

**SECOND SUPPLEMENT TO THE GIBRALTAR
GAZETTE
No. 2,549 of 26th APRIL, 1990.**

LEGAL NOTICE No. 39 OF 1990.

INCOME TAX ORDINANCE

**INCOME TAX (PAY AS YOU EARN) (AMENDMENT)
REGULATIONS 1990**

In exercise of the powers conferred on him by Section 87 of the Income Tax Ordinance, and of all other enabling powers, the Governor has made the following regulations—

Title.

1. These regulations may be cited as the Income Tax (Pay As You Earn) (Amendment) Regulations 1990.

Revocation and replacement of regulation 4.

2. The Income Tax (Pay As You Earn) Regulations, 1989, (hereinafter called "the principal Regulations") are amended by revoking regulation 4 thereof and substituting therefor the following new regulation:

"P.A.Y.E. Allowances Certificates,.

4 (1) Every employee (including a married woman who is in employment and who is included in a return made by her husband) who on taking up any employment has not been issued with a P.A.Y.E. allowances certificate, shall within seven days of taking up such employment make a declaration to the Commissioner, in such form as the Commissioner may require specifying the allowances to which he claims to be entitled under the Ordinance or any subsidiary legislation made thereunder.

(2) As soon as possible after receiving any declaration submitted under sub-regulation (1) of this regulation, the Commissioner shall issue to the Employee a P.A.Y.E. allowances certificate. Such certificate, once issued, shall

remain in force in respect of that employee unless and until it is replaced with a new certificate issued in accordance with subregulation (S) of this regulation, or otherwise.

(3) The Commissioner shall in such manner as seems to him appropriate, prescribe codes which shall cover the various amounts of allowances which may be claimed and shall allocate to every employee a code, dependant on the allowances to which the Commissioner considers such employee is entitled. All codes existing at the date of these regulations shall continue in force until replaced.

(4) Every P.A.Y.E. allowances certificate issued under the provisions of this regulation shall be in two Parts. Part I shall set out the estimated allowances to which the employee is entitled, but such estimate shall be liable to alteration by the Commissioner at any time thereafter, whether by reason of sub--regulation (5) of this regulation or otherwise. Part II shall specify the code applicable to such employee for the purposes of tax deduction. The code applicable to an employee may be altered if the allowances to which the Commissioner considers such employee is entitled are altered.

(5) Where any of the circumstances determining the amount of an employee's allowances as shown on the allowances certificate change, the employee shall, withing thirty days of such charge, declare such change to the Commissioner who shall as soon as possible thereafter re-determine the employee's code. If his code is changed, a new P.A.Y.E. allowances certificate shall be issued to him which he shall lodge with his employer in accordance with the provisions of regulation 5.

(6) The Commissioner may, in the exercise of his discretion, adjust the coding of an employee for the purposes of recovering tax due, but not previously deducted and paid." . .

Revocation of regulation 7.

3. Regulation 7 of the principal regulations is hereby revoked.

Amendment of regulation 8

4. Regulation 8 (2) of the principal regulations is amended by adding after the words "tax tables" the words "In addition, every such employer shall give notice in writing to the Commissioner not later than 14 days after the date of engagement of each such employee which shall specify the full name and address of such employee, the date of commencement and the terms of the employment."

Amendment of regulation 11.

5. Regulation 11 is amended by inserting the the following new subregulation—

"(3) In the event that such total amount as is provided for by subregulation(1) shall not have been paid into the Treasury by the date specified in that subregulation, such total amount may, at the discretion of the Commissioner, be increased by a penalty equivalent to 2% of that total amount for each month by which any such payment into the Treasury is delayed, such penalties to be calculated at a compound rate; and references to "total amount" and to "amount of tax" in this regulation and in regulation 12, shall be taken to be references to the tax deducted or the tax specified, in accordance with regulation 12 (1), increased by the penalty and any such penalty shall be deemed to be part of the tax."

Dated this 26th day of April, 1990.

By Command,

W.E. QUANTRILL

Deputy Governor

**L.N.' 39/90] GIBRALTAR GAZETTE, No. 2,549, Thursday 26th
April, 1990.**
