

**INCOME TAX LEGISLATION (AMENDMENT) BILL
2017**

Explanatory Memorandum

1. This Bill is promoted by Minister Cannan M.H.K. on behalf of the Treasury.
2. Part 1 (Introductory) consists of *clauses 1-3* —
 - (a) *clause 1* deals with the short title of the resulting Act;
 - (b) *clause 2* deals with commencement of the resulting Act, making provision for different portions of the resulting Act to come into operation on different dates and restricting the applicability of different portions based on specified circumstances; and
 - (c) *clause 3* deals with expiry of the resulting Act, providing —
 - (i) that all provisions of the resulting Act other than *clause 14* and the provisions that are automatically repealed by section 115A(10) of the *Income Tax Act 1970* expire on the day after the promulgation of the resulting Act; and
 - (ii) that the expiry does not affect the continuing operation of the amendments made by the resulting Act, neither does it revive any provision not in operation when the amendments took effect.
3. Part 2 (Temporary Taxation Orders confirmed) consists of only *clause 4*. *Clause 4* confirms the Income Tax (Corporate Taxpayers) (Temporary Taxation) Order 2016 and the Income Tax (Individuals) (Temporary Taxation) Order 2016 as permanent orders.
4. *Clause 5* is the first clause of Part 3 (Amendments to the Income Tax (Instalment Payments) Act 1974 and the Income Tax (Modified I.T.I.P.) Regulations 1987). It asserts that the following clauses set out the precise amendments to the *Income Tax (Instalment Payments) Act 1974*.
5. *Clause 6* amends section 1 (Definitions and regulations for I.T.I.P.) of the *Income Tax (Instalment Payments) Act 1974* (“the 1974 Act”) by repealing subsection (2B) and replacing it with a provision that, in addition to containing all the provisions of the original subsection (2B), imposes a maximum fine of £10,000 on conviction of a body corporate for the offence of failure to pay over income tax instalment payments to the Assessor. However, in order for the £10,000 maximum penalty to apply, the offence must have been created by regulations made under the 1974 Act.
6. *Clause 7* makes extensive amendments to the Income Tax (Modified I.T.I.P.) Regulations 1987. *Clause 7* —

- (a) repeals the heading of Part VI of the Regulations and replaces it with a heading that refers to criminal offences in addition to civil penalties;
- (b) repeals paragraph (1) of regulation 32 and replaces it with a provision that makes reference to regulation 32A, a new regulation which *clause 7* inserts;
- (c) inserts a new regulation, i.e. regulation 32A, which —
 - (i) limits a corporate employer to civil penalties set out in regulation 32(3) if the failure to pay the outstanding amount(s) extends to not more than 3 months after the end of the month in which it/they become(s) due;
 - (ii) makes it a criminal offence for the delinquency to extend beyond 3 months;
 - (iii) provides that the criminal offence is triable summarily and upon conviction thereof carries a maximum fine of £10,000;
 - (iv) provides that, on conviction of the corporate employer of the offence, an authorised officer must determine whether the directors knew or can reasonably be expected to have known that the amount(s) in question was/were unpaid; and
 - (v) allows a prosecution for the criminal offence to be pursued jointly with a related prosecution for outstanding National Insurance contributions and permits the authorised officer, upon conviction for both offences, to determine the directors' knowledge or expected knowledge both in respect of the outstanding income tax instalment payments and the outstanding National Insurance contributions;
- (d) inserts a second new regulation, i.e. regulation 32B, which —
 - (i) allows the authorised officer, when making a determination under regulation 32A, to make enquiries of any person and to consider any evidence he or she considers appropriate;
 - (ii) requires the authorised officer to make the determination without undue delay;
 - (iii) requires the authorised officer to set out his or her determination in writing and to furnish the director(s) with a copy of the written determination;
 - (iv) allows for directors to appeal a determination or the apportionment of responsibility for a particular portion of the unpaid amount(s), and stipulates that such appeal shall be to the Income Tax Commissioners (“the Commissioners”); and
 - (v) requires the Commissioners to conduct an appeal in the manner prescribed in the *Income Tax Act 1970*; permits them to affirm, vary, or overrule and substitute a determination as they see fit;

and requires them to furnish the directors with their written findings on determination of the appeal; and

- (e) inserts a third new regulation, i.e. regulation 32C, which empowers the Assessor to issue a warrant to the Coroner for the collection of the outstanding amount(s) by levying distress on the personal possessions of the directors. This can only be done where the authorised officer determines that the director(s) knew or can reasonably be expected to have known that the amount(s) in question were outstanding. Such action can be taken whether the directors appealed and were unsuccessful, or did not appeal at all. Further, regulation 32C expressly empowers the authorised officer to determine in respect of outstanding income tax payments the portion for which each director is liable. This power is equivalent to an existing power in relation to outstanding National Insurance contributions that the directors are determined to either have known about or to be reasonably expected to have known about.
7. *Clause 8* is the first clause of Part 4 (Amendments to the Income Tax Act 1970). It declares that the following clauses set out the precise amendments to the *Income Tax Act 1970*.
 8. *Clause 9* amends section 2N (Residence of Isle of Man incorporated companies) of the *Income Tax Act 1970* by reducing the percentage in subsection (2)(c)(ii) from 20% to 15% and replacing, in subsection (4), the incorrect reference to section 54 (Relief from double taxation) with a reference to section 104B (Power to make declarations about arrangements).
 9. *Clause 10* amends section 87 (Aggrieved person may contest assessment) of the *Income Tax Act 1970* by inserting 3 new subsections between subsections (1) and (2). These new subsections are numbered (1A), (1B) and (1C), and respectively provide as follows —
 - (a) subsection (1A) requires a person delivering a notice of intention to contest an assessment to simultaneously pay over to the Assessor the full amount demanded on the assessment or any outstanding portion (if partial payment had previously been made);
 - (b) subsection (1B) permits the Commissioners to excuse the person from paying over the full amount demanded in the assessment, but the Commissioners may only do so in exceptional circumstances and must provide the person with written notification of such excuse; and
 - (c) subsection (1C) provides that if the assessment is adjusted by agreement, determined by the Commissioners or amended by the Staff of Government Division, any refund due must be paid as soon as reasonably practicable.Finally, *clause 10* makes a consequential, semantic amendment to subsection (2).
 10. *Clause 11* amends section 88 (Income Tax Commissioners) of the *Income Tax Act 1970* by —

- (a) repealing subsection (2) and replacing it with a provision which sets out —
 - (i) the required qualifications for any person to be appointed deputy-chairman of the Commissioners; and
 - (ii) the deputy-chairman’s responsibilities;
 - (b) setting out the composition of the Commissioners;
 - (c) repealing subsections (4) and (12);
 - (d) providing that minutes of meetings of the Commissioners only have to be kept if an audio recording of the proceedings is not being made;
 - (e) requiring the names of the Commissioners present to be recorded where minutes are required;
 - (f) increasing the notice period from 14 days to 28 days; and
 - (g) by empowering the Treasury to make regulations prescribing the practice and procedure of the Commissioners.
11. *Clause 12* amends section 106 (Information confidential) of the *Income Tax Act 1970* to permit the extraction from tax related documents and information of a person’s name, date of birth and address (collectively referred to as “personal data”), and the disclosure of those personal data to the Private Secretary to the Lieutenant Governor for the sole purpose of enabling the Lieutenant Governor or the Crown to prepare and send to the person a special message in commemoration of his or her having attained a significant age of advanced years. The person extracting the personal data has the discretion to determine what age is appropriate for this purpose. *Clause 12* also amends an internal cross reference consequent on the amendments to section 106.
12. *Clause 13* repeals Schedule 2 to the *Income Tax Act 1970*.
13. *Clause 14* is the first of the two clauses that comprise Part 5 (Miscellaneous). It provides that the references to a “contributions decision-maker” in section 7A(1)(ca) of the Social Security Act 1998 (as applied to the Island) are to be read as references to an “authorised officer”. This applies to any other reference to a “contributions decision-maker” in the 1998 Act which relies on the said section 7A(1)(ca) and to any similar reference in any other legislation. As such, any exercise of the said section 7A(1)(ca) power by an authorised officer shall only be appealable in the manner set out in regulation 32B(2) of the Income Tax (Modified I.T.I.P.) Regulations 1987. The appeal mechanism set out in the 1998 Act is expressly declared inapplicable. Further, it is expressly provided that clause 14 does not nullify or weaken the enabling power by which the 1998 Act was applied to the Island and therefore any subsequent amendments to the 1998 Act as it applies to the Island are to be made in exercise of that enabling power.
14. *Clause 15* makes a consequential amendment to the *Tribunals Act 2006*. It expressly disapplies section 8 (Rules of procedure) of that Act to the

Commissioners, in light of the amendment to section 88 (Income Tax Commissioners) of the *Income Tax Act 1970* having empowered the Treasury to make regulations generally for the purpose of prescribing the practice and procedure of the Commissioners.

15. The resulting Act is not expected to have any human resources implications and its implementation is not expected to require any additional expenditure. However, it is expected that the measures set out in the resulting Act will enhance the rate of I.T.I.P. compliance and also improve accuracy with respect to the amount of tax collected from employers. This will, of course, result in increased inflows into the Treasury's coffers.
16. In the opinion of the member moving the Bill, its provisions are compatible with the Convention rights within the meaning of the Human Rights Act 2001.



Ellan Vannin

INCOME TAX LEGISLATION (AMENDMENT) BILL 2017

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Ellan Vannin

INCOME TAX LEGISLATION (AMENDMENT) BILL 2017

1 **A BILL** to confirm certain temporary taxation orders; to amend various
2 enactments relating to income tax; and for connected purposes.

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Council and Keys in Tynwald assembled, and by the authority of the same, as follows:—

3 **PART 1 – INTRODUCTORY**

4 **1 Short title**

5 The short title of this Act is the Income Tax Legislation (Amendment) Act 2017.

6 **2 Commencement**

7 (1) Section 9 (Amendment of section 2N) comes into operation on 6 April
8 2017 and has effect in relation to accounting periods ending on or after
9 that date and all subsequent accounting periods.

10 (2) Subject to subsections (3) and (4), the remainder of this Act comes into
11 operation in accordance with section 10(1) and (2) of the *Interpretation Act*
12 1976.

13 (3) Part 3 (Amendments to the Income Tax (Instalment Payments) Act 1974
14 and Income Tax (Modified I.T.I.P.) Regulations 1987) and section 14
15 (Modified interpretation of certain statutory provisions) have effect in
16 relation to payments that become due and payable after the date on
17 which those provisions come into operation.

18 (4) Sections 10 (Amendment of section 87), 11 (Amendment of section 88), 13
19 (Repeal of Schedule 2) and 15 (Consequential amendment to the
20 Tribunals Act 2006) have effect in relation to any appeal in respect of
21 which a notice is filed after the date on which those sections come into
22 operation.

23

1 **3 Expiry**

- 2 (1) The provisions of this Act, other than section 14 and those automatically
 3 repealed by section 115A(10) of the *Income Tax Act 1970*, expire on the
 4 day after its promulgation.
- 5 (2) The expiry does not –
- 6 (a) affect the continuing operation of the amendments made by this
 7 Act; or
- 8 (b) revive any provision not in operation when the amendments took
 9 effect.

10 **PART 2 – TEMPORARY TAXATION ORDERS CONFIRMED**

11 **4 Confirmation of temporary taxation orders**

- 12 The following are confirmed as permanent orders –
- 13 (a) the Income Tax (Corporate Taxpayers) (Temporary Taxation)
 14 Order 2016¹; and
- 15 (b) the Income Tax (Individuals) (Temporary Taxation) Order 2016².

16 **PART 3 – AMENDMENTS TO THE INCOME TAX**
 17 **(INSTALMENT PAYMENTS) ACT 1974 AND THE INCOME**
 18 **TAX (MODIFIED I.T.I.P.) REGULATIONS 1987**

19 **5 Income Tax (Instalment Payments) Act 1974 amended**

20 The *Income Tax (Instalment Payments) Act 1974* is amended as follows.

21 **6 Amendment of section 1**

22 Section 1 of the *Income Tax (Instalment Payments) Act 1974* (Definitions and
 23 regulations for ITIP) is amended by deleting subsection (2B) and substituting
 24 the following –

- 25 “(2B) The regulations may provide that a person who contravenes
 26 them commits an offence and is liable on summary
 27 conviction –
- 28 (a) where the conviction relates to the failure of a body
 29 corporate to pay over income tax instalment payments to
 30 the Assessor, to a fine not exceeding £10,000; or

¹ SD 2016/0026

² SD 2016/0024



- 1 (b) where the conviction is of any other offence created by the
 2 regulations —
 3 (i) to custody for a term not exceeding 6 months;
 4 (ii) to a fine not exceeding £5,000; or
 5 (iii) to both.”.

6 **7 Amendment of the Income Tax (Modified I.T.I.P.) Regulations 1987**

7 (1) The amendments made by this section are to be treated for the purposes
 8 of subsequent amendments to the Income Tax (Modified I.T.I.P.)
 9 Regulations 1987³ as if they were made under the original enabling
 10 powers.

11 (2) The Income Tax (Modified I.T.I.P.) Regulations 1987 are amended —

12 (a) by deleting the Part heading of Part VI and substituting the
 13 following —

14 **“PART VI**
 15 **Civil Penalties and Criminal Offences”;**

16 (b) by deleting paragraph (1) of regulation 32 and substituting the
 17 following —

18 “(1) Subject to regulation 32A, an employer is liable to pay a
 19 further civil penalty if either of the amounts referred to in
 20 paragraph (2) is not paid in full within 6 months of the end
 21 of the income tax month to which it relates.”;

22 (c) by inserting the following immediately after regulation 32 —

23 **“Offence of extended default in payment of tax**

24 **32A** Despite regulation 32, if an employer who is a body
 25 corporate fails to pay either of the amounts referred to in
 26 regulation 32(2) —

27 (a) for up to 3 months after the end of the income tax
 28 month to which the amount relates, the body
 29 corporate shall be liable to pay the further civil
 30 penalty set out in regulation 32(3); or

31 (b) for more than 3 months after the end of the income
 32 tax month to which either amount relates —

33 (i) the body corporate shall continue to be liable
 34 for the amount referred to in paragraph (a);

35 (ii) the body corporate commits an offence —

36 (A) for which it may be prosecuted in the
 37 same proceedings in which it may be
 38 being prosecuted under section 114 of the

³ GC 92/87

Social Security Administration Act 1992
(as applied to the Island); and

(B) for which it shall be liable on summary conviction to a fine not exceeding £10,000; and

(iii) following the conviction of the body corporate, an authorised officer (as defined in section 120(1) of the *Income Tax Act 1970*) shall —

(A) determine whether the directors of the body corporate knew or can reasonably be expected to have known that the body corporate failed to pay either of the amounts referred to in regulation 32(2); and

(B) where the body corporate was, in the same proceedings, convicted under section 114 of the Social Security Administration Act 1992 (as applied to the Island) of failure to pay any contribution which it is liable to pay, exercise, for the purposes of section 121(3) of the Social Security Administration Act 1992 (as applied to the Island), the power conferred by section 7A(1)(ca) of the Social Security Act 1998 (as applied to the Island).⁴

Determinations as to directors' knowledge

32B — (1) When making a determination in accordance with regulation 32A(b)(iii), an authorised officer —

(a) may make enquiries of any person and may consider such evidence of any description as he or she sees fit;

(b) shall make the determination with all reasonable speed; and

(c) shall —

(i) set out in writing his or her determination made under regulation 32A(b)(iii); and

(ii) forthwith furnish the directors with a copy of the written determination.

⁴ In accordance with section 14 of this Act, an authorised officer instead of a contributions decision-maker shall exercise the power conferred by section 7A(1)(ca) of the Social Security Act 1998.

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(2) The directors may appeal to the Income Tax Commissioners (as defined in section 88 of the *Income Tax Act 1970* (Income Tax Commissioners)) the written determination with which they have been furnished in accordance with paragraph (1)(c)(ii). An appeal may relate to —

- (a) any determination made under regulation 32A(b)(iii);
- (b) a decision, made under regulation 32C(2), as to the portion of the outstanding amount that is due from any director; or
- (c) a determination made in exercise of the power conferred by section 7A(1)(ca)(ii) of the *Social Security Act 1998* (as applied to the Island).

(3) Where the directors appeal under paragraph (2) —

- (a) the Commissioners shall conduct the proceedings in all respects in a manner identical to that prescribed in the *Income Tax Act 1970*;
- (b) the Commissioners may either affirm or vary the determination of the authorised officer (including in particular any amounts referred to within it) or overrule it and substitute a different determination; and
- (c) the Commissioners shall furnish the directors with their written findings on the determination of the appeal.

Effect of determination that directors knew or ought to have known

32C. — (1) Paragraph (4) applies only when an authorised officer determines, pursuant to regulation 32A, that the directors of a body corporate convicted under regulation 32A(b)(ii) knew or can reasonably be expected to have known of the facts in respect of which the body corporate was convicted.

(2) Where an authorised officer determines in the manner referred to in paragraph (1), the authorised officer shall also decide the portion of the outstanding amount due from any of the directors, jointly and severally with any of the other directors or otherwise.

(3) Paragraph (4) applies equally in respect of a determination that was appealed under regulation

32B(2) and affirmed or varied, as it applies in respect of a determination that was not appealed.

- (4) Where some or all of the outstanding amount has not been paid within 30 days after the date on which the written determination under regulation 32B(1)(c) was furnished to the directors, the Assessor may issue to the Coroner a warrant, in the form specified in Schedule 1A to the *Income Tax Act 1970*, for the immediate distraint of any property belonging to the directors in their personal capacities in order to recover the outstanding amounts.
- (5) Subsections (5), (6) and (7) of section 98A of the *Income Tax Act 1970* apply to the warrant referred to in paragraph (4) as if that warrant had been issued under the said section 98A.”.

PART 4 – AMENDMENTS TO THE INCOME TAX ACT 1970

8 Income Tax Act 1970 amended

The *Income Tax Act 1970* is amended as follows.

9 Amendment of section 2N

Section 2N (Residence of Isle of Man incorporated companies) of the *Income Tax Act 1970* is amended –

- (a) in subsection (2)(c)(ii), by deleting “20%” and substituting “15%”; and
- (b) in subsection (4), by deleting “section 54 (Relief from double taxation)” from the definition of “double taxation agreement” and substituting “section 104B (Power to make declarations about arrangements)”.

10 Amendment of section 87

Section 87 (Aggrieved person may contest assessment) of the *Income Tax Act 1970* is amended –

- (a) by inserting the following immediately after subsection (1) –
- “(1A) Unless subsection (1B) applies, a person delivering a notice under subsection (1) must simultaneously pay over to the Assessor the full amount demanded in the assessment or such portion of it as remains outstanding, as the case may be.

- 1 (1B) The Commissioners may, in exceptional circumstances,
 2 determine that in a particular case the person to whom
 3 the assessment relates need not pay the amount
 4 demanded in the assessment at the time the person
 5 delivers the notice contesting the assessment, and if the
 6 Commissioners so determine they shall so notify the
 7 person in writing.
- 8 (1C) If the assessment is —
 9 (a) adjusted by agreement under subsection (4);
 10 (b) determined by the Commissioners under subsection
 11 (5); or
 12 (c) amended at the direction of the Staff of Government
 13 Division under section 90(5) (Appeal from decision
 14 of Commissioners to Staff of Government Division),
 15 any refund due to the person shall be paid as soon as is
 16 reasonably practicable.”; and
- 17 (b) in subsection (2), by deleting “the last foregoing subsection” and
 18 substituting “subsection (1)”.

19 11 Amendment of section 88

20 Section 88 (Income Tax Commissioners) of the *Income Tax Act 1970* is
 21 amended —

- 22 (a) by repealing subsection (2) and replacing it with the following —
 23 “(2) The Commissioners shall consist of —
 24 (a) a chairman;
 25 (b) a deputy-chairman, who shall —
 26 (i) be a barrister, advocate or solicitor, in each case
 27 of not less than 7 years’ standing;
 28 (ii) be appointed for the purpose by the chairman,
 29 from among the eight other commissioners to
 30 be appointed in accordance with paragraph (c);
 31 and
 32 (iii) be responsible for performing the functions of
 33 the chairman on all occasions when the
 34 chairman is unavailable and the deputy-
 35 chairman is available; and
 36 (c) eight other commissioners, also appointed by the
 37 Appointments Commission.”;
- 38 (b) by repealing subsection (4);

- 1 (c) in subsection (10), by inserting immediately after the words “The
2 Commissioners shall” the words “, if an audio recording of the
3 proceedings is not being made,”;
- 4 (d) by repealing subsection (12);
- 5 (e) by repealing subsection (17) and replacing it with the following —
6 “(17) Where, pursuant to subsection (10), minutes of the
7 proceedings at a sitting of the Commissioners are
8 required to be kept on account of no audio recording
9 being made of said proceedings, the names of the
10 Commissioners present at the sitting shall be recorded in
11 the minutes.”;
- 12 (f) in subsection (21), by deleting “fourteen days’ notice” and
13 substituting “twenty-eight days’ notice”;
- 14 (g) by inserting immediately after subsection (23) the following —
15 “(24) The Treasury, after consultation with the chairman, may
16 make regulations generally for the purpose of prescribing
17 the practice and procedure of the Commissioners.
18 (25) Without limiting subsection (24), regulations —
19 | (a) may make provision —
20 | (i) with respect to the period within which and
21 | the manner in which proceedings before the
22 | Commissioners may be commenced;
23 | (ii) with respect to the parties to such
24 | proceedings, and for the giving of notice of
25 | such proceedings;
26 | (iii) for the burden of proof in such proceedings;
27 | (iv) for the summoning of witnesses and the
28 | administration of oaths;
29 | (v) for securing the production of documents and
30 | other records (including records held on a
31 | computer);
32 | (vi) for conducting such proceedings in the
33 | absence of a party;
34 | (vii) for prescribing the quorum of sittings of the
35 | Commissioners;
36 | (viii) for determining such proceedings without a
37 | hearing;
38 | (ix) for enabling any matter preliminary or
39 | incidental to such proceedings to be dealt
40 | with by the chairman;

- 1 (x) for the awarding of costs, and for taxing or
 2 otherwise settling any such costs (and in
 3 particular for enabling such costs to be taxed
 4 in the High Court);
- 5 (xi) for the registration and proof of decisions and
 6 orders of the Commissioners;
- 7 (xii) for the publication of reports of the
 8 Commissioners' decisions;
- 9 (xiii) for the enforcement of summonses and orders
 10 of the Commissioners by the High Court; or
- 11 (xiv) for conferring on the Commissioners such
 12 ancillary powers as the Treasury, with the
 13 agreement of the Council of Ministers, thinks
 14 necessary for the proper discharge of its
 15 functions; and
- 16 (b) shall provide for proceedings of the Commissioners
 17 to be conducted in public unless –
- 18 (i) the proceedings relate to a matter of national
 19 security; or
- 20 (ii) the Commissioners in their absolute discretion
 21 decide that their proceedings shall be
 22 conducted wholly or partly in private.”.

23 12 Amendment of section 106

24 Section 106 (Information confidential) of the *Income Tax Act 1970* is amended –

- 25 (a) by inserting immediately after subsection (4) the following –

26 “(4A) Subsections (1) to (3) shall not preclude –

- 27 (a) the extraction from documents and information of
 28 the name, address and date of birth (collectively
 29 referred to as “personal data”) of a person resident
 30 in the Island; and

- 31 (b) the transmission of that personal data to the Private
 32 Secretary to the Lieutenant Governor,

33 solely for the purpose of enabling the Lieutenant
 34 Governor or the Crown to prepare and send to the person
 35 a special message in commemoration of the person's
 36 having attained a significant age of advanced years, the
 37 significance of which shall be determined at the discretion
 38 of the person extracting and transmitting the personal
 39 data.”;

- 1 (b) in subsections (1), (2) and (3), by deleting “subsections (4) and
2 (5)” and substituting “subsections (4), (4A) and (5)”; and
3 (c) in subsection (5A), by deleting “subsection (4) or (5)” and
4 substituting “subsection (4), (4A) or (5)”.

5 **13 Repeal of Schedule 2**

6 Schedule 2 (Form of declaration to be made by the Isle of Man Income Tax
7 Commissioners) to the *Income Tax Act 1970* is repealed.

8 **PART 5 - MISCELLANEOUS**

9 **14 Modified interpretation of certain statutory provisions**

- 10 (1) This section shall not be construed as diminishing the effect of or
11 impliedly repealing the original enabling powers for the application of
12 the Social Security Act 1998⁵ as part of the law of the Island. Accordingly,
13 despite this section, subsequent amendments to that Act as it applies to
14 the Island may be made in exercise of those enabling powers.
- 15 (2) Section 7A(1)(ca) of the Social Security Act 1998 (as applied to the Island)
16 shall be read and construed as empowering an authorised officer (as
17 defined in section 120(1) of the *Income Tax Act 1970*) instead of a
18 contributions decision-maker.
- 19 (3) By virtue of subsection (2) —
- 20 (a) in any other enactment that is part of the law of the Island, all
21 references to a contributions decision-maker exercising the power
22 conferred by the provision specified in subsection (2) shall be read
23 and construed as references to an authorised officer (as defined in
24 section 120(1) of the *Income Tax Act 1970*); and
- 25 (b) a decision made by an authorised officer under the provisions
26 specified in subsection (2) —
- 27 (i) shall be appealable only in the manner referred to in
28 regulation 32B(2)⁶ of the Income Tax (Modified I.T.I.P.)
29 Regulations 1987; and
- 30 (ii) shall not be appealable in accordance with any of the
31 provisions of the Social Security Act 1998 (as applied to the
32 Island).

⁵ 1998 c.14, applied to the Island by SD 92/00.

⁶ Inserted into the Income Tax (Modified I.T.I.P.) Regulations 1987 by section 7 of this Act.



1 **15 Consequential amendment to the Tribunals Act 2006**

2 In section 8 (Rules of procedure) of the *Tribunals Act 2006*, immediately after
3 subsection (3) insert the following —

4 | “(4) This section does not apply to the Income Tax Commissioners
5 | referred to in Part 1 of Schedule 2.”.

6

7

8

IN THE KEYS

**INCOME TAX LEGISLATION (AMENDMENT) BILL
2017**

A BILL to confirm certain temporary taxation orders; to amend various enactments relating to income tax; and for connected purposes.

Approved by the Council of Ministers
for introduction in the House of Keys.

MR CANNAN

JANUARY 2017