

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4976 GIBRALTAR Thursday 7th July 2022

LEGAL NOTICE NO. 172 OF 2022

INCOME TAX ACT 2010

INCOME TAX (PAY AS YOU EARN) (AMENDMENT) REGULATIONS 2022

In exercise of the powers conferred upon him by section 55 of the Income Tax Act 2010, and all other enabling powers, the Minister has made the following Regulations-

Title.

1. These Rules may be cited as the Income Tax (Pay As You Earn) (Amendment) Regulations 2022.

Commencement.

2. These Regulations come into operation on 1st July 2023.

Amendment of the Income Tax (Pay As You Earn) Regulations, 1989.

3.(1) Regulation 17 of the Income Tax (Pay As You Earn) Regulations, 1989 is amended in accordance with the provisions of this Regulation.

(2) In subregulation (2)-

- (a) for “section 63(1)” substitute “section 56 of the Income Tax Act 2010”;
- (b) delete “deduction cards and”;
- (c) after “in a notice” insert “(the “specified date”);
- (d) for the words from “an amount of £10 per day” to the end, substitute “the amount or amounts set out in subregulation (2A) shall be payable by the employer to the Commissioner”.

(3) After subregulation (2) insert-

“(2A) For the purposes of subregulation (2), the amount or amounts payable are-

- (a) in respect of an employer that had less than an average of 10 employees in the previous year of assessment (a “micro employer”)-
 - (i) an amount of £50 on the day immediately after the specified date; and

- (ii) an additional amount of £250 if the failure by the employer continues after a period of 30 days from the specified date;
- (b) in respect of an employer that had less than an average of 50 employees but 10 or more employees in the previous year of assessment (a “small employer”)–
 - (i) an amount of £100 on the day immediately after the specified date; and
 - (ii) an additional amount of £500 if the failure by the employer continues after a period of 30 days from the specified date;
- (c) in respect of an employer that had less than an average of 250 employees but 50 or more in the previous year of assessment (a “medium employer”)–
 - (i) an amount of £250 on the day immediately after the specified date; and
 - (ii) an additional amount of £1,250 if the failure by the employer continues after a period of 30 days from the specified date;
- (d) in respect of an employer that had an average of 250 employees or more in the previous year of assessment (a “large employer”)–
 - (i) an amount of £500 on the day immediately after the specified date; and
 - (ii) an additional amount of £2,500 if the failure by the employer continues after a period of 30 days from the specified date.

(2B) Any amounts payable under this regulation shall be deemed to be part of the tax due and recoverable as such.”.

Dated: 7th July 2022.

F R PICARDO,
Minister with responsibility for Public Finance.

EXPLANATORY MEMORANDUM

These Regulations give effect to the Government’s 2022 Budget Measures.