

STATES OF JERSEY



Jersey

DRAFT FINANCE (2023 BUDGET) (JERSEY) LAW 202-

**Lodged au Greffe on 31st October 2022
by the Minister for Treasury and Resources
Earliest date for debate: 13th December 2022**

STATES GREFFE



Jersey

DRAFT FINANCE (2023 BUDGET) (JERSEY) LAW 202-

European Convention on Human Rights

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

In the view of the Assistant Minister for Treasury and Resources, the provisions of the Draft Finance (2023 Budget) (Jersey) Law 202- are compatible with the Convention Rights.

Signed: **Deputy M.E. Millar of St. John, St. Lawrence and Trinity**
Assistant Minister for Treasury and Resources

Dated: 27th October 2022

REPORT

The Draft Finance (2023 Budget) (Jersey) Law 202- (the “Finance Law 2023”) gives effect to the revenue measures in the [proposed Government Plan 2023-26 \(P.97/2022\)](#).

It also provides for administrative and technical tax amendments, which are set out in Appendix 4 of the Government Plan.

This report provides clear explanations of each of the proposals and is grouped thematically. An Article-by-Article description of the measures is provided in the Explanatory Note.

The standard rate of income tax

1. *Article 1* sets the standard rate of income tax for 2023 at 20%.

Company tax return deadline

2. To help ease pressures over the Christmas period, Article 4 would move the deadline for companies to file tax returns from 31 December to 30 November in the year following the year of assessment. This measure, which was subject to a public consultation, will also align the filing and payment deadlines for companies

Benefits-in-kind – bicycles and bus passes

3. *Article 14* extends the schedule of tax exempt benefits-in-kind to include all pedal bicycles (manual and electrically-assisted) and bus passes provided by employers to their employees.

Independent taxation

4. *Articles 18 and 19* insert provisions to enable couples to make a joint election to be taxed independently for the 2024 year of assessment.

Reporting information by partnerships

5. Following the introduction of new economic substance rules for partnerships in 2021, it is proposed that the partnership filing requirements are amended by *Articles 20 to 36 and Article 59*.
6. Partnerships will file one combined notification each year, which will be used to capture all relevant information relating to the partnership’s economic substance and income tax. The opportunity will also be taken to bring the general partnership assessing rules into line with that for other Jersey partnership vehicles, giving their partners full responsibility over their tax position. The changes to the law and filing processes have been subject to a public consultation, the results of which can be found in the [partnerships consultation response paper](#).

Review of the high-value resident (HVR) tax regime

7. There is a statutory requirement for the Minister to review the prescribed rates and limits for high-value residents by 1 January 2023 (and then every 5 years).
8. From 2018, all incoming HVRs have entered ‘Version 4’ of the HVR tax regime, under which they are subject to a mandatory minimum annual personal income tax charge of £145,000, with all income exceeding £725,000 taxed at 1%. Approximately 70 of 200 HVRs in Jersey fall within regime 4.
9. Using the available RPI data for the period March 2018 to June 2022, *Article 57* proposes that the minimum tax charge should be increased to £170,000, with all income exceeding £850,000 taxed at 1%.¹

Higher rate of Stamp Duty on buy-to-lets, etc.

10. Following the States’ adoption of an amendment to Government Plan 2022-25 brought forward by the Corporate Services Scrutiny Panel, proposals have been developed to charge higher rates of Stamp Duty on the purchase of properties that are acquired for any purpose other than to be used as a person’s main residence. This includes buy-to-let properties, second homes, and holiday homes. The higher rate will also be applied to relevant transactions subject to Land Transactions Tax (‘LTT’) and Enveloped Property Transactions Tax (‘EPTT’).
11. Economic analysis has assessed the potential impacts on revenue and owner-occupation. It is suggested that the measure could modestly increase revenue and stimulate additional purchases by owner-occupiers.
12. It is proposed that the higher rate is set at 3 percentage points above the normal rate of tax for residential property from 1 January 2023.
13. The relevant amendments are enacted by *Articles 47 to 50* (in respect of the Stamp Duty Law), *Articles 52 and 62* (in respect of the LTT legislation), and *Articles 55, 56 and 63* (in respect of the EPTT legislation).
14. The wider review of Stamp Duty (scheduled to conclude in the summer of 2023) will present a further opportunity to review the market impact of the higher rate, albeit based on a relatively short period of time.

Customs and Excise Duties

15. No amendments are proposed in respect of alcohol or fuel duties.

Tobacco

16. In line with recent years, rates of duty for tobacco products have been subject to above-inflation increases with a view to changing consumer behaviour. Ministers wish to continue with that approach, acknowledging that the price of those products is linked to consumption, especially regarding the uptake of smoking among children and young people.
17. Continuing that policy of above-inflation increases, *Article 40* proposes an increase on tobacco products of 12.9% (equating to June 2022 RPI of 7.9% plus 5%), except for hand-rolling tobacco and cigars, which will be subject to a greater increase. In recent years there has been a policy of closing the gap between duty charged on hand-rolling tobacco and cigars, and the duty charged on cigarettes. In continuing to close this gap, it is proposed to increase the duty on hand-rolling

¹ Some sources of income, such as income from Jersey land, is always chargeable to income tax at 20%.

tobacco by 14.3% (equating to RPI of 7.9% plus 6.4%). This increase removes the differential between the amount of duty charged on hand-rolling tobacco and the duty charged on cigarettes.

18. Ministers are proposing to increase the duty on cigars by 15.9% (equating to RPI of 7.9% plus 8%). The differential between the amount of duty charged on cigars compared with the duty charged on cigarettes and hand-rolling tobacco will now be £85 per kg (2022: £89 per kg).
19. The proposed increase in duty for 2023 would mean a 97p increase in the duty on a standard packet of 20 cigarettes (from £7.54 to £8.51 per packet). The increase on hand-rolling tobacco of 14.3% means a £4.26 increase in a 50g pouch (from £29.81 to £34.07 per pouch).

Vehicle emissions duty

20. VED is charged when a vehicle is first registered in the Island. The amount of VED payable depends on the manufacturer's CO₂ emissions data, meaning that the charges are higher for the most polluting vehicles.
21. Continuing to encourage the purchase of electric cars and lower emission vehicles, Ministers are proposing a significant increase to VED rates from 2023. This excludes commercial vehicles and tractors.
22. *Article 41* would increase VED charges for nearly all vehicles, with the greatest increases applying to the most polluting vehicles. From 1 January 2023, the highest two bands will be increased by 75% and 85% respectively, with lower bands increasing by 32%. The Government will continue to keep VED rates under review for future years to encourage the importation of more efficient petrol and diesel vehicles, as well as electric vehicles.

Administrative and technical amendments

23. The lettered rates in the Stamp Duty Law were increased earlier in 2022, following the States' adoption of [P.43/2022](#). Changes are therefore needed in the Land Transactions Tax (LTT) Law and the Enveloped Property Transactions Tax (EPTT) Law to ensure the court fees are consistent across the different laws that relate to property transactions. The fees are uprated by *Articles 53 and 55*.
24. *Articles 38 and 39* ensure that appeals against decisions made by the Agent of the Impôts under the [Customs and Excise \(Jersey\) Law 1999](#) are to the Commissioners of Appeal rather than to the Minister for Treasury and Resources.
25. Distributions made out of capital profits of a company are exempt from income tax under Articles 78 and 80 of the [Income Tax \(Jersey\) Law 1961](#). *Articles 12 and 13* ensure that the capital profit must be 'realised' capital profit to be exempt from tax. This change is intended to put beyond doubt Revenue Jersey's long-held view that, for tax purposes, it is not acceptable to treat distributions out of unrealised gains as tax-exempt capital distributions.
26. Exemption certificates are issued to building sub-contractors with a history of good compliance with the Income Tax Law. It means a building contractor is not required to deduct tax when paying the sub-contractor. *Article 7* strengthens the requirement for subcontractors to be compliant with all revenue laws (rather than only the Income Tax Law).
27. Jersey structures, such as trusts, used by non-Jersey residents, are not subject to income tax in Jersey. Instead, the tax arises where the beneficial owner and/or the underlying assets are situated. *Article 17* inserts a specific exemption into the

- Income Tax Law to clarify the position that distributions out of those structures to non-Jersey residents are not subject to Jersey income tax. The article also amends the exemptions in the Income Tax Law, ensuring that pension annuities are not exempt from Jersey income tax. These amendments place long-standing practice on a statutory footing.
28. The Limited Liability Companies (LLC) Law came into force on 22 September 2022. *Articles 45 and 61* ensure that LLCs can register as an international services entity (ISE) under the GST legislation.
 29. *Articles 43, 44, and 60* modify the recent changes (which are not yet in force) relating to offshore retailers so that Goods and Services Tax (GST) is charged at the point of sale in all cases, regardless of the GST status of the purchaser. This change is intended to ensure there are no additional complexities, for retailers or for Customs, in implementing the new regime. The requirement for offshore retailers to register for GST comes into force on 1 July 2023.
 30. The movement of all personal taxpayers to a current year basis (CYB) has meant that income tax arrears do not crystallise until November in the year following the year of assessment. The effect of this time delay is that unpaid tax cannot be included within the calculation of ITIS effective rates until much later, which in many cases results in taxpayers falling further behind with their tax affairs. *Articles 5 and 6* ensure that unpaid tax can be factored into the ITIS effective rate calculation.
 31. This amendment relates to a minority of taxpayers who must pay on account twice a year, but who also have earnings. In the prior year basis (PYB) regime, those taxpayers would not be subject to a surcharge for late payment if they paid 70% of their tax bill. Following the move of all taxpayers to a current year basis (CYB), this discrete rule is no longer needed, so it is deleted by *Article 8*.
 32. The rules used to calculate a motor vehicle benefit-in-kind (BIK) are amended by *Article 15* to establish the concept of ‘frozen’ value of a company car for BIK purposes. This puts the existing practice on a statutory footing.

Editorial updates

33. *Articles 9 and 10* revise Article 49B and Schedule 1A of the Income Tax Law to update the legislation relating to long-term care (LTC) contributions. *Article 58* makes a consequential amendment to Schedule 1D of the [Social Security \(Jersey\) Law 1974](#), to ensure that the LTC calculation in that law is aligned with the income tax calculation.
34. *Article 3* amends the definition of officer in the Income Tax Law to correspond with the definition in the [Revenue Administration \(Jersey\) Law 2019](#).
35. *Article 11* amends cross-referencing in Article 65 of the Income Tax Law.
36. *Article 16* revises Article 106C of the Income Tax Law to align with the rules outlined in Article 64A and associated Articles in the same law.

Commencement

37. The Finance Law 2023 will come into force on 1 January 2023, other than the provisions relating to GST registration for offshore retailers and the revised LTC calculation, both of which come into force on 1 July 2023.

Children's rights impact assessment

38. Although not a statutory requirement, a preliminary assessment has been conducted in respect of the impact of the Finance Law 2023 on children's rights. Completion of the preliminary assessment also evidences compliance with the Ministerial duty to have due regard to children's rights when formulating policy decisions. The assessment is at **Appendix 1** of this report.

Financial and manpower implications

39. The financial and manpower implications of this the Finance Law 2023 are identified in the draft Budget proposals in the proposed Government Plan 2023-26.

Human rights

40. The notes on the human rights aspects of the draft Law in **Appendix 2** have been prepared by the Law Officers' Department and are included for the information of States Members. They are not, and should not be taken as, legal advice.

APPENDIX 1 TO REPORT

CHILDREN'S RIGHTS IMPACT ASSESSMENT

Child Right Impact Assessment – European Network of Ombudsman for Children (ENOC)

Impact Assessment by: Revenue Jersey

Date: 24 October 2022

Date to be reviewed: N/A

Reviewed by: N/A

STAGE 1: SCREENING

Question 1: Name the measure / proposal and briefly describe its overall aim

The proposition to which this CRIA relates is a proposition lodging draft legislation containing a taxation draft to implement a proposal of a lodged Government Plan referred to in Article 11(1) of the Public Finances Law 2019.

The draft Finance (2023 Budget) (Jersey) Law 202- enacts the tax measures in the proposed Government Plan 2023-2026.

In summary those measures are:

- Setting the standard rate of income tax for year of assessment 2023
- Changes to the corporate income tax return filing deadline
- Editorial updates and tax technical amendments
- Changes to the Income Tax Instalment Scheme (ITIS) rates
- The HVR statutory 5 yearly review outcome – increasing the minimum income tax contribution for HVRs in the most recent version of the HVR tax regime
- New benefit in kind (BIK) measures affecting employees
- Independent Taxation – a further election for voluntary moves in tax year of assessment 2024
- Changes to reporting requirements for partnerships
- Changes to excise duties, including Vehicle Emissions Duty (VED)
- A higher rate of tax on the purchase of any property that is not a main residence.

There are no measures designed specifically to provide a direct or indirect impact for children and young people. None of the measures has any direct impact on children. The one measure that *may* have a positive indirect impact is outlined below.

Excise duties

The Children (Convention Rights) (Jersey) Law 2022 (CCR) defines a child as an individual who has not yet reached the age of 18. It is illegal to sell tobacco products to anyone below the age of 18. Therefore, there should be no impact on children from the increases to tobacco duties.

However, it is acknowledged that a small number of under 18s are likely to purchase and/or consume tobacco products.

Excise duty on cigarettes is increased by 12.9% in the effort to reduce the uptake of smoking, particularly among children and young people, for whom it is acknowledged that the price point is a significant factor in driving consumption.

Duty on rolling tobacco has been increased by 14.3% to continue towards parity in duty levels between cigarettes and rolling tobacco.

Duty on cigars has been increased by 15.9%. The higher increase on rolling tobacco and cigars will also continue to place downward pressure on young people taking up smoking.

Question 2: What children's rights does it impact upon?

The proposed measures do not impact upon any children's rights as set out in the [Convention on the Rights of the Child](#).

Question 3: What children and young people will be affected?

Children or young people purchasing tobacco products.

Question 4: What is the likely impact of the proposal / measure on children?

As above, the only potential impact will be on those purchasing tobacco products – and that impact will be positive in that consumption should decrease as a result of this measure. This does not impact upon any children's rights as set out by the Convention on the Rights of the Child.

Question 5: Is a full child rights impact assessment required? Explain your reasons

A full impact assessment is not required. Even when in force, Schedule 2 CCR – [Exempt Decisions](#) – would apply to this proposition. Paragraph (g) of Schedule 2 provides that a decision is exempt from the requirement to prepare a CRIA if it relates to a proposition lodging draft legislation containing a taxation draft to implement a proposal of a lodged Government Plan referred to in Article 11(1) of the Public Finances Law 2019. As set out in the response to Question 1, this proposition meets the definition in paragraph (g).

However, completion of the preliminary assessment of this CRIA provides evidence that the Minister has complied with the duty to have due regard when making decisions about the formulation of the proposition, as required by Article 6(2) CCR.

Other measures set out in the Government Plan that would usually be contained in the annual Finance Law, such as increases to the personal tax thresholds, were this year enacted as part of the [Mini Budget](#). A separate CRIA was prepared and published for the mini-budget and is available [here](#).

If a full child rights impact assessment is required proceed to stage 2 (N/A)

APPENDIX 2 TO REPORT**Human Rights Notes on the Draft Finance (2023 Budget) (Jersey) Law 202-**

These Notes have been prepared in respect of the Draft Finance (2023 Budget) (Jersey) Law 202- (the “draft Law”) by the Law Officers’ Department. They summarise the principal human rights issues arising from the contents of the draft Law and explain why, in the Law Officers’ opinion, the draft Law is compatible with the European Convention on Human Rights (“ECHR”).

These notes are included for the information of States Members. They are not, and should not be taken as, legal advice.

The draft Law sets the standard rate for income tax for 2022 and amends the Income Tax (Jersey) Law 1961 (“the ITL”), the Customs and Excise (Jersey) Law 1999, the Goods and Services Tax (Jersey) Law 2007, the Stamp Duties and Fees (Jersey) Law 1998 (“the Stamp Duties Law”), the Taxation (Land Transactions) (Jersey) Law 2009, the Taxation (Enveloped Property Transactions) (Jersey) Law 2022, the Income Tax (Prescribed Limit and Rate) (Jersey) Regulations 2013 and the Social Security (Jersey) Law 1974. Small amendments have also been made to the Taxation (Partnerships – Economic Substance) (Jersey) Law 2021, the Finance (2022 Budget) (Jersey) Law 2022, the Goods and Services Tax (International Services Entities) (Jersey) Regulations 2008, the Taxation (Land Transactions) (LTT statements and Receipts) (Jersey) Order 2019 and the Taxation (Enveloped Property Transactions) (Statements) (Jersey) Order 2022.

The draft Law engages Article 1 of the First Protocol to the ECHR (“A1P1”), which provides for the right to the peaceful enjoyment of property and Article 6 which provides for the right to a fair trial.

Economic regulation will in principle engage A1P1 and the draft Law does this in various ways, in particular by the setting of the rates for income tax, increasing the duty applicable to excise goods and by making general partnerships transparent for tax purposes. Furthermore, the draft Law introduces a new band of applicable rates in relation to the acquisition of dwellings (such that where dwellings are not acquired as a person’s ‘main residence’ then they will be subject to a higher rate of stamp duty, land transaction tax or enveloped property tax).

A1P1 is however a qualified right, and the Protocol explicitly provides that the right does not in any way impair the right of the State to enforce such laws as it deems necessary to control the use for property in accordance with the general interest or to secure the payment of taxes or other contributions. Overall, the provisions are considered to achieve a fair balance and are therefore considered to be compliant with the ECHR.

Whilst there are no appeal provisions in relation to the Comptroller’s decisions as to whether or not to approve a foreign limited liability partnership, such a decision is liable to challenge by way of judicial review and this is considered sufficient for the purposes of Article 6 ECHR.

A new criminal offence is created under the amendments to the Stamp Duties Law where someone knowingly makes a false or misleading statement in relation to the categorisation of the property acquired. This will be subject to prosecution in the ordinary way which is considered sufficient for the purposes of Article 6.

Overall, the draft Law is considered compliant with the provisions of the ECHR.

EXPLANATORY NOTE

The draft Finance (2023 Budget) (Jersey) Law 202- (the “draft Law”) would, if passed, set the standard rate of income tax for 2023 and amend tax legislation for the purpose of implementing parts of the Government Plan for 2023 to 2026.

PART 1

Part 1 (Article 1) provides that income tax is charged for 2023 at the standard rate of 20 pence in the pound.

PART 2

Part 2 (Articles 2 to 36) amends the Income Tax (Jersey) Law 1961 (the “1961 Law”).

Article 2 provides that Part 2 amends the 1961 Law.

Amendment of interpretation provision:

Article 3 amends the definition of “officer” in Article 3 of the 1961 Law so that it aligns with the definition in the Revenue Administration (Jersey) Law 2019.

Returns:

Article 4 amends Article 17A of the 1961 Law so that the deadline for delivering a return in respect of a company is midnight on 30th November in the year following the year of assessment instead of 31st December of that year.

Collection:

Articles 5 and 6 amend Articles 41C and 41CA to clarify the treatment of income tax chargeable for a previous year that has not been paid when calculating the amount of tax to be deducted by an employer.

Article 7 amends Article 41F(5) so that a sub-contractor is required to comply with all Revenue Laws (as defined in Article 1 of the Revenue Administration (Jersey) Law 2019) in order to obtain an exemption certificate.

Article 8 deletes paragraph (3) of Article 41I as it is no longer needed.

Article 9 amends Article 49B to reflect the insertion of a new paragraph 3 into Schedule 1A of the 1961 Law by *Article 11* of the draft Law..

Article 10 amends paragraph 2 of Schedule 1A to clarify the treatment of income tax and LTC contributions chargeable for a previous year that have not been paid and to remove the modified Article 41B that applied to an employer’s obligations to deduct and account for tax and long-term care (“LTC”) contributions.

Provisions relating to Schedule D:

Article 11 amends Article 65 to remove references to Articles 66 to 68, which were repealed by the Income Tax (Amendment No. 28) (Jersey) Law 2007.

Articles 12 and 13 amend Articles 78(1A)(a) and Article 80(3A) to clarify that the references to capital profits relate to realised capital profits.

Article 14 amends Schedule 2. It provides that, for the purposes of the exemptions in Schedule 2, “motor vehicle” does not include an electrically assisted pedal cycle. It introduces an exemption from benefits in kind for pedal cycles (including electrically assisted pedal cycles) which are provided and used for travel between an employee or office holder’s home and work and in the performance of their duties. A similar

exemption is also included for passes or prepaid cards provided for use on buses in Jersey for travel between home and work and in the performance of duties.

Article 15 amends Schedule 3 to amend the calculation of the value of a motor vehicle provided for use by an employer to an employee or officeholder. This clarifies that the value of a motor vehicle provided by an employer remains unchanged for the duration of the time the employee or office holder has the motor vehicle for their use. It makes a similar amendment to the calculation of the value of a boat, aircraft or helicopter provided for use by an employer to an employee or officeholder.

Capital allowances:

Article 16 amends Article 106C(5) to remove the proviso from the definition of “basis period” as this is no longer needed following the repeal of Articles 66 to 68.

Exemptions:

Article 17 amends Article 118B to clarify that income distribution from a relevant trust is granted an exemption from Schedule D. A relevant trust is a Jersey trust or foreign trust (both within the meaning of the Trusts (Jersey) Law 1984) that is managed by a trustee resident in Jersey. It also amends the definition of “purchased life annuity” to clarify that it has the meaning provided for by the whole of Article 132.

Independent taxation:

Article 18 inserts a new Article 121E which allows spouses to elect to be independently taxed for the year 2024 by giving notice to the Comptroller no later than 31st July 2023.

Article 19 inserts a new Article 122DC which makes the same provision for civil partners.

Partnerships:

Articles 20 to 36 make amendments relating to partnerships.

Article 20 amends Article 3 of the 1961 Law to add a definition of “general partnership” and to amend the definition of “partnership”.

Article 21 amends Article 17A, which deals with penalties for late delivery of returns, to reflect the partnership return and notification required under new Article 20E.

Article 22 inserts a new Article 20E. Paragraph (2) requires a responsible partner (see paragraphs (5) to (7)) to notify the Comptroller whether the partnership is a relevant partnership (as defined in paragraph (3)) and, if so, to provide a return.

Articles 23 and 24 amend Articles 21 and 21B (which deal with the form and manner of returns and offences, respectively) to include references to the new return and notification.

Article 25 amends Article 55, which deals with persons chargeable under Schedule A, to ensure that it applies to limited liability partnerships under Article 76D.

Article 26 substitutes a new Article 74 to make provision for the treatment of general partnerships under the 1961 Law.

Article 27 amends Article 75, which deals with changes of proprietor, to delete paragraph (1) as new Article 75A will make provision for changes of partner.

Article 28 inserts a new Article 75A to deal with changes of partner and the deeming of a cessation and commencement of a partnership’s trade, profession, business, or vocation. This applies where there is a change of partners that represents a change of 50% or more in the entitlement of the assets in the partnership or the collective voting entitlement of the partnership.

Article 29 deletes Article 76, which is no longer needed.

Article 30 amends Article 76A, which deals with limited partnerships to align with the treatment of other types of partnerships. Paragraph (5), which made provision in relation to the statement to be delivered to the Comptroller, is deleted as the new Article 20E makes provision for the information that must be provided.

Articles 31 to 33 make amendments to Articles 76B, 76C and 76D to remove provisions that are no longer needed following the other changes made in relation to partnerships.

Article 34 amends Article 76E to allow the Comptroller to approve, on application, any foreign limited liability partnership, or to approve foreign limited liability partnerships established under legislation that the Comptroller has approved which is made in another jurisdiction. The Comptroller must publish a list of any approved legislation. Where a partnership is approved, it is treated as a limited liability partnership for the purposes of the 1961 Law.

Article 35 amends Article 106A to make provision for the deemed disposal value of plant and machinery following the deemed cessation and commencement of a partnership under the new Article 75A.

Article 36 makes a consequential amendment to Article 106AB to ensure it applies where a partner succeeds to a partnership in a case to which the new Article 75A does not apply.

PART 3

Part 3 (Articles 37 to 41) amends the Customs and Excise (Jersey) Law 1999 (the “Customs and Excise Law”).

Article 37 provides that Part 3 amends the Customs and Excise Law.

Articles 38 and 39 amend Article 68 and insert a new Article 68A to allow for an appeal to the Commissioners of Appeal by any person aggrieved by certain decisions of the Agent of the Impôts. Part 6 of the 1961 Law applies to appeals under the new Article 68A as it does to appeals under the 1961 Law.

Article 40 sets out the rate of excise duty in relation to tobacco.

Article 41 sets out the rate of excise duty payable in respect of motor vehicles.

PART 4

Part 4 (Articles 42 to 45) amends the Goods and Services Tax (Jersey) Law 2007 (the “GST Law”).

Article 42 provides that Part 4 amends the GST Law.

Article 43 substitutes a new paragraph (3) and inserts new paragraphs (3A), (3B) and (3C) into Article 23 of the GST Law relating to the supply of goods from outside Jersey. These provisions were included in the Finance (2022 Budget) (Jersey) Law 2022 but now include an additional provision that treats goods as supplied outside Jersey if they are supplied by a person to whom paragraph (3A) applies to businesses in Jersey that are registered or liable to be registered for GST.

Article 44 amends Article 26 to clarify when goods supplied under the new provisions of Article 23 of the GST Law are treated as supplied. As with the provisions in *Article 43* of the draft Law, this was included in the Finance (2022 Budget) (Jersey) Law 2022 but requires a consequential amendment as a result of the changes to Article 23 of the GST Law.

Article 45 amends Article 60 to ensure that limited liability companies are eligible for listing as international service entities.

PART 5

Part 5 (Articles 46 to 50) amends the Stamp Duties and Fees (Jersey) Law 1998 (the “Stamp Duty Law”).

Article 46 provides that Part 5 amends the Stamp Duty Law.

Article 47 makes amendments to Article 1 of the Stamp Duty Law to define a “relevant property” for the purposes of charging a higher rate of stamp duty on homes that are acquired for a purpose other than use as the main residence. It also provides that “main residence” means the property the person occupies as their main residence whether it is in Jersey or not.

Article 48 inserts a new Article 8A that requires that where a document relates to a relevant contract (set out in paragraph (3) of the new Article) it must be accompanied by a statement by the person to whom the property is transferred as to whether it is a dwelling acquired for use as their main residence.

Article 49 amends Article 11 of the Stamp Duty Law to provide that it is an offence for a person to make a statement under the new Article 8A that they know to be false or misleading. The penalty is imprisonment for 6 months, a fine not exceeding level 3 on the standard scale (£3,000), or both.

Article 50 amends Schedule 1 to set out the fees payable in respect of a relevant property and how they are to be calculated.

PART 6

Part 6 (Articles 51 to 53) amends the Taxation (Land Transactions) (Jersey) Law 2009 (the “LTT Law”).

Article 51 provides that Part 6 amends the LTT Law.

Article 52 deletes paragraph (5) from Article 5 of the LTT Law as it is no longer required.

Article 53 amends the Schedule to the LTT Law. The amendments do two things. First they amend the fee payable for various transactions so that they are aligned with the Stamp Duty Law. Second, they insert a new paragraph 5 that makes provision for, and sets out, a higher rate of tax to be payable in relation to a transaction in respect of land on which there is a dwelling that is acquired for a purpose other than use as the main residence of the person to whom the share is transferred.

PART 7

Part 7 (Articles 54 to 56) amends the Taxation (Enveloped Property Transactions) (Jersey) Law 2022 (the “EPTT Law”).

Article 54 provides that Part 7 amends the EPTT Law.

Article 55 amends Article 7 of the EPTT Law. It aligns the fee in paragraph (1) with that in the Stamp Duty Law. It also makes provision for a higher rate of tax to be payable where a significant interest in an entity is acquired by a person, and that entity or its controlled entity own a property that is a dwelling that is acquired for a purpose other than use as the main residence of that person.

Article 56 amends Schedule 2 to the EPTT Law to set out the rates of tax payable on enveloped properties used for domestic use.

PART 8

Article 57 in *Part 8* amends the Income Tax (Prescribed Limit and Rate) (Jersey) Regulations 2013 to increase from £725,000 to £850,000 the limit at which high value residents are taxed under Schedule A and Schedule D of the 1961 Law.

PART 9

Part 9 contains other amendments and closing provisions.

Article 58 amends the Social Security (Jersey) Law 1974 to align the provision in paragraph 4 of Schedule 1D (which provides for the calculation of LTC contributions by employees) with the equivalent provisions in the 1961 Law.

Article 59 makes consequential amendments to the Taxation (Partnerships – Economic Substance) (Jersey) Law 2021 as a result of the changes made to the provisions relating to partnerships in the 1961 Law.

Article 60 repeals Articles 36 and 37(4) of the Finance (2022 Budget) (Jersey) Law 2022. These made the amendments to the GST Law that are now being made by Articles 43 and 44 of the draft Law.

Article 61 amends the Goods and Services Tax (International Services Entities) (Jersey) Regulations 2008 to ensure that it refers to limited liability companies.

Article 62 makes a consequential amendment to the Taxation (Land Transactions) (LTT Statements and Receipts) (Jersey) Order 2019 to ensure that the declarations required under the Order include declarations relating to whether the property is to be used as a main residence.

Article 63 makes a similar consequential amendment to the Taxation (Enveloped Property Transactions) (Statements) (Jersey) Order 2022.

Article 63 gives the name of the draft Law and provides that it comes into force on 1st January 2023, apart from Articles 43 and 44 (which relate to GST on goods supplied from abroad) and Article 58 (which amends the Social Security (Jersey) Law 1974) which come into force on 1st July 2023.



Jersey

DRAFT FINANCE (2023 BUDGET) (JERSEY) LAW 202-

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Jersey

DRAFT FINANCE (2023 BUDGET) (JERSEY) LAW 202-

A **LAW** to set the standard rate of income tax for 2023 and to implement parts of the government plan 2023-2026 by amending the [Income Tax \(Jersey\) Law 1961](#), the [Customs and Excise \(Jersey\) Law 1999](#), the [Goods and Services Tax \(Jersey\) Law 2007](#), the [Stamp Duties and Fees \(Jersey\) Law 1998](#), the [Taxation \(Land Transactions\) \(Jersey\) Law 2009](#), the [Taxation \(Enveloped Property Transactions\) \(Jersey\) Law 2022](#) and other enactments.

<i>Adopted by the States</i>	<i>[date to be inserted]</i>
<i>Sanctioned by Order of His Majesty in Council</i>	<i>[date to be inserted]</i>
<i>Registered by the Royal Court</i>	<i>[date to be inserted]</i>
<i>Coming into force</i>	<i>[date to be inserted]</i>

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

PART 1

STANDARD RATE OF INCOME TAX SET FOR 2023

1 Standard rate of income tax for 2023

Income tax is levied and charged for the year 2023 at the standard rate of 20 pence in the pound, in accordance with and subject to the [Income Tax \(Jersey\) Law 1961](#).

PART 2

INCOME TAX (JERSEY) LAW 1961 AMENDED

Introductory

2 Amendment of the [Income Tax \(Jersey\) Law 1961](#)

This Part amends the [Income Tax \(Jersey\) Law 1961](#).

Amendment of interpretation provision

3 Article 3 (general provisions as to interpretation) amended

In Article 3 for the definition “officer” there is substituted –

““officer” has the same meaning as in the [Revenue Administration \(Jersey\) Law 2019](#).”.

Returns

4 Article 17A (penalty for late delivery of return) amended

In Article 17A(2)(a)(i) for “31st December” there is substituted “30th November”.

Collection

5 Article 41C (calculation of rate) amended

In Article 41C(2) for the entry relating to C there is substituted –

“C is the income tax chargeable for any year preceding the year to which the rate applies, less any amount of income tax already paid for that preceding year, and any costs recoverable in respect of unpaid income tax;”.

6 Article 41CA (revised rates: initiated by Comptroller) amended

In Article 41CA(3) for the entry relating to C there is substituted –

“C is the income tax chargeable for any year preceding the year to which the rate applies, less any amount of income tax already paid for that preceding year, and any costs recoverable in respect of unpaid income tax;”.

7 Article 41F (exemption certificate) amended

In Article 41F(3) and (5)(a) for “this Law” there is substituted “the Revenue Laws, as defined in Article 1 of the [Revenue Administration \(Jersey\) Law 2019](#),”.

8 Article 41I (late payment surcharge) amended

In Article 41I, paragraph (3) is deleted.

9 Article 49B (general provision for collection of long-term care contributions) amended

In Article 49B –

(a) after paragraph (2) there is inserted –

“(2A) An employer must deduct LTC contributions from payments of earnings made to an employee who is an insured person and must account for those deductions in accordance with paragraph 3 of Schedule 1A.”;

(b) in paragraph (3) for “Articles 41B and 41E have effect” there is substituted “Article 41E has effect”.

10 Schedule 1A (collection of long-term care contributions) amended

(1) In Schedule 1A, Part 1 –

(a) in paragraph 2(5) (collection of long-term care contributions: combined effective rates) –

(i) for the entry relating to C there is substituted –

“C is the income tax chargeable for any year preceding the year to which the rate applies, less any amount of income tax already paid for that preceding year, and any costs recoverable in respect of unpaid income tax;”;

(ii) for the entry relating to E there is substituted –

“E is the employee’s total LTC contributions for any year preceding the year to which the rate applies, less any amount of contributions already paid for that preceding year, and any costs recoverable in respect of unpaid contributions;”;

(b) after paragraph 2 there is inserted –

“3 Duty of employer to deduct long-term care contributions

(1) Articles 41B to Article 41CB apply to an employer in respect of an employee who is an insured person as if –

(a) references in those provisions to an employee’s effective rate are references to the employee’s combined effective rate;

(b) references to amounts of tax are references to amounts of tax and LTC contributions.

- (2) For the purpose of Article 41B(3), if an employer has not received a notice under Article 41CC specifying the employee's combined effective rate, the employee's combined effective rate is 22%.”.
- (2) In Schedule 1A, Part 2 the modified Article 41B is deleted.

Provisions relating to Schedule D

11 Article 65 (general provisions as to period of computation for offices, employments and pensions) amended

In Article 65(1) for “Subject to the provisions of Articles 66, 67 and 68, tax shall be” there is substituted “Tax is”.

12 Article 78 (basis of computation under Case III) amended

In Article 78(1A)(a) for “capital profits” there is substituted “realised capital profits”.

13 Article 80 (basis of computation under Cases IV and V) amended

In Article 80(3A) for “capital profits” there is substituted “realised capital profits”.

14 Schedule 2 (benefits: exemptions) amended

In Schedule 2 –

- (a) in paragraph 4 (motor vehicles) after sub-paragraph (2) there is inserted –
 - “(3) For the purposes of this paragraph and paragraph 1 of Schedule 3, “motor vehicle” does not include an electrically assisted pedal cycle within the meaning of Article 2 of the [Pedal Cycles \(Jersey\) Order 1998](#).”.
- (b) after paragraph 18 (incidental benefits) there is inserted –

“19 Pedal cycles

- (1) There shall be left out of account pedal cycles provided and used –
 - (a) for travel by the office holder or employee between that person's place of residence and place of work; or
 - (b) in the performance of the office holder's or employee's duties.
- (2) “Pedal cycle” has the same meaning as in the [Road Traffic \(Jersey\) Law 1956](#) and includes an electrically assisted pedal cycle within the meaning of Article 2 of the [Pedal Cycles \(Jersey\) Order 1998](#).

20 Bus passes

There shall be left out of account any pass or prepaid card provided for use on buses in Jersey –

- (a) for travel by the office holder or employee between that person's place of residence and place of work; or
- (b) in the performance of the office holder's or employee's duties.”.
- (c) paragraph 19 is renumbered as paragraph 21.

15 Schedule 3 (valuation of benefit) amended

In Schedule 3 –

- (a) in paragraph 1 (motor vehicles) for sub-paragraph (2) there is substituted –

“(2) For the purposes of this paragraph, the value of a motor vehicle owned by the employer is –

- (a) where the benefit is first made available to the employee or office holder in the year the vehicle is acquired by the employer or the following year, the cost to the employer of acquiring the vehicle; and
- (b) where the benefit is first made available to the employee or office holder in any other year, the amount calculated as follows –

- (i) Step 1

Calculate an amount as follows –

$$a = (N - E) - 1$$

Where –

N is the year (for example, for the year 2020 the amount is 2,020) when the benefit was first made available to the employee or office holder or; and

E is the year when the motor vehicle was acquired by the employer,

- (ii) Step 2

Calculate the value as follows –

$$V = C \times 0.8^a$$

Where –

V is the value of the vehicle;

C is the cost to the employer of acquiring the vehicle;

a is the amount calculated under Step 1.”.

- (b) in paragraph 2 (boats, aircraft and helicopters) for sub-paragraph (3) there is substituted –

“(3) For the purposes of sub-paragraphs (1) and (2), the value of a boat, aircraft or helicopter owned by the employer is –

- (a) where the benefit is first made available to the employee or office holder in the year the vehicle is acquired by the employer or the following year, the cost to the employer of acquiring the vehicle; and
- (b) where the benefit is first made available to the employee or office holder in any other year, the amount calculated as follows –
 - (i) Step 1
 - Calculate an amount as follows –

$$a = (N - E) - 1$$

Where –

N is the year (for example, for the year 2020 the amount is 2,020) when the benefit was first made available to the employee or office holder; and

E is the year the boat, aircraft or helicopter was acquired by the employer,
 - (ii) Step 2
 - Calculate the value as follows –

$$V = C \times 0.8^a$$

Where –

V is the value of the boat, aircraft or helicopter;

C is the cost to the employer of acquiring the boat, aircraft or helicopter;

a is the amount calculated under Step 1.”.

Capital Allowances

16 Article 106C (miscellaneous and general) amended

For Article 106C(5) there is substituted –

- “(5) In this Part “basis period” means, in the case of a person to or on whom an allowance or charge falls to be made in charging the profits of the person’s trade, the period on the profits of which tax for the year of assessment falls to be finally computed in respect of that trade.”.

Exemptions

17 Article 118B (exemption of certain income, profits or gains of a non-resident) amended

In Article 118B –

- (a) in paragraph (1) after sub-paragraph (h) there is inserted –
 - “(i) income distributions from a relevant trust.”;

(b) for paragraph (2) there is substituted –

“(2) In this Article –

“relevant trust” means a trust which is managed by a trustee resident in Jersey and is –

(a) a Jersey trust as defined in Article 1 of the [Trusts \(Jersey\) Law 1984](#); or

(b) a foreign trust as defined in Article 1 of that Law;

“purchased life annuity” has the same meaning as in Article 132.”.

Independent taxation

18 Article 121E (election by spouses for independent taxation from 2024) inserted

After Article 121D, there is inserted –

“121E Election by spouses for independent taxation from 2024

- (1) Spouses may elect to be independently taxed for the 2024 year of assessment onwards by, no later than 31st July 2023, giving notice in writing to the Comptroller signed by both spouses.
- (2) An election has the effect that both spouses are independently taxed spouses for the 2024 year of assessment and for all subsequent years of assessment.
- (3) An election cannot be revoked.”.

19 Article 122DC (election by civil partners for independent taxation from 2024) inserted

After Article 122DB, there is inserted –

“122DC Election by civil partners for independent taxation from 2024

- (1) Civil partners may elect to be independently taxed for the 2024 year of assessment onwards by, no later than 31st July 2023, giving notice in writing to the Comptroller signed by both civil partners.
- (2) An election has the effect that both civil partners are independently taxed civil partners for the 2024 year of assessment and for all subsequent years of assessment.
- (3) An election cannot be revoked.”.

*Partnerships***20 Article 3 (general provisions as to interpretation) amended**

In Article 3 –

- (a) after the definition “general notice” there is inserted –
 - “general partnership” means a trade or profession carried on by 2 or more persons jointly and does not include –
 - (a) a limited partnership as defined in Article 76A;
 - (b) an incorporated limited partnership within the meaning of the [Incorporated Limited Partnerships \(Jersey\) Law 2011](#);
 - (c) a separate limited partnership within the meaning of the [Separate Limited Partnerships \(Jersey\) Law 2011](#);
 - (d) a limited liability partnership within the meaning of the [Limited Liability Partnerships \(Jersey\) Law 2017](#);
 - (e) a foreign limited liability partnership;”;
- (b) for the definition “partnership” there is substituted –
 - “partnership” means –
 - (a) a general partnership;
 - (b) a limited partnership as defined in Article 76A;
 - (c) an incorporated limited partnership within the meaning of the [Incorporated Limited Partnerships \(Jersey\) Law 2011](#);
 - (d) a separate limited partnership within the meaning of the [Separate Limited Partnerships \(Jersey\) Law 2011](#);
 - (e) a limited liability partnership within the meaning of the [Limited Liability Partnerships \(Jersey\) Law 2017](#);
 - (f) a foreign limited liability partnership approved by the Comptroller under Article 76E;”.

21 Article 17A (penalty for late delivery of return) amended

In Article 17A –

- (a) in paragraph (2) after sub-paragraph (d) there is inserted –
 - “(e) in the case of a return under Article 20E, midnight on 30th November in the year following the year of assessment.”;
- (b) in paragraph (2B) after “20D” there is inserted “, 20E”;
- (c) in paragraph (12A) for “Article 16, 17, 20, 20A, 20B, 20C, 20D or 135C” there is substituted “Article 16, 17, 20, 20A, 20B, 20C, 20D, 20E or 135C, and includes a notification under Article 20E(1)”.

22 Article 20E (returns of information by partnerships) inserted

After Article 20D there is inserted –

“20E Returns of information by partnerships

- (1) The responsible partner of a partnership must notify the Comptroller whether the partnership is a relevant partnership by midnight on 30th November in the year following the year of assessment.
- (2) The responsible partner of a relevant partnership must prepare and deliver to the Comptroller a true, complete and correct return containing such information as the Comptroller may, by notice, reasonably require.
- (3) For the purposes of this Article, a “relevant partnership” is a partnership that has a source of income in the year of assessment which would, if amounting to profit or gain, give rise to any partner’s liability to tax in Jersey.
- (4) A collective investment vehicle is not a relevant partnership for the purposes of this Article.
- (5) For the purposes of this Article the “responsible partner” is a partner, who cannot be a limited partner, determined by the Comptroller to be the responsible partner.
- (6) In determining who the responsible partner is, the Comptroller must have regard to a nomination (if any) made by the partnership.
- (7) If the Comptroller determines that the responsible partner is a partner other than one nominated by the partnership the Comptroller must notify the partnership who the responsible partner is.
- (8) For the purposes of this Article “collective investment vehicle” means –
 - (a) a collective investment fund within the meaning of Article 3 of the [Collective Investment Funds \(Jersey\) Law 1988](#);
 - (b) a fund that would be a collective investment fund within the meaning of Article 3 of the [Collective Investment Funds \(Jersey\) Law 1988](#) except that the offer of units for subscription, sale or exchange is not an offer to the public; or
 - (c) a fund that is –
 - (i) not created for the purposes of securitisation or the repackaging of assets, and
 - (ii) would be a collective investment fund except that it is prescribed not to be collective investment fund in an Order made under Article 3(7) of the [Collective Investment Funds \(Jersey\) Law 1988](#).”.

23 Article 21 (form and manner of returns) amended

In Article 21(1) for sub-paragraph (j) there is substituted –

- “(j) a return or a notification under Article 20E;
- (k) a notification under Article 123AA.”.

24 Article 21B (offences) amended

In Article 21B(1) for sub-paragraph (k) there is substituted –

- “(k) Article 20E (returns: partnerships);
- (l) Article 135C (secretary of LLC to provide returns).”.

25 Article 55 (persons chargeable under Schedule A) amended

In Article 55(2) for “to 76C” there is substituted “to 76D”.

26 Article 74 (partnership statements and assessments) substituted

For Article 74 there is substituted –

"74 General partnerships

- (1) For the purposes of this Law, a trade or profession carried on by a general partnership with a view to profit or gain is to be treated as carried on in partnership by its partners and not by the general partnership as such.
- (2) Accordingly, the property of the general partnership is to be treated for those purposes as partnership property of the partners and not as property of the general partnership.
- (3) Subject to the provisions of this Article, the provisions of this Law apply to the profits and gains of a partner in a general partnership.”.

27 Article 75 (changes of proprietor) amended

In Article 75 –

- (a) paragraph (1) is deleted;
- (b) in paragraph (2) for “paragraph (1)” there is substituted “Article 75A”.

28 Article 75A (change of partner) inserted

After Article 75 there is inserted –

“75A Change of partner

- (1) Where this Article applies a partnership’s trade, profession, business or vocation is deemed to have ceased and a new partnership’s trade, profession, business or vocation is deemed to commence.
- (2) This Article applies where there is a change in the partners of a partnership and that change represents a change of 50% or more –
 - (a) in the entitlement of the assets in the partnership before the change in partners; or
 - (b) in the collective voting entitlement of the partnership.
- (3) For the purposes of Article 106A, the basis period ends on the date that the partnership is deemed to have ceased and a new basis period

commences on the date the partnership is deemed to have commenced.”.

29 Article 76 (partnerships controlled abroad) deleted

Article 76 is deleted.

30 Article 76A (limited partnerships) amended

In Article 76A –

(a) for paragraph (3) there is substituted –

“(3) For the purposes of this Law, a trade, profession, business or vocation carried on by a limited partnership is to be treated as carried on in partnership by its partners and not by the limited partnership as such.

(3A) Accordingly, the property of the limited partnership is to be treated for those purposes as partnership property of the partners and not as property of the limited partnership.”;

(b) paragraph (5) is deleted.

31 Article 76B (incorporated limited partnerships) amended

In Article 76B paragraphs (5) and (7) are deleted.

32 Article 76C (separate limited partnerships) amended

In Article 76C paragraphs (5) and (7) are deleted.

33 Article 76D (limited liability partnerships) amended

In Article 76D paragraphs (5), (7), (8) and (9) are deleted.

34 Article 76E (foreign limited liability partnerships) substituted

For paragraphs (1) to (10) of Article 76E there is substituted –

“(1) Where the Comptroller approves a foreign limited liability partnership, the partnership is treated as a limited liability partnership registered under Article 18 of the [Limited Liability Partnerships \(Jersey\) Law 2017](#) for the purposes of this Law and Article 76D applies to it.

(2) The Comptroller may approve legislation made in another jurisdiction (“approved legislation”) under which limited liability partnerships are or may be established.

(3) The Comptroller, upon application by the partnership –

(a) may approve a specific foreign limited liability partnership;
and

- (b) must approve a foreign limited liability partnership established under approved legislation.
- (4) At the start of each year, the Comptroller must publish a list of approved legislation and must, as soon as practicable, update the list during that year.”.

35 Article 106A (allowances and balancing adjustments) amended

In Article 106A –

- (a) in paragraph (6) before “The disposal value” there is inserted “Subject to paragraph (6A),”;
- (b) after paragraph (6) there is inserted –
 - “(6A) Where a partnership is deemed to have ceased under Article 75A, the deemed disposal value of the plant and machinery is –
 - (a) the price which it would fetch if sold on the open market; or
 - (b) if the price which it would fetch if sold on the open market exceeds the capital expenditure incurred by the partnership on the provision of the machinery or plant for the purposes of the partnership, the value of capital expenditure.
 - (6B) Where a partnership is deemed to have commenced under Article 75A it is deemed to have acquired that plant and machinery at the same value it is deemed to have been disposed of under paragraph (6A).”.

36 Article 106AB (special provisions if assets transferred to successor to trade) amended

In Article 106AB –

- (a) in paragraph (1)(a) “in the proviso to Article 75(1) or” is deleted;
- (b) after paragraph (1) there is inserted –
 - “(1A) This Article also applies if a partner (the “successor”) succeeds a partner (the “predecessor”) in a partnership and Article 75A does not apply.”.

PART 3

CUSTOMS AND EXCISE (JERSEY) LAW 1999 AMENDED

37 [Customs and Excise \(Jersey\) Law 1999](#) amended

This Part amends the [Customs and Excise \(Jersey\) Law 1999](#).

38 Article 68 (review of decisions) amended

In Article 68 –

- (a) paragraph (1)(a)(i) is deleted;

- (b) in paragraph (5), sub-paragraphs (a) and (b) are deleted;
- (c) paragraph (6) is deleted.

39 Article 68A (appeal to Commissioners) inserted

After Article 68 there is inserted –

“68A Appeal to Commissioners

- (1) Any person aggrieved by a decision made by the Agent of the Impôts to which this Article applies may appeal to the Commissioners by notifying the Agent of the Impôts in writing within one month of such decision being communicated.
- (2) This Article applies to a decision made by the Agent of the Impôts in relation to any decision of an officer which –
 - (a) affects the liability of any person to pay any duty;
 - (b) affects the eligibility of any person from relief from or repayment of any duty; or
 - (c) imposes or applies any conditions, limitations, restrictions, prohibitions or other requirements under Article 5(1), 39 or 41.
- (3) Part 6 of the Income Tax Law applies, with the necessary modifications, to an appeal under this Article as if it were an appeal under that Law against an assessment.
- (4) Where an appeal is made under paragraph (1), the decision being appealed is not suspended pending the final determination or withdrawal of the appeal.
- (5) In this Article “Commissioners” means a Commission of Appeal constituted under Article 5 of the [Revenue Administration \(Jersey\) Law 2019](#).”

40 Excise duty: tobacco

In Schedule 1, Part 2 for the table in paragraph 6 there is substituted –

“Type of tobacco	Rate of excise duty per kilogramme (£)
(a) unprocessed tobacco	520.23
(b) cigars	596.38
(c) cigarettes	681.45
(d) hand-rolling tobacco	681.45
(e) processed tobacco other than types (b) to (d)	542.11”.

41 Excise duty: motor vehicles - general

In Schedule 1, Part 2 for paragraph 8(4) and (5) there is substituted –

- “(4) For motor vehicles (other than commercial vehicles) that have an established CO₂ mass emission figure, vehicle emissions duty is charged at the following rates for the year in which it is payable –

Established CO₂ mass emission figure (g)	Rate for 2023 (£)
0-50	0
51-75	73.00
76-100	218.00
101-125	383.00
126-150	621.00
151-175	1,188.00
176-200	3,500.00
201 or more	6,105.00

- (5) For motor vehicles (other than commercial vehicles) that do not have an established CO₂ mass emission figure, vehicle emissions duty is charged at the following rates for the year in which it is payable –

Cylinder capacity of engine (cm³)	Rate for 2023 (£)
500 or less	0
501-1400	291.00
1401-1800	515.00
1801-2000	740.00
2001-2500	1,122.00
2501-3000	1,848.00
3001-3500	3,500.00
3501 or more	6,105.00”.

PART 4**GOODS AND SERVICES TAX (JERSEY) LAW 2007 AMENDED****42 [Goods and Services Tax \(Jersey\) Law 2007](#) amended**

This Part amends the [Goods and Services Tax \(Jersey\) Law 2007](#).

43 Article 23 (where goods supplied) amended

For Article 23(3) there is substituted –

- “(3) If the supply of goods involves their removal to Jersey –
 - (a) the goods are treated as supplied in Jersey if either Condition A or Condition B is met; and
 - (b) in any other case, the goods are treated as supplied outside Jersey.
- (3A) Condition A is met if –
 - (a) the goods are supplied by a person (“P”) in the course or furtherance of a business;
 - (b) P belongs in a country other than Jersey; and
 - (c) the goods are supplied directly to an individual at an address in Jersey.
- (3B) Condition A is also met if –
 - (a) Paragraph (3A) applies to P; and
 - (b) P supplies goods directly to a person or business in Jersey that is registered or liable to be registered for GST.
- (3C) Condition B is met if the supply is treated, under Article 21A, as being made by the operator of an online marketplace.”.

44 Article 26 (when goods supplied) amended

In Article 26 after paragraph (2) there is inserted –

- “(3) In paragraph (1)(aa), the reference to the “sale contract” is a reference to the contract for the sale of the goods, entered into between –
 - (a) the person supplying the goods (where Condition A in Article 23(3A) or (3B) is met) or the operator of the online marketplace (where Condition B in Article 23(3C) is met); and
 - (b) the individual to whom the goods are supplied.”.

45 Article 60 (entities eligible for listing as international services entities) amended

In Article 60 –

- (a) in paragraph (1) after sub-paragraph (g) there is inserted –

- “(ga) a limited liability company that meets the conditions set out in paragraph (2);”;
- (b) in paragraph (2) for “or (d)” there is substituted “, (d) or (ga)”.
- (c) in paragraph (5) after sub-paragraph (c) there is inserted –
 - “(d) to a limited liability company is a reference to a limited liability company within the meaning of the [Limited Liability Companies \(Jersey\) Law 2018](#).”.

PART 5

STAMP DUTIES AND FEES (JERSEY) LAW 1998 AMENDED

46 [Stamp Duties and Fees \(Jersey\) Law 1998](#) amended

This Part amends the [Stamp Duties and Fees \(Jersey\) Law 1998](#).

47 **Article 1 (interpretation) amended**

In Article 1 –

- (a) after the definition “item” there is inserted –
 - “ “main residence”, in relation to a relevant property, means the property that is occupied as the person’s main residence, whether or not it is in Jersey;”;
- (b) after the definition “net value” there is inserted –
 - “ “relevant property” means a property that is a dwelling and is acquired for a purpose other than use as the main residence of the person to whom it is transferred;”.

48 **Article 8A (statements of information) inserted**

After Article 8 there is inserted –

“8A Relevant properties: statements of information

- (1) Where a chargeable document relates to a relevant contract, the document must be accompanied by a statement by the person to whom the property is transferred as to whether the property is a dwelling acquired for use as the main residence of that person.
- (2) The statement must include a declaration by the person to whom the property is transferred that the statement is, to the best of that person’s knowledge and belief, true, complete and correct.
- (3) For the purposes of this Article a “relevant contract” is any transaction that falls within the following entries in item 13 in paragraph 3 of Schedule 1 –
 - (a) entry (a);
 - (b) entry (c);

- (c) entry (h);
- (d) entry (j);
- (e) entry (k);
- (f) entry (l).”.

49 Article 11 (offences) amended

In Article 11 after paragraph (2) there is inserted –

- “(3) A person commits an offence and is liable to imprisonment for 6 months and to a fine of level 3 on the standard scale if that person makes a statement required under Article 8A which the person knows to be false or misleading in a material particular.”.

50 Schedule 1 (judicial fees) amended

In Schedule 1 –

- (a) after paragraph 2 (bands relating to value in item 13) there is inserted –

“2A Further bands relating to value in item 13

The table set out in this paragraph is to be read as included in each paragraph of item 13 where there is an entry “See table in paragraph 2A”.

Item 13	Stamp Duty by Figure or Rate	Chargeable Document	Designated Officer
(i) does not exceed £50,000	£3.50p each £100 or part of £100 subject to a minimum of £10	Contract	Greffier
(ii) exceeds £50,000 but does not exceed £300,000	£1,750 in respect of the first £50,000, plus £4.50 for each £100 or part of £100 in excess thereof	Contract	Greffier
(iii) exceeds £300,000 but does not exceed £500,000	£13,000 in respect of the first £300,000, plus £5 for each £100 or part of £100 in excess thereof	Contract	Greffier
(iv) exceeds £500,000 but does not exceed £700,000	£23,000 in respect of the first £500,000, plus £6 for each £100 or part of £100 in excess thereof	Contract	Greffier
(v) exceeds £700,000 but does not exceed £1,000,000	£35,000 in respect of the first £700,000, plus £6.50 for each £100 or part of £100 in excess thereof	Contract	Greffier

Item 13	Stamp Duty by Figure or Rate	Chargeable Document	Designated Officer
(vi) exceeds £1,000,000 but does not exceed £1,500,000	£54,500 in respect of the first £1,000,000 plus £7.50 for each £100 or part of £100 in excess thereof	Contract	Greffier
(vii) exceeds £1,500,000 but does not exceed £2,000,000	£92,000 in respect of the first £1,500,000 plus £8.50 for each £100 or part of £100 in excess thereof	Contract	Greffier
(viii) exceeds £2,000,000 but does not exceed £3,000,000	£134,500 in respect of the first £2,000,000 plus £10 for each £100 or part of £100 in excess thereof	Contract	Greffier
(ix) exceeds £3,000,000 but does not exceed £6,000,000	£234,500 in respect of the first £3,000,000 plus £12.50 for each £100 or part of £100 in excess thereof	Contract	Greffier
(x) exceeds £6,000,000	£609,500 in respect of the first £6,000,000 plus £13.50 for each £100 or part of £100 in excess thereof	Contract	Greffier”;

(b) in item 13 of the table in paragraph 3–

(i) in entries (a), (c), (h), (j), (k) and (l)(2) for “SEE TABLE IN PARAGRAPH 2” there is substituted –

“IN RELATION TO PROPERTY THAT IS NOT RELEVANT PROPERTY SEE TABLE IN PARAGRAPH 2
IN RELATION TO PROPERTY THAT IS RELEVANT PROPERTY SEE TABLE IN PARAGRAPH 2A”,

(ii) in entry (l)(1) for entries (i) and (ii) there is substituted –

“(i) does not exceed £100,000	(A) In relation to property that is not relevant property, 50p for each £100 or part of £100 subject to a minimum of £10 (B) In relation to property that is relevant property, £3.50 for each £100 or part of £100 subject to a minimum of £10	Contract	Greffier
(ii) exceeds £100,000	(A) In relation to property that is not relevant property, £500 in respect of the first £100,000, plus 75p for each £100 or part of £100 in excess (B) In relation to property that is relevant property, £3,500 in respect of the first £100,000 plus £3.75 for each £100 or part of £100 in excess of that	Contract	Greffier”.

PART 6

TAXATION (LAND TRANSACTIONS) (JERSEY) LAW 2009 AMENDED

51 [Taxation \(Land Transactions\) \(Jersey\) Law 2009](#) amended

This Part amends the [Taxation \(Land Transactions\) \(Jersey\) Law 2009](#).

52 **Article 5 (delivery of statements in pursuance of notices) amended**

In Article 5 paragraph (5) is deleted.

53 **Schedule (value of transaction and rate of LTT applicable) amended**

In the Schedule –

- (a) in the following provisions for “£80” there is substituted “£90” –
- (i) paragraph 2(1),
 - (ii) paragraph 3,
 - (iii) paragraph 3A(3)(a) and (b)(i),
 - (iv) paragraph 3B(2),
 - (v) paragraph (4)(3);
- (b) after paragraph 4 there is inserted –

“5 Properties that are not main residences

- (1) This paragraph applies to a transaction described in Article 3(1)(a) or (b) which relates to land on which there is a dwelling that is acquired for a purpose other than use as the main residence of the person to whom the share is transferred.
- (2) In sub-paragraph (1) “main residence” means the property that is occupied as the person’s main residence whether or not it is in Jersey.
- (3) The rate of LTT applicable to a transaction to which this paragraph applies is £90 plus the amount found in accordance with the table –

Value of the transaction	Variable element of tax
does not exceed £50,000	£3.50p each £100 or part of £100 subject to a minimum of £10
exceeds £50,000 but does not exceed £300,000	£1,750 in respect of the first £50,000, plus £4.50 for each £100 or part of £100 in excess thereof
exceeds £300,000 but does not exceed £500,000	£13,000 in respect of the first £300,000, plus £5 for each £100 or part of £100 in excess thereof
exceeds £500,000 but does not exceed £700,000	£23,000 in respect of the first £500,000, plus £6 for each £100 or part of £100 in excess thereof
exceeds £700,000 but does not exceed £1,000,000	£35,000 in respect of the first £700,000, plus £6.50 for each £100 or part of £100 in excess thereof
exceeds £1,000,000 but does not exceed £1,500,000	£54,500 in respect of the first £1,000,000 plus £7.50 for each £100 or part of £100 in excess thereof
exceeds £1,500,000 but does not exceed £2,000,000	£92,000 in respect of the first £1,500,000 plus £8.50 for each £100 or part of £100 in excess thereof

Value of the transaction	Variable element of tax
exceeds £2,000,000 but does not exceed £3,000,000	£134,500 in respect of the first £2,000,000 plus £10 for each £100 or part of £100 in excess thereof
exceeds £3,000,000 but does not exceed £6,000,000	£234,500 in respect of the first £3,000,000 plus £12.50 for each £100 or part of £100 in excess thereof
exceeds £6,000,000	£609,500 in respect of the first £6,000,000 plus £13.50 for each £100 or part of £100 in excess thereof”;

- (c) in the following provisions for “£60” there is substituted “£90” –
 - (i) paragraph 6(2),
 - (ii) paragraph 7(2);
- (d) in paragraph 8 for “£160” there is substituted “£180”;
- (e) in paragraph 9 for “£80” there is substituted “£90”.

PART 7

TAXATION (ENVELOPED PROPERTY TRANSACTIONS) (JERSEY) LAW 2022 AMENDED

54 [Taxation \(Enveloped Property Transactions\) \(Jersey\) Law 2022](#) amended

This Part amends the [Taxation \(Enveloped Property Transactions\) \(Jersey\) Law 2022](#).

55 **Article 7 (calculation of charge to tax) amended**

In Article 7 –

- (a) in paragraph (1) for “£80” there is substituted “£90”;
- (b) in paragraph (3) –
 - (i) in sub-paragraph (b) after “to which it relates” there is inserted “for properties to which the standard rate applies”,
 - (ii) after sub-paragraph (b) there is inserted –
 - “(c) column 3 sets out the calculation of the variable element of the amount of tax in respect of the market value range to which it relates for properties to which the higher rate applies.”;
- (c) in paragraph (4) –
 - (i) in sub-paragraph (b) after “to which it relates” there is inserted “for properties to which the standard rate applies”,
 - (ii) after sub-paragraph (b) there is inserted –

“(c) column 3 sets out the calculation of the variable element of the amount of tax in respect of the market value range to which it relates for properties to which the higher rate applies.”;

(d) after paragraph (4) there is inserted –

“(4A) In paragraphs (3) and (4) –

(a) the higher rate applies where a significant interest in an entity is acquired by a person, and that entity or its controlled entity own a property that is –

(i) a dwelling, and

(ii) acquired for a purpose other than use as the main residence of the person by whom the significant interest is acquired; and

(b) the standard rate applies to a dwelling to which the higher rate does not apply,

and in this paragraph “main residence” means the property that is occupied as the main residence whether or not it is in Jersey.”.

56 Schedule 2 (calculation of variable element of tax) amended

In Schedule 2 for Table B and Table C there is substituted –

“TABLE B

ENVELOPED PROPERTY USED FOR DOMESTIC PURPOSES

(1) Market value of enveloped property	(2) Variable element of tax (standard rate)	(3) Variable element of tax (higher rate)
Exceeding £500,000 but not exceeding £700,000	£8,000 in respect of the first £500,000 plus £3 for each £100 or part of £100 in excess of that	£23,000 in respect of the first £500,000 plus £6 for each £100 or part of £100 in excess of that
Exceeding £700,000 but not exceeding £1,000,000	£14,000 in respect of the first £700,000 plus £3.50 for each £100 or part of £100 in excess of that	£35,000 in respect of the first £700,000 plus £6.50 for each £100 or part of £100 in excess of that
Exceeding £1,000,000 but not exceeding £1,500,000	£24,500 in respect of the first £1,000,000 plus £4.50 for each £100 or part of £100 in excess of that	£54,500 in respect of the first £1,000,000 plus £7.50 for each £100 or part of £100 in excess of that
Exceeding £1,500,000 but not exceeding £2,000,000	£47,000 in respect of the first £1,500,000 plus £5.50 for each £100 or part of £100 in excess of that	£92,000 in respect of the first £1,500,000 plus £8.50 for each £100 or part of £100 in excess of that

(1) Market value of enveloped property	(2) Variable element of tax (standard rate)	(3) Variable element of tax (higher rate)
Exceeding £2,000,000 but not exceeding £3,000,000	£74,500 in respect of the first £2,000,000 plus £7 for each £100 or part of £100 in excess of that	£134,500 in respect of the first £2,000,000 plus £10 for each £100 or part of £100 in excess of that
Exceeding £3,000,000 but not exceeding £6,000,000	£144,500 in respect of the first £3,000,000 plus £9.50 for each £100 or part of £100 in excess of that	£234,500 in respect of the first £3,000,000 plus £12.50 for each £100 or part of £100 in excess of that
Exceeding £6,000,000	£429,500 in respect of the first £6,000,000 plus £10.50 for each £100 or part of £100 in excess of that	£609,500 in respect of the first £6,000,000 plus £13.50 for each £100 or part of £100 in excess of that

TABLE C**ENVELOPED PROPERTY COMPRISED IN A CONTRACT LEASE**

(1) Market value of enveloped property	(2) Variable element of tax (standard rate)	(3) Variable element of tax (higher rate)
Exceeding £500,000 in the case of property used for domestic purposes	£3,500 in respect of the first £500,000, plus 75p for each £100 or part of £100 in excess of that	£18,500 in respect of the first £500,000, plus £3.75 for each £100 or part of £100 in excess of that
Exceeding £700,000 in the case of property used for non-domestic purposes	£5,000 in respect of the first £700,000 plus 75p for each £100 or part of £100 in excess of that	Not applicable”.

PART 8**HIGH VALUE RESIDENTS****57 [Income Tax \(Prescribed Limit and Rate\) \(Jersey\) Regulations 2013](#) amended**

In Regulation 2 (prescribed limit) of the [Income Tax \(Prescribed Limit and Rate\) \(Jersey\) Regulations 2013](#) in paragraphs (2) and (3A) for “£725,000” there is substituted “£850,000”.

PART 9

OTHER AMENDMENTS AND CLOSING PROVISIONS

58 [Social Security \(Jersey\) Law 1974](#) amended

For paragraph 4(2) (LTC contribution effective rate) of Schedule 1D to the [Social Security \(Jersey\) Law 1974](#) there is substituted –

“(2) The LTC contribution effective rate applicable in an employee’s case is determined in accordance with the following formula –

$$A = \frac{B + C - D}{E + F + G + H} \times 100$$

Where –

- A is the contribution effective rate;
- B is the amount of the employee’s estimated LTC contribution for the year to which the rate applies, calculated in accordance with paragraph 2A;
- C is the employee’s total LTC contributions for any year preceding the year to which the rate applies, less any amount of contributions already paid for that preceding year, and any costs recoverable in respect of unpaid contributions;
- D is the amount of LTC contributions already paid for the year to which the rate applies;
- E is the estimated amount of income for which the employee is liable to be assessed under the 1961 Law for the year to which the rate applies;
- F is the estimated amount of income from which the employee is liable to allow the deduction of tax under the 1961 Law for the year to which the rate applies;
- G is the estimated amount of the employee’s allowable deductions under the 1961 Law (except for Article 131I of that Law) in relation to the employee’s earnings for the year to which the rate applies; and
- H is the estimated amount of the employee’s allowable deductions under Article 131I of the 1961 Law for the year to which the rate applies.”.

59 [Taxation \(Partnerships – Economic Substance\) \(Jersey\) Law 2021](#) amended

In Article 1 of the [Taxation \(Partnerships – Economic Substance\) \(Jersey\) Law 2021](#) –

- (a) in the definition “limited liability partnership” after “[Limited Liability Partnerships \(Jersey\) Law 2017](#)” there is inserted “or a foreign limited liability partnership approved by the Comptroller under Article 76E of the 1961 Law”;

- (b) in the definition “partnership” for sub-paragraph (f) there is substituted –

“(f) a general partnership within the meaning of Article 3 of the 1961 Law;”.

60 Article 36 and Article 37(4) of the Finance (2022 Budget) (Jersey) Law 2022 repealed

Article 36 and Article 37(4) of the Finance (2022 Budget) (Jersey) Law 2022 are repealed.

61 [Goods and Services Tax \(International Services Entities\) \(Jersey\) Regulations 2008](#) amended

In Regulation 4(1)(g) of the [Goods and Services Tax \(International Services Entities\) \(Jersey\) Regulations 2008](#) for “or limited liability partnership” there is substituted “, limited liability partnership or limited liability company”.

62 [Taxation \(Land Transactions\) \(LTT Statements and Receipts\) \(Jersey\) Order 2019](#) amended

In Article 2(2) (LTT statement for transactions under Article 3(1)(a) or (b) of the Law) of the [Taxation \(Land Transactions\) \(LTT Statements and Receipts\) \(Jersey\) Order 2019](#) –

- (a) after sub-paragraph (d) there is inserted –

“(da) a declaration as to whether the property to which the share gives a right is being acquired for use as the main residence of the person to whom the share is transferred;”;

- (b) in sub-paragraph (e) after clause (ii) there is inserted –

“(iia) under paragraph 5 (properties that are not main residences),”.

63 [Taxation \(Enveloped Property Transactions\) \(Statements\) \(Jersey\) Order 2022](#) amended

In Article 2(4) (statement under Article 8 of the Law) of the [Taxation \(Enveloped Property Transactions\) \(Statements\) \(Jersey\) Order 2022](#) after sub-paragraph (c) there is inserted –

“(d) whether the property is a dwelling that is being acquired for use as the main residence of the person by whom the significant interest is acquired.”.

64 Citation and commencement

- (1) This Law may be cited as the Finance (2023 Budget) (Jersey) Law 202-.
- (2) Except for Articles 43, 44 and 58, this Law comes into force on 1st January 2023.

- (3) Articles 43, 44 and 58 come into force on 1st July 2023.