

# SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4542 of 07 February, 2019

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LEGAL NOTICE NO.025 OF 2019.

## INTERPRETATION AND GENERAL CLAUSES ACT

### INCOME TAX (AMENDMENT) REGULATIONS 2019

In exercise of the powers conferred on it by section 23(g)(ii) of the Interpretation and General Clauses Act, and of all other enabling powers, and for the purpose of implementing obligations falling within the Treaties, the Government has made the following Regulations—

#### **Title and commencement.**

1. These Regulations may be cited as the Income Tax (Amendment) Regulations 2019 and come into operation on the date of publication.

#### **Amendment of Income Tax Act 2010.**

2.(1) The Income Tax Act 2010 (“the Act”) is amended in accordance with the provisions of this regulation.

(2) In Table C of Schedule 1 to the Act, after Class 5, insert the following—

“Class 6  
“State Aid Recovery”

(a) In accordance with the European Commission decision of 19 December 2018 on the State Aid SA.34914 (2013/C) as regards the Gibraltar Corporate Income Tax Regime—

- (i) the charge to taxation under Class 1A above shall apply in respect of the period extending from 1 January 2011 to 30 June 2013 only for the purposes of ensuring compliance with recovery procedures in that decision;
- (ii) the charge to taxation under Class 3A above shall apply in respect of the period extending from 1 January 2011 to 31 December 2013 only for the purposes of ensuring compliance with recovery procedures in that decision.

(b) For the purposes of paragraph (a) above—

- (i) the aid to be recovered pursuant to that decision shall include interest determined in accordance with Chapter V of Commission Regulation (EC)

No. 794/2004 of 21 April 2004 implementing Council Regulation (EC) No. 659/1999 laying down detailed rules for the application of Article 93 of the EC Treaty.”.

Dated 7th February, 2019

F R PICARDO,  
For The Government.

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**EXPLANATORY MEMORANDUM**

These Regulations amend the Income Tax Act 2010 for the purposes of satisfying EU requirements under European Commission decision of 19 December 2018 on the State Aid SA.34914 (2013/C) as regards the Gibraltar Corporate Income Tax Regime.