

**FIRST SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 2,226 of 26th APRIL, 1985.

I ASSENT,

DAVID WILLIAMS,

GOVERNOR.

26th April, 1985.



GIBRALTAR

No. 14 of 1985.

AN ORDINANCE to amend the Imports and Exports Ordinance (Chapter 75), the Income Tax Ordinance (Chapter 76), the Licensing and Fees Ordinance (Chapter 90), the Public Health Ordinance (Chapter 131), the Stamp Dudes Ordinance (Chapter 147), the Companies (Taxation and Concessions) Ordinance, 1983 (Ordinance No. 13 d 1983), and generally for the purposes of the financial policies of the Government.

ENACTED by the Legislature of Gibraltar.

Short title and commencement.

1. (1) This Ordinance may be cited as the Finance Ordinance, 1985.

(2) Section 7 shall come into operation on the 1st day of July, 1985.
Imports and Exports

Finance Ordinance, 1985.

Amendment of First Schedule to the Imports and Exports Ordinance (Cap. 75).

2. The Second Part of the First Schedule to the Imports and Exports Ordinance is amended by inserting immediately after Item No. 8 the following new Item:

"9. New and complete basic body chassis construction kits for the assembly of motor vehicles, ad valorem 12%."

Amendment of Section 7 of the Income Tax Ordinance (Cap. 76).

3. Section 7(I) of the Income Tax Ordinance is amended by inserting immediately after paragraph (gi), thereof, the following new paragraph:

"(gj) such sum paid to an employee in lieu of the notice required to be given by an employer to terminate the contract of service of the employee under the provisions of section 22 of the Regulation of Wages and Conditions of Employment Ordinance which the Commissioner, after consultation with the Director of Labour and Social Security, is satisfied is the only form of compensation paid to the employee by the employer upon the redundancy of the employee."

Repeal of Section 19C of the Income Tax Ordinance (Cap. 76).

4. The Income Tax Ordinance is further amended by repealing section 19C thereof.

Amendment of Second Schedule to the Income Tax Ordinance (Cap. 76).

5. The Income Tax Ordinance is further amended by repealing paragraph 17 of the Second Schedule thereto and substituting therefor the following new paragraph:

"Offences. 17 (1) Any employer who wilfully or without reasonable excuse

- (a) fails to deduct tax from the emoluments of an employee in accordance with this Schedule;
- (b) fails to pay into the Treasury as required by paragraph 10 any tax deducted;

Finance Ordinance, 1985.

- (c) fails to maintain or to return a deduction card for any employee for whom he is required to maintain and return such a card by paragraph 9;
- (d) fails to give a certificate of emoluments and of tax deducted therefrom to any employee to whom he is required to give such a certificate by paragraph 11; or
- (e) fails to produce any wage sheets, documents or records which he is required to produce by paragraph 15; shall be guilty of an offence.

(2) Any employer guilty of an offence under any of the provisions of subparagraphs (a) or (c) of paragraph 17 (1) hereof shall be liable on conviction to a fine of £100 and a further sum of twice the amount of the tax which should have been deducted.

(3) Any employer guilty of an offence under any of the provisions of subparagraph (b) of paragraph 17(1) hereof shall be liable on conviction to imprisonment for twelve months or to a fine of V000 and in either case to a further sum of twice the amount of tax which should have been deducted.

(4) Any employer guilty of an offence under any of the provisions of subparagraphs (d) or (e) of paragraph 17(1) hereof shall be liable on conviction to a fine of £100 and a further fine of £5 for each day during which the offence continues, and in default of payment, to imprisonment for three months."

Licensing and Fees

Replacement of Item 2 of the Second Schedule to the Licensing and Fees Ordinance (Cap. 90).

6. The Second Schedule to the Licensing Fees Ordinance is amended by revoking Item 2 thereof and substituting therefor the following Item:

"2. FEES ON DOCUMENTS RELATING TO LANDED PROPERTY.

- (a) an original grant of Crown Land in fee or a lease or demise for a term of years of Crown Land, on paper or parchment, under the Public Seal£40

Finance Ordinance, 1985.

- (b) Governor's approval to a deed of conveyance, partition, mortgage or other instrument affecting lands held in fee or a deed of assignment, mortgage, lease, sub-lease or demise or other instrument affecting lands held under a demise or lease for a term of years, requiring registration in the Supreme Court £10°,

Public Health Ordinance

Amendment of Section 290 of the Public Health Ordinance (Cap. 131).

7. Section 290 of the Public Health Ordinance is amended by adding immediately after sub-section (4) thereof the following new subsection:

"(5) An individual who is in occupation of a residential hereditament (not being a Communal Services Tenement) and who proves to the satisfaction of the Financial and Development Secretary that he is the owner of the said hereditament and has been in actual occupation thereof for at least 180 days in the current rateable year shall be entitled to claim in that rateable year a refund of the equivalent of ten per centum of the General and Salt Water rates levied in respect of the said hereditament."

Replacement of Section 310 of the Public Health Ordinance (Cap. 131).

8. The Public Health Ordinance is further amended by repealing section 310, and substituting therefor the following new section:

"Ascertainment of rateable value

310 (1) For the purpose of making or altering valuation lists under this Part the rateable value of a hereditament shall be ascertained in accordance with the provisions of this section or of section 310A.

(2) In the case of a hereditament being a dwellinghouse the net annual value of the hereditament shall be ascertained by deducting from the gross value an amount specified in items 1 or 2 of the Seventh Schedule.

(3) In the case of a hereditament being other than a dwellinghouse the net value of the hereditament shall be ascertained by deducting from the gross value an amount specified in item 3 of the Seventh Schedule.

Finance Ordinance, 1985.

(4) Notwithstanding subsection (2), or any other provision in this Ordinance, the Governor may from time to time by order declare that in respect of the valuation list for any year specified in the order (being a year commencing on or after the 1st day of April, 1983) the net annual value of hereditaments of any class or classes specified in the order shall be estimated by comparison with the rents for that class or classes of hereditaments prevailing at any date specified in the order (being a date preceding such a year).

(5) If the amount of the net annual value whether ascertained under the provisions of this section or of section 310A includes a fraction of a pound such amount shall be increased or reduced as the case may be to the nearest complete pound or if the fraction is fifty pence the fraction shall be disregarded.

(6) The net annual value of a hereditament ascertained in accordance with the provisions of this section or of section 310A shall be the rateable value of the hereditament.

(7) For the purposes of this section "dwellinghouse" means a house used wholly or mainly for the purposes of a private dwelling or private dwellings with or without any garage, outhouse, garden, yard, court, forecourt or other appurtenances.

"gross value" in relation to a hereditament under subsection (2) means the rent estimated by comparison with the rents at which dwellinghouses owned by the Government are let to members of the general public on short tenancies.

"gross value" in relation to a hereditament under subsection (3) means an amount equal to the rent at which it is estimated the hereditament might reasonably be expected to be let from year to year if the tenant undertook to pay all the usual tenant's rates and taxes and the landlord undertook to bear the cost of the repairs, insurance and other expenses, if any, necessary to command that rent. "short tenancy" means a tenancy for any period not exceeding one year."

Finance Ordinance, 1985.

Insertion of Seventh Schedule to the Public Health Ordinance (Cap.131).

9. The Public Health Ordinance is further amended by adding immediately after the Sixth Schedule the following new Schedule:

"SEVENTH SCHEDULE.

Section 310.

STATUTORY DEDUCTIONS FROM GROSS VALUE.

Deduction	Class of hereditament	Section
1. 20% of the gross value	(1) a dwellinghouse of a gross value not exceeding £40; (2) a Communal Services Tenement	Section 310(2)
2. 16 2/3% of the gross value	a dwellinghouse of a value exceeding £40	Section 310(2)
3. 16 2/3% of the gross value	a hereditament being other than a dwellinghouse	Section 310(3)

". Stamp Duties

Replacement of Section 97A of the Stamp Duties Ordinance (Cap. 147).

10. The Stamp Duties Ordinance is amended by repealing section 97A thereof, and substituting therefor the following new sections:

"Exemptions relating to certain trusts

97A (1) Subject to subsection (2), but notwithstanding any other provisions of this Ordinance no stamp duty shall be payable by a company (as defined in section 2 of the Income Tax Ordinance) upon the several instruments specified in the Schedule to this Ordinance.

(2) Subsection (1) shall not apply to

- (a) any instrument either under hand or seal, conveying, transferring, assigning, mortgaging, charging, releasing,

Finance Ordinance, 1985.

surrendering, disposing of or in any manner dealing with immovable property situate in Gibraltar

- (b) Capital duty payable
 - (i) on the nominal share capital or any increase thereof of a qualifying company; or
 - (ii) on the loan capital of a qualifying company.

Exemptions relating to certain trusts.

97B (1) Subject to subsection (2), but notwithstanding any other provision of this Ordinance no stamp duty shall be payable upon the several instruments specified in the Schedule to this Ordinance by any trust to which the provisions of Section 7 (1) (ua) of the Income Tax Ordinance apply.

(2) Subsection (1) shall not apply to any instrument either under hand or seal conveying, transferring, assigning, mortgaging, charging, releasing, surrendering disposing of or in any manner dealing with immovable property situate in Gibraltar."

Exempt Companies

11. Section 9 of the Companies (Taxation and Concessions) Ordinance, 1983 is amended by repealing subsection (3) thereof, and substituting therefor the following new subsections:

Amendment of Section 9 of the Companies (Taxation and Concessions) Ordinance, 1983 (Ord.No. 13 of 1983).

"(3) Subject to subsection (4), but notwithstanding the provisions of the Stamp Duties Ordinance no stamp duty shall be payable by an exempt company upon the several instruments specified in the Schedule to the Stamp Duties Ordinance.

- (4) Subsection (3) shall not apply to
 - (a) any instrument either under hand or seal conveying, transferring, assigning, mortgaging, charging, releasing, surrendering, disposing of or in any manner dealing with immovable property situate in Gibraltar.

Finance Ordinance, 1985.

(b) Capital duty payable--

(i) on the nominal share capital or any increase thereof of an exempt company; or

(ii) on the loan capital of an exempt company."

Passed by the Gibraltar House of Assembly on the 25th day of April, 1985.

P. A. GARBARINO,

Clerk to the Assembly.