

STATES OF JERSEY



Jersey

DRAFT TAXATION (INCOME TAX, GOODS AND SERVICES TAX AND REVENUE ADMINISTRATION) (AMENDMENT) (JERSEY) LAW 202- (P.51/2021): SECOND AMENDMENT

**Lodged au Greffe on 6th July 2021
by the Corporate Services Scrutiny Panel
Earliest date for debate: 20th July 2021**

STATES GREFFE

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REVENUE ADMINISTRATION) (AMENDMENT) (JERSEY) LAW 202-
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PAGE 28, ARTICLE 37 –

In Article 37, in inserted Articles 27B(2) and 27C(2), delete “, signed by the Comptroller or by an officer authorized by the Comptroller for the purpose,” in both places.

CORPORATE SERVICES SCRUTINY PANEL

REPORT

Introduction

On 18th May 2021, the [Draft Taxation \(Income Tax, Goods and Services Tax and Revenue Administration\) \(Amendment\) \(Jersey\) Law 202-](#) was lodged by the Minister for Treasury and Resources (the “Draft Law”). This makes a number of changes to [Income Tax \(Jersey\) Law 1961](#), [Goods and Services Tax \(Jersey\) Law 2007](#) and the [Revenue Administration \(Jersey\) Law 2019](#).

The Panel agreed to review the Draft Law and engaged the services of an expert adviser to help scrutinise it.

Article 37 of the Draft Law introduces a new Part 6A into the Revenue Administration (Jersey) Law 2019 (L.13/2019). New Part 6A introduces a power for the Comptroller of Revenue (the “Comptroller”) to issue ‘Information Notices’ requiring a person to provide information relevant to a person’s tax position.

New Article 27B permits the Comptroller to serve a notice on a person requiring information relevant to their tax position to be provided within a specified period. Such a notice will not be issued until the person has been given a reasonable opportunity to deliver the information and has failed to do so, or in circumstances where the Comptroller believes that if the information were requested informally it would be concealed or destroyed. New Article 27C allows a notice to be served on a third party requesting information about one person or a class of persons.

In both cases the proposed law requires that the notice (in each case) is signed by the Comptroller or by an officer authorized by the Comptroller for that purpose.

On 25th June 2021 the Panel held a Public Hearing on the Draft Regulations with the Minister for Treasury and Resources. During questioning by Panel members, the Comptroller indicated that the requirement for a ‘wet’ signature would reassure recipients and taxpayers generally that this power was only being exercised where absolutely appropriate and that the Comptroller was satisfied that the notice was necessary.

The Panel considers that the specification of a ‘wet’ signature is not a sustainable or appropriate requirement in the modern day and that this law may require amendment in future if notices were to be issued electronically, which the Comptroller accepted might be the case. The Panel therefore proposes that the wording is amended to remove the requirement for a ‘wet’ signature. The Panel has confirmed that the Information Notices would still be required to be served by the Comptroller, which will provide oversight of the process.

Conclusion

The Panel asks the States to accept this amendment which will allow a modern approach to signing of Information Notices be adopted when the Comptroller considers this appropriate.

Financial and manpower implications

There are no financial or manpower implications in relation to this proposed amendment.