

Notice for 2020 tax returns and statements

Income Tax (Jersey) Law, 1961

Article 16

Delivery of returns in pursuance of notices

The Comptroller of Revenue (“the Comptroller”) gives notice that every person chargeable under the Income Tax (Jersey) Law 1961 (“the Income Tax Law”) who has not already submitted a return for the year of assessment 2020 is required to prepare and deliver a true, complete and correct return. The return is required to contain particulars of the amount of the profits or gains arising to that person from each and every source chargeable according to the respective Schedules and calculated for the year of assessment 2020 in accordance with the provisions of the Income Tax Law.

The Comptroller also gives notice that every company incorporated in Jersey is required to submit a return for the year of assessment 2020 containing such information as the Comptroller requires.

A person (other than a company) delivering a paper return for the year of assessment 2020, is required to deliver the return to the Comptroller by midnight on Monday 31 May 2021.

A person (other than a company) delivering a return electronically for the year of assessment 2020, is required to deliver the return to the Comptroller by midnight on Saturday 31 July 2021.

By concession an individual who has a tax agent, approved by the Comptroller, who is unable to file online may deliver a paper return for the year of assessment 2020 to the Comptroller by midnight on Saturday 31 July 2021.

Furthermore, by concession a paper return for the year of assessment 2020 delivered by a person in respect of a trust, an estate or a general partnership and an individual who is non-resident, may be delivered to the Comptroller by midnight on Saturday 31 July 2021.

A company is required to deliver a return for the year of assessment 2020 to the Comptroller by midnight on Friday 31 December 2021.

Article 17

Delivery of returns by persons acting for others

The Comptroller also gives notice that any person(s) acting in any character on behalf of any incapacitated person or persons absent from or not resident in Jersey who, by reason of such incapacity, absence or non-residence, cannot be personally charged under the Income Tax Law is required to deliver to the Comptroller a return for the year of assessment 2020. The return is required to contain particulars of the amount of the profits or gains chargeable to tax for the year of assessment 2020 on the person(s) acting on behalf of the other person.

Where two or more persons are liable to be charged for the same person, only one statement is required to be delivered, which may be made by them jointly or by any one or more of them.

A person delivering a paper return is required to deliver the return to the Comptroller by midnight on Monday 31 May 2021.

A person delivering a return electronically is required to deliver the return to the Comptroller by midnight on Saturday 31 July 2021.

Article 74

Delivery of partnership statements

The Comptroller also gives notice in respect of a general partnership that the precedent partner or, where there is no partner resident in Jersey, the agent, manager or representative is required to prepare and deliver a statement of the profits or gains of the partnerships trade for the year of assessment 2020 to the Comptroller.

For the avoidance of doubt this notice does not apply to partnerships within Articles 76A, 76B, 76C, 76D and 76E of the Income Tax Law.

Article 20B

Returns of information by companies

Notice is given by the Comptroller that every company which is regarded as resident in Jersey is required to return their financial statements of the company which have been approved by the directors.

Furthermore, notice is also given that any non-resident company which has a permanent establishment in Jersey is required to return their approved financial statements of the permanent establishment.

A company is required to deliver the return under Article 20B of the Income Tax Law to the Comptroller by midnight on Friday 31 December 2021.

Article 20D

Returns of information by foundations

The Comptroller gives notice that a foundation is required to deliver a true, complete and correct return to the Comptroller for the year of assessment 2020 containing such information as the Comptroller requires.

The Comptroller requires a foundation to return its financial statements showing the profits or gains of the foundation.

A foundation delivering a return electronically is required to deliver the return to the Comptroller by midnight on Saturday 31 July 2021.

Article 21(3)

Requirement to file a return electronically online

The following entities which are required to submit a return either following a notice served on them or by the general notice under Article 16 of the Income Tax Law (above) for the year of assessment 2021 must do so by using the corporate electronic online return:

- companies
- foundations
- unincorporated bodies/associations or co-operatives chargeable to tax.

Other notification requirements for corporate bodies

Article 123AA

Duty of body corporate to notify Comptroller of certain matters

It is a requirement of Article 123AA of the Income Tax Law for a body corporate to notify the Comptroller if:

1. The body corporate becomes resident in Jersey; or

2. The body corporate is a company becomes regarded as resident under Article 123(1)(b) of the Income Tax Law; or
3. The body corporate acquires a source of income which could give rise to the body corporate being liable to tax in Jersey.

Within 6 months of a body corporate meeting any of the conditions 1 to 3 above, the body corporate is required to give notice in writing to the Comptroller of certain information.

Where a body corporate is required to notify the Comptroller, the notification must include all the information as required by paragraphs (2) to (5) of Article 123AA of the Income Tax Law.

Failure by a body corporate to comply with the requirement to notify the Comptroller may result in a penalty of up to £3,000.

General information on penalties

Article 17A

Penalty for late delivery of an Article 16 return

Where a return, required to be delivered under Article 16 of the Income Tax Law by a person (other than a company), is not delivered by the specified time (indicated above), the Comptroller may impose a penalty of £300. Furthermore, if a return is not delivered within 3 months of the specified time, the Comptroller may impose additional penalties of £50 for each month the return remains undelivered, up to a maximum of 9 months.

Where a company does not deliver to the Comptroller a return for the year of assessment 2020 as required under the provisions of Article 16 and Article 20B of the Income Tax Law by midnight on Friday 31 December 2021 the company is liable to a penalty of £300. Furthermore, if the return is not delivered within three months of that date then the company may also be subject to an additional penalty of £100 for each month the return remains undelivered to the Comptroller up to a maximum of 9 months.

Article 136

Penalty for failure to deliver returns, etc.

Where a person has been required by a notice to deliver a return, fails to comply with the notice, then the person shall be liable to a fine.

Furthermore, if the failure continues after it has been declared by the Court before which proceedings for the recovery of the fine have been commenced then a further fine of £1,000 for each day that the failure to deliver a return continues.