£60	rate F
14 Loi (1991) sur la copropriété des immeubles bâtis <sup>8</sup>		
14(a)	£180	rate I
14(b)	£90	rate G
15 Copy of act or other document		
15(a)	£12	rate B
15(b)	£1	rate A
15(c)	£30	rate C
16 Deed poll	£60	rate E
17 Dégrèvement		
17(a)	£60	rate G
17(b)	£240	rate L
17(c)	£60	rate G
18 Désastre		
18(a)	£120	rate I
18(b)(i)	£120	rate I
18(b)(ii)	£60	rate E
18(b)(iii)	£240	rate J
18(b)(iv)	£60	rate E
18(b)(v)	£120	rate H

1	2	3
Item	Existing amount	Substituted rate
18(b)(vi)	£120	rate H
19 Distraint (arrêt)		
19(a)	£240	rate L
19(b)(i)	£60	rate G
19(b)(ii)	£60	rate G
19(c)	£60	rate G
19(d)	£120	rate I
19(e)	£240	rate L
20 Documents (including wills) lodged <i>au Greffe</i>	£60	rate F
21 Enrolment of acts and other documents <i>au Greffe</i>	£30	rate E
22 Evidence of witness taken in writing before Viscount or Greffier		
22(a)	£240	rate L
22(b)	£7	rate B
23 Extracts or copies from Public Registry		
23(a)(i)	£1	rate A
23(a)(ii)	£30	rate C
23(b)(i)	£300	rate J
23(b)(ii)	£180	rate I
23(b)(iii)	£180	rate I
23(b)(iv)	£120	rate G
23(b)(v)	£360	rate K
24 Guardian ad litem	£30	rate E
25 Judgment debts	£240	rate L
26 Judgments, registration of		
26(a)	£120	rate H
26(b)	£30	rate C

1	2	3
Item	Existing amount	Substituted rate
27 Legitimacy (Jersey) Law 1973 <sup>9</sup>	£120	rate H
28 Licensing (Jersey) Law 1974 <sup>10</sup>	£60	rate F
29 Jersey Gas Company (Jersey) Law 1989 <sup>11</sup>		
29(a)	£144	rate H
29(b)(i)	£4	rate B
29(b)(ii)	£10	rate B
29(c)(i)	30p	rate A
29(c)(ii)	£12	rate C;

(h) in the table, for item 30 there shall be substituted the following item -

"30	MENTAL HEALTH (JERSEY) LAW 1969 <sup>12</sup>			
(a)	Application to deal with interdict's property (Article 43(17)) –			
	(i) in the case of a professional application	rate F	Application	Greffier
	(ii) in any other case	rate I	Application	Greffier
(b)	Application for appointment of acting nearest relative (Article 32)	rate F	Summons	Greffier
(c)	Application for discharge or variation of order appointing acting nearest relative (Article 33)	rate F	Summons	Greffier
(d)	Application for leave to institute proceedings (Article 50(2))	rate F	Summons	Greffier";

(i) in the second column of the table, for the amount specified in column 2 of the following table in respect of an item specified in column 1 of the following table there shall be substituted the rate specified in column 3 of the following table –

1	2	3
Item	Existing amount	Substituted rate
31 Orders of justice and provisional orders		
31(a)	£60	rate E
31(b)(i)	£60	rate E
31(b)(ii)	£30	rate E
32 Patents and designs		
32(a)	£102	rate G
32(b)(i)	£30	rate C
32(b)(ii)	£60	rate E
32(c)(i)	£1	rate A
32(c)(ii)	£1	rate A
32(c)(iii)	£30	rate C
32A Political Parties (Registration) (Jersey) Law 2008 <sup>13</sup>		
32A(a)	£60	rate E
32A(b)	£60	rate E
32A(c)	£1	rate A
33 Power of attorney		
33(a)	£30	rate E
33(b)	£30	rate E
<b>34 Prisoner for debt</b> (production before court)	£240	rate L
35 Réalisation		
35(a)	£60	rate G
35(b)	£240	rate L
36 Remonstrance, representation or <i>doléance</i>		
36(a)	£60	rate G
36(b)	£360	rate L
37 Searches au Greffe		

1	2	3
Item	Existing amount	Substituted rate
37(a)	£30	rate C
37(b)	£12	rate B
38 Hearing of summons		
38(a)	£30	rate C
38(b)	£360	rate K
38(c)	£240	rate J;

(j) in the table, for item 39 there shall be substituted the following item –  $\,$ 

"39	SUMMONS, SERVICE OR ATTEMPTED SERVICE OF, BY VISCOUNT –			
(a)	In pursuance of an order of justice regarding guardianship, administration of property or attainment of majority, each person	rate G		Viscount
(b)	In connection with any other order of justice, remonstrance, representation or <i>doléance</i> , each person	At discretion of Viscount subject to a maximum of rate J		Viscount
	Provided that in the case of the ar the fees set out in paragraph (b) o set out in item 7 or 19 of this Part	f this item shall be	•	
(c)	Certifying each copy of an order of justice, remonstrance, representation or <i>doléance</i>	rate E	Record	Viscount
(d)	On a debtor requiring the debtor to pay a claim within 2 months on pain of <i>dégrèvement</i>	At discretion of Viscount subject to a maximum of rate J	Record	Viscount
(e)	Any summons or notice not otherwise provided for	At discretion of Viscount subject to a maximum of rate J	Record	Viscount";

(k) in the second column of the table, for the amount specified in column 2 of the following table in respect of an item specified in

column 1 of the following table there shall be substituted the amount or rate specified in column 3 of the following table  $-\,$ 

1	2	3
Item	Existing amount	Substituted amount or rate
40 Service of summons	£60	rate E
41 Taxation of costs by Greffier	£45	rate E
42 Expulsion of refractory tenants		
42(a)(i)	£60	rate G
42(a)(ii)	£60	rate G
42(b)	£240	rate J
42(c)	£240	rate L
43 Trusts and corporations	£60	rate E
44 Vue de justice		
44(a)	£120	rate J
44(b)	£60	rate G
44(c)	£240	rate L
44(d)	£60	rate G
44(e)	£240	£350
44(e)	£600	£750
45 Vue de Vicomte		
45(a)	£60	rate J
45(b)	£60	rate G
45(c)	£240	rate L
45(d)	£60	rate G
45(e)	£240	£350
45(e)	£600	£750
46 Wills devising immovable property		
46(2)(a)	£60	rate F
46(2)(b)	£180	rate I;

- (l) in the table, in item 47 (Children (Jersey) Law 2002<sup>14</sup>)
  - (i) for the amount "£125", in each place where it occurs, there shall be substituted the words "rate G",
  - (ii) paragraph (h) shall be deleted;
- (m) in the table, in item 48 (Planning appeals "on the papers") for the amount "£200" there shall be substituted the words "rate L";
- (n) in the table, in item 49 (Application for gender recognition certificate) for the amount "£50" there shall be substituted the words "rate E".
- (2) In Part 2 of the Schedule to the Stamp Duties and Fees (Jersey) Law 1998<sup>15</sup>, in the second column of the table, for the amount specified in column 2 of the following table in respect of an item specified in column 1 of the following table there shall be substituted the rate specified in column 3 of the following table –

1	2	3
Item	Existing amount	Substituted rate
1 Application for leave	£250	rate J
2 Instituting proceedings		
2(a)	£100	rate G
2(b)	£250 rate J	
3 Filing amended or second or subsequent petition	£80	rate F
4 Filing answer to petition	£120	rate I
5 Hearing defended cause	£360	rate K
6 Applying for decree absolute	£40	rate D
7 Originating application, summons or notice of intention to proceed with application for ancillary relief		
7(a)	£40	rate D
7(b)	£125 rate H	
7(c)	£80	rate F
8 Contested hearing before the court	£360 rate K	
9 Filing notice of appeal	£125	rate G
10 Appeals	£360	rate K

1	2	3
Item	Existing amount	Substituted rate
11 Commission for examination of witnesses abroad	£60	rate E
12 Letters of request		
12(a)	£60	rate E
12(b)	£60	rate E
13 Evidence		
13(a)	£240	rate L
13(b)	£7	rate B
14 Service or attempted service by Viscount	£120	rate I
15 Taxing bill of costs	£45	rate E
<b>16 Copy</b>	£30	rate C.

- (3) In Part 3 of the Schedule to the Stamp Duties and Fees (Jersey) Law  $1998^{16}$ 
  - (a) in the second column of the table, for the amount specified in column 2 of the following table in respect of an item specified in column 1 of the following table there shall be substituted the rate specified in column 3 of the following table –

1	2	3	
Item	Existing amount	Substituted rate	
1 Actions			
1(a)	£60	rate F	
1(b)	£360	rate L	
2 Caveats	£60	rate F	
3 Copies			
3(a)	£1	rate A	
3(b)	£12	rate B	
3(c)	£30	rate C	
4 Document	£60	rate F	
5 Evidence			

		I	
5(a)	£240	rate L	
5(b)	£7	rate B	
6 Order of justice	£60	rate E	
7 Applications	£360	rate L	
8 Interventions or oppositions	£60	rate F	
9 Probate or letters of administration			
9(2)(a)	£60	rate F	
9(2)(b)	£180	rate I	
10 Representations to the court			
10(a)	£60	rate F	
10(b)	£360	rate L	
11 Searches	£30	rate C	
12 Summonses			
12(a)	£60	rate I	
12(b)	£60	rate I	
13 Trust corporations	£600	rate L;	

(b) for item 14 there shall be substituted the following item –

"14	Viscount as administrator			
(a)	Attendances to obtain particulars of the estate and attendances with the Greffier to obtain administration, for each half day or part of a half day	rate L	Such document as the Viscount may determine	Viscount
(b)	Preparation of the inventory, for each half day or part of a half day	rate I	Such document as the Viscount may determine	Viscount
(c)	Administration of the estate –			
	(i) commission on the gross nature of the personal estate –			
	on the first £10,000	10%	Such document as the Viscount may determine	Viscount

	on the next £10,000	8%	Such document as the Viscount may determine	Viscount
	on the next £10,000	4%	Such document as the Viscount may determine	Viscount
	on the balance in excess of £30,000	2%	Such document as the Viscount may determine	Viscount
	(ii) commission on all monies paid or distributed	2½%	Such document as the Viscount may determine	Viscount
(d)	Attendances of the Viscount not provided for above, for each half day or part of a half day	rate L	Such document as the Viscount may determine	Viscount".

# 8 Citation and commencement

- (1) This Law may be cited as the Finance (2012 Budget) (Jersey) Law 201-.
- (2) This Law shall come into force on 1st January 2012.

1	<i>chapter 24.750</i>
2	<i>chapter 24.750</i>
3	<i>chapter 24.660</i>
4	<i>chapter 24.660</i>
5	<i>chapter 24.660</i>
6	<i>chapter 24.980</i>
7	<i>chapter 24.960</i>
8	<i>chapter 18.180</i>
9	<i>chapter 12.450</i>
10	<i>chapter 11.450</i>
11	<i>chapter 27.300</i>
12	<i>chapter</i> 20.650
13	<i>chapter 16.555</i>
14	<i>chapter 12.200</i>
15	chapter 24.960
16	chapter 24.960