

COMPANIES (TAXATION AND CONCESSIONS) ACT

Repealed by Act 2010-21 as from 1.1.2011

Principal Act

Act. No. 1983-13	<i>Commencement</i>	31.3.1983
	<i>Assent</i>	31.3.1983

Amending enactments	Relevant current provisions	Commencement date
Acts. 1984-04	s. 10(1)(c)	1.4.1984
1985-14	s. 9(3)	26.4.1985
1987-16	ss.8(1)(b) and 9A	1.5.1987
1988-22	s.14(2) and (3)	24.11.1988
1990-39	ss.3(g), 6(h) and 13	1.12.1990
1993-13	ss.5(4), 6(e), 10(1) and (3), 12(3), 14(2), 15(1)(h) and (2) and 17	1.4.1993
LN. 1999/047		16.4.1999
Acts. 1999-06	ss.2(1), 3(c), (d)(ii), 4, 5(1) and (3), 6(b) and (h), 7(1) and (2), 8(2), 10(4), and (7), 11(1)(a) and (b), 12(1) and (2), 14(1), 15(1) and (2), 16(1) and (2)	1.11.1999
1999-18	s.19	15.7.1999
2005-47	10(1), 10(1)(a), (b) and (c)	4.8.2005
2007-17	s. 18	14.6.2007

English sources

None

1983-13
Repealed

Companies (Taxation and Concessions)

ARRANGEMENT OF SECTIONS.

Section

1. Short title.
2. Interpretation.
3. Requirements for “exempt company” status.
4. Application for status of exempt company.
5. Issue and duration of exemption certificate.
6. Restrictions to be observed by exempt company.
7. Restrictions on transactions in shares of exempt company.
8. Exemptions from taxation for exempt companies.
9. Exemptions from estate duty and stamp duty for exempt companies.
- 9A. Further exemption from stamp duty.
10. Taxation of exempt companies.
11. Issue of bearer certificates and coupons by exempted company.
12. Banks not to part with possession of bearer certificates and coupons without permission.
13. *Repealed.*
14. Secrecy.
15. Consequences of failure to comply with Act.
16. Residence for purposes of Act and exemptions.
17. Penalties for incorrect information.
18. Rules.
19. Regulations.

1983-13
Repealed

Companies (Taxation and Concessions)

AN ACT TO PROVIDE FOR CONCESSIONS IN RELATION TO INCOME TAX AND ESTATE DUTIES IN RESPECT OF CERTAIN COMPANIES AND OTHER LEGAL ENTITIES REGISTERED IN GIBRALTAR, AND FOR THE IMPOSITION OF A FLAT ANNUAL TAX, AND FOR MATTERS RELATING THERETO.

Short title.

1. This Act may be cited as the Companies (Taxation and Concessions) Act.

Interpretation.

2.(1) In this Act, unless the context otherwise requires,—

“exempt company” means a company in respect of which there is for the time being in force an exemption certificate issued under section 5 by the Finance Centre Director or such other public officer of the Ministry of Trade and Industry as the Minister with responsibility for Trade and Industry may from time to time designate by notice in the Gazette;

“Gibraltarian” means a person registered as a Gibraltarian under the Gibraltarian Status Act¹, or a person who is entitled to be so registered under that Act, but does not mean—

- (a) a person in respect of whom there is in force an order of the Finance Centre Director or such other public officer of the Ministry of Trade and Industry as the Minister with responsibility for Trade and Industry may from time to time designate by notice in the Gazette under section 16 that such person shall not be treated as a Gibraltarian for the purposes of this Act; or
- (b) an exempt company;

“ordinarily resident in Gibraltar” has the same meaning as it has for the purposes of the Income Tax Act²;

“resident of Gibraltar” includes—

- (a) a person ordinarily resident in Gibraltar; or

¹ 1962-13

² 1952-11

- (b) a company, not ordinarily resident in Gibraltar, in whose shares (other than shares of a class quoted on a recognised stock exchange) any Gibraltarian or resident of Gibraltar is interested;

but does not include—

- (i) a person in respect of whom there is in force an order of the Finance Centre Director or such other public officer of the Ministry of Trade and Industry as the Minister with responsibility for Trade and Industry may from time to time designate by notice in the Gazette under section 16 that such person shall not be treated as resident or ordinarily resident in Gibraltar; or
- (ii) an exempt company (whether or not ordinarily resident in Gibraltar);

“share” means a share in the share capital of a company, and also means stock except where a distinction between stock and shares is expressed or implied.

(2) For the purposes of this Act, a person shall be deemed to be interested in a share, loan or debenture if—

- (a) he holds any interest therein (other than as a bare nominee or trustee thereof) either directly or indirectly or through a company or series of companies, and whether such interest is equitable, legal or contractual; or
- (b) by reason of any agreement or arrangement with any other person he has the right to acquire an interest therein as herein defined or the power to enjoy a dividend or other benefit thereof.

(3) Notwithstanding subsection (2), a person shall not be deemed to be interested in a share, loan or debenture by reason of his holding the same or any interest therein acting in a representative or fiduciary capacity only, even though he may be entitled to remuneration for so acting or may have a charge or lien thereon for such remuneration.

Requirements for “exempt company” status.

3. For the purposes of this Act, a company shall be eligible to be an exempt company if, but only if, all of the following requirements are fulfilled in respect of it:

- (a) it is registered in Gibraltar under the Companies Act:
- (b) the paid-up share capital of the company is not less than £100, or, where that share capital is expressed in any other currency, is not less than an amount equivalent to £100 at the ruling rate of exchange in the London foreign exchange market:
- (c) the company does not, without the approval of the Finance Centre Director or such other public officer of the Ministry of Trade and Industry as the Minister with responsibility for Trade and Industry may from time to time designate by notice in the Gazette, carry on or transact any trade or business in Gibraltar, unless that trade or business is such that all receipts and income arising from it in the ordinary course of the trade or business arise either outside Gibraltar or from dealings with other exempt companies and originate from persons other than Gibraltarians or residents of Gibraltar; for which purpose only, the holding and managing of investments or property shall be treated as a trade or business:

Provided always that the company may in Gibraltar buy, sell, deal in, or hold and manage investments and property outside Gibraltar, or shares or debentures or other interests in other exempt companies, or debts or other choses in action owed or created by or enforceable against persons other than Gibraltarians or residents of Gibraltar, and may in Gibraltar promote services to be performed for other exempt companies, or services to be performed outside Gibraltar by and for persons other than Gibraltarians or residents of Gibraltar, without contravening this requirement:

- (d) the company–
 - (i) where it is not registered under Part X of the Companies Act*, does not keep and is prohibited by its memorandum or articles of association from keeping any register of shares outside Gibraltar; and
 - (ii) where it is registered under Part X of that Act*, and is not a public company whose shares are quoted in a manner approved by the Finance Centre Director or such other public officer of the Ministry of Trade and Industry as the Minister with responsibility for Trade and Industry may from time to time designate by notice in the Gazette, keeps in Gibraltar a certified true copy of

* Amended as a consequence of the consolidation and re-numbering of the Companies Ordinance as from 22.7.2004.

every share register kept by the company outside Gibraltar:

- (e) no Gibraltarian or resident of Gibraltar is interested in any of its shares, other than as a shareholder in a public company—
 - (i) that is registered under a law, of a country other than Gibraltar, relating to the registration or incorporation of bodies corporate; and
 - (ii) the shares of which are quoted on a recognised stock exchange;
- (f) the company, where it is registered under Part X of the Companies Act^{*}, is not of a class for the time being prescribed for the purposes of this paragraph;
- (g) the Company has notified to the Commissioner of Income Tax the terms of any loan to it made by a Gibraltarian or a resident in Gibraltar.

Application for status of exempt company.

4. Any person wishing to acquire for an existing company or for a company to be formed under the Companies Act the status of an exempt company may make application in writing in the prescribed form to the the Finance Centre Director or such other public officer of the Ministry of Trade and Industry as the Minister with responsibility for Trade and Industry may from time to time designate by notice in the Gazette for the grant of an exemption certificate under this Act.

Issue and duration of exemption certificate.

5. (1) The Finance Centre Director or such other public officer of the Ministry of Trade and Industry as the Minister with responsibility for Trade and Industry may from time to time designate by notice in the Gazette, where he is satisfied that a company complies with the requirements of section 3, may in his absolute discretion register such company as an exempt company and issue under his hand an exemption certificate subject to such conditions and restrictions as he may think fit, and the company shall be an exempt company as from such date as may be stated in the certificate.

(2) Subject to sections 6 and 15, an exemption certificate shall remain in force for a period of 25 years after the date so stated in it.

^{*} Amended as a consequence of the consolidation and re-numbering of the Companies Ordinance as from 22.7.2004.

(3) The Finance Centre Director or such other public officer of the Ministry of Trade and Industry as the Minister with responsibility for Trade and Industry may from time to time designate by notice in the Gazette may at any time demand from any person such information and evidence in support thereof as he thinks fit to ensure compliance with all or any of the provisions and requirements of this Act, including any conditions and restrictions imposed by the exemption certificate.

(4) A person who without lawful excuse fails to give such information or supply such evidence is guilty of an offence and is liable on summary conviction to a fine at level 3 on the standard scale.

Restrictions to be observed by exempt companies.

6. Subject to section 15, an exempt company shall cease to be an exempt company if—

- (a) the company reduces its nominal share capital to a sum below the amount specified in section 3(b) in respect of that company; or
- (b) the company alters its memorandum or articles of association without the prior consent in writing of the Finance Centre Director or such other public officer of the Ministry of Trade and Industry as the Minister with responsibility for Trade and Industry may from time to time designate by notice in the Gazette; or
- (c) the company makes or gives effect (by registration or otherwise) to any dealing or purported dealing with its shares contrary to section 7, or section 11(2) is contravened in respect of the company; or
- (d) any of the requirements that apply to the company under section 3 (other than paragraph (f)) ceases to be fulfilled in respect of the company; or
- (e) the company fails to pay annual tax payable by it in accordance with section 10(3); or
- (f) the company makes default in complying with any condition or restriction imposed by the exemption certificate; or
- (g) the company or any of its directors or (except in the case of a public company) any of its shareholders is convicted of an offence against section 5(4) or section 17;

- (h) there is a failure to submit to the Finance Centre Director or such other public officer of the Ministry of Trade and Industry as the Minister with responsibility for Trade and Industry may from time to time designate by notice in the Gazette within three months of the end of each accounting year, a certificate, signed by both the secretary and a director, at least one of which is a resident of Gibraltar, confirming that the requirements of section 3 have been complied with during that period.

Restrictions on transactions in shares of exempt company.

7.(1) Where an exempt company is not a public company whose shares are quoted in a manner approved by the Finance Centre Director or such other public officer of the Ministry of Trade and Industry as the Minister with responsibility for Trade and Industry may from time to time designate by notice in the Gazette—

- (a) the exempt company shall not without the approval of the Finance Centre Director or such other public officer of the Ministry of Trade and Industry as the Minister with responsibility for Trade and Industry may from time to time designate by notice in the Gazette allot or issue any of its shares; and
- (b) no person holding any shares in the company or any interest therein shall transfer or attempt to transfer or sell or enter into any legally binding commitment to sell such shares, without first submitting to the Finance Centre Director or such other public officer of the Ministry of Trade and Industry as the Minister with responsibility for Trade and Industry may from time to time designate by notice in the Gazette the prescribed particulars, in respect of the proposed transferee or purchaser or beneficiary of the shares or interest therein, and obtaining the approval in writing of the Finance Centre Director or such other public officer of the Ministry of Trade and Industry as the Minister with responsibility for Trade and Industry may from time to time designate by notice in the Gazette for the proposed transaction—

but in the case of an exempt company—

- (i) the shares of which are registered in the names of trustees; and
- (ii) which does not in the course of its trade or business accept deposits of money or other assets from the public or from any section of the public—

nothing in this subsection shall apply to the acquisition (by transfer or sale or any other means) of an interest by a new or substituted beneficiary under the trust administered by those trustees unless the Finance Centre Director or such other public officer of the Ministry of Trade and Industry as the Minister with responsibility for Trade and Industry may from time to time designate by notice in the Gazette in any particular case so directs where he is apprehensive that a person has acquired or is about to acquire an interest, being a person who would not have been acceptable to the Finance Centre Director or such other public officer of the Ministry of Trade and Industry as the Minister with responsibility for Trade and Industry may from time to time designate by notice in the Gazette as a shareholder on the application by the company under section 4 for registration as an exempt company.

(2) Unless otherwise directed by the Finance Centre Director or such other public officer of the Ministry of Trade and Industry as the Minister with responsibility for Trade and Industry may from time to time designate by notice in the Gazette, where an exempt company is a public company whose shares are quoted in a manner approved by the Finance Centre Director or such other public officer of the Ministry of Trade and Industry as the Minister with responsibility for Trade and Industry may from time to time designate by notice in the Gazette, no person shall issue any share or register the transfer of any share unless there is delivered to the person issuing the share or registering the transfer a statutory declaration signed by the allottee or transferee of the share stating that no Gibraltar or resident of Gibraltar thereby acquires an interest in the share or transfer.

(3) Any dealing with a share contrary to this section shall be null and void.

Exemptions from taxation for exempt companies.

8.(1) Subject to subsections (2), (3) and (4), but notwithstanding the provisions of the Income Tax Act, while an exemption certificate remains in force in respect of an exempt company, it shall enjoy the following benefits:

- (a) no tax under the Income Tax Act shall be charged on or payable on the profits of the company; and
- (b) no tax under that Act shall be charged on or payable on any dividend, interest, director's fee, annual payment or other sum payable by the company to any person who is not either a permitted individual or a resident of Gibraltar; and
- (c) the company shall be under no liability to deduct tax from the amount of any dividend, interest, fee, annual payment or other sum specified in paragraph (b); and

- (d) neither of sections 14 and 15 of the Income Tax Act shall apply to the company.

(2) An exempt company shall be liable to tax under the Income Tax Act in respect of income arising from any trade or business or the holding of any investments or property in respect of which the approval of the Finance Centre Director or such other public officer of the Ministry of Trade and Industry as the Minister with responsibility for Trade and Industry may from time to time designate by notice in the Gazette is required under section 3(c) in the same manner as if it were not an exempt company and the provisions of section 39 of the Income Tax Act relating to the deduction of tax on dividends shall apply to an exempt company to the extent of any tax payable pursuant to this section.

(3) The provisions of section 40 of the Income Tax Act relating to the deduction of tax from interest paid by certain companies shall apply to an exempt company in respect of any mortgage, or debenture interest or interest on any loan advanced to the company where the interest is payable to a Gibraltar or a resident of Gibraltar or is interest on principal money secured upon any immovable property situate in Gibraltar, and the company shall account for such tax to the Commissioner of Income Tax under the provisions of that Act.

(4) Nothing in this section shall exempt any rent or other periodical sum payable in respect of, or payable for the use or occupation of, or charged on, immovable property situate in Gibraltar (whether or not payable to a Gibraltar or a resident of Gibraltar) from tax under the Income Tax Act.

Exemptions from estate duty and stamp duty for exempt companies.

9.(1) Subject to subsection (2), but notwithstanding the provisions of the Estate Duties Act—

- (a) all shares in, loans made to, debentures held in and policies of life assurance issued by an exempt company shall be exempt from estate duty; and
- (b) the value of the shares, loans, debentures and policies specified in paragraph (a) shall not be taken into account or aggregated with any other property for the purpose of determining the rate at which estate duty is payable on any other property.

(2) Subsection (1) shall not apply to—

- (a) any loan or debenture—
 - (i) in which any Gibraltar or resident of Gibraltar is interested; or

(ii) which is secured upon any immovable property situated in Gibraltar; or

(b) any policy of life assurance issued on the life of any Gibraltarian or resident of Gibraltar.

(3) Subject to subsection (4), but notwithstanding the provisions of the Stamp Duties Act no stamp duty shall be payable by an exempt company upon the several instruments specified in the Schedule to the Stamp Duties Act.

(4) Subsection (3) shall not apply to—

(a) any instrument either under hand or seal conveying, transferring, assigning, mortgaging, charging, releasing, surrendering, disposing of or in any manner dealing with immovable property situate in Gibraltar.

(b) Capital duty payable—

(i) on the nominal share capital or any increase thereof of an exempt company; or

(ii) on the loan capital of an exempt company.

Further exemption from stamp duty.

9A. No stamp duty shall be payable by any person on any document relating to the issue, allotment, renunciation, transfer, assignment or disposition of shares in an exempt company.

Taxation of exempt companies.

10. (1) Subject to subsections (2), (3) and (4), there shall be payable by every exempt company in respect of every year of assessment an annual tax of £450 which is not refundable.

(2) Notwithstanding subsection (1) of this section, where the activities of an exempt company are limited solely and exclusively to the holding of securities in respect of which income tax has been deducted at the source and in respect of which relief would be granted from tax in Gibraltar under section 44 of the Income Tax Act if the company had not been an exempt company, the annual tax payable by that company shall be payable at half the rate applicable to the company under subsection (1) of this section.

(3) The annual tax payable in accordance with sub-section (1) or (2), as the case may be, shall be payable—

- (a) on the date of application for the issue of a certificate in the first year;
- (b) thereafter, in advance, on the 1st day of April in each year of assessment.

(4) An exempt company ordinarily resident in Gibraltar for the purposes of the Income Tax Act may by notice in writing addressed to the Finance Centre Director or such other public officer of the Ministry of Trade and Industry as the Minister with responsibility for Trade and Industry may from time to time designate by notice in the Gazette and received by him not later than the end of any year of assessment, elect to pay income tax under the provisions of the Income Tax Act for the time being in force, and in such case until the election so made is revoked by the company by subsequent notice in writing addressed to the Finance Centre Director or such other public officer of the Ministry of Trade and Industry as the Minister with responsibility for Trade and Industry may from time to time designate by notice in the Gazette—

- (a) so much of subsection (3) of section 8 as provides that no tax under the Income Tax Act shall be charged on or payable upon the profits of the company, or on any dividend payable by the company, and that the company shall not be liable to deduct tax from any such dividend, shall cease to have effect as from the beginning of that year of assessment (but without prejudice to the continued operation of the other provisions of the said subsection (3)); and
- (b) annual tax shall be payable by the company at the same rates as if it were not so ordinarily resident (but only for the period after the notice of election is received); and
- (c) annual tax paid by the company for any year of assessment during which the election is in force shall be treated for all tax purposes as on account of the tax payable by the company under the Income Tax Act for that year of assessment.

(5) A revocation of an election under subsection (4) shall not take effect until the end of the year of assessment in which the notice or revocation is received.

(6) Where an election has been made under subsection (4) to pay income tax under the Income Tax Act, annual tax shall be payable at the rate specified in paragraph (b) of that subsection notwithstanding that the amount of income tax payable is nil or is less than the amount of annual tax.

(7) Upon final settlement of the liability of an exempt company for annual tax and any tax under the Income Tax Act for any year of assessment (including payment in full of any tax payable), the Finance Centre Director or such other public officer of the Ministry of Trade and Industry as the Minister with responsibility for Trade and Industry may from time to time designate by notice in the Gazette shall, on application made by the company, certify in writing either that the company was or (as the case may be) that the company was not ordinarily resident in Gibraltar for the purposes of the Income Tax Act during the whole or some part of the year of assessment (according to the basis on which the said liability was settled), and any certificate so given shall be conclusive as to the facts so certified.

(8) The provisions of sections 79 to 81 inclusive, 86 and 89 of the Income Tax Act (relating to appeals against assessments and to recovery, remission and repayment of tax) shall, subject to the provisions of this Act, apply mutatis mutandis to annual tax as they apply to tax under the Income Tax Act.

Issue of bearer certificates and coupons by exempted company.

11. (1) Any exempt company, not being a public company registered under the Companies Act, may issue bearer certificates or coupons (as defined in section 2 of the Exchange Control Act) or convert its share capital to bearer certificates provided that—

- (a) the bearer certificates and coupons remain deposited in Gibraltar or elsewhere with a bank on behalf of the persons approved by the Finance Centre Director or such other public officer of the Ministry of Trade and Industry as the Minister with responsibility for Trade and Industry may from time to time designate by notice in the Gazette as shareholders; and
- (b) no other person has any interest in any such shares except as may be approved in writing by the Finance Centre Director or such other public officer of the Ministry of Trade and Industry as the Minister with responsibility for Trade and Industry may from time to time designate by notice in the Gazette.

(2) Except as provided in subsection (1), no exempt company may issue bearer certificates or coupons or convert its share capital to bearer certificates.

Banks not to part with possessions of bearer certificates and coupons without permission.

12. (1) A bank shall not part with possession of bearer certificates or coupons deposited with it under section 11 without the prior permission in

writing of the Finance Centre Director or such other public officer of the Ministry of Trade and Industry as the Minister with responsibility for Trade and Industry may from time to time designate by notice in the Gazette which may be either general or special to any particular case.

(2) Except with the permission of the Finance Centre Director or such other public officer of the Ministry of Trade and Industry as the Minister with responsibility for Trade and Industry may from time to time designate by notice in the Gazette, a bank shall not do any act whereby it recognises or gives effect to the substitution of one person for another as the person from whom it receives instructions in relation to a certificate of title or coupon, unless there is produced to it the prescribed evidence that it is not by so doing giving effect to any transaction which is prohibited by this Act.

(3) A bank that contravenes the provisions of this section is guilty of an offence and is liable on summary conviction to a fine at level 4 on the standard scale.

13. *Repealed*

Secrecy.

14. (1) Subject to the provisions of this section, the Finance Centre Director or such other public officer of the Ministry of Trade and Industry as the Minister with responsibility for Trade and Industry may from time to time designate by notice in the Gazette and every person having any official duty in the administration of this Act shall regard and deal with all documents, information and declarations relating to the identity of the beneficial owners or persons interested in any shares, or bearer certificates or coupons issued under the provisions of this Act as secret and confidential.

(2) A person having possession of or control over any document, information or declaration relating to the identity of the beneficial owners of or persons interested in any share or bearer certificates or coupons issued under the provisions of this Act (other than the person or all the persons to whose identity the document, information or declaration relates or some person thereunto authorized by him or them) who at any time communicates or attempts to communicate such information or anything contained in any such document or declaration to any person otherwise than for the purposes of this Act or the Income Tax Act or the Estate Duties Act or the Exchange Control Act or the provisions of Schedule 10 of the Companies Act or for the purposes of any criminal or civil proceedings in which such shares or bearer certificates or coupons are material is guilty of an offence and is liable on summary conviction to a fine at level 4 on the standard scale.

(3) No person employed in carrying out the provisions of this Act shall be required to produce in any court or before any authority or person for any

purpose whatsoever any document or declaration made in pursuance of this Act or to divulge or communicate to any court any matter or thing coming to his notice in the performance of his duties under this Act except as may be necessary for the purpose of carrying into effect the provisions of this Act or the Income Tax Act or the Estate Duties Act or the Exchange Control Act or the provisions of Schedule 10 of the Companies Act or for the purposes of any criminal or civil proceedings in which such document, declaration, matter or thing is material.

Consequences of failure to comply with Act.

15. (1) In case of any such act or default by or in respect of an exempt company as is mentioned in paragraphs (a) to (h) inclusive of section 6, the Finance Centre Director or such other public officer of the Ministry of Trade and Industry as the Minister with responsibility for Trade and Industry may from time to time designate by notice in the Gazette may in his discretion certify that the act or default was excusable and made or allowed without intent to defeat the provisions of this Act, and if the the Finance Centre Director or such other public officer of the Ministry of Trade and Industry as the Minister with responsibility for Trade and Industry may from time to time designate by notice in the Gazette so certifies the exempt company shall not cease to be an exempt company by reason only of that act or default; but subject thereto and without prejudice to the liability of any other person in respect of income tax or estate duty, a company ceasing to be an exempt company in consequence of any such act or default and every officer thereof who is knowingly responsible for the act or default without lawful excuse shall be jointly and severally liable for all taxes due from or deducted by the company consequent upon its ceasing to be an exempt company together with interest thereon at the rate of three per cent per annum from the date of the act or default.

(2) If the default was a failure to pay annual tax, the Finance Centre Director or such other public officer of the Ministry of Trade and Industry as the Minister with responsibility for Trade and Industry may from time to time designate by notice in the Gazette shall not certify in accordance with the provisions of subsection (1)–

- (a) where the annual tax was that payable under section 10(3)(a);
- (b) where the annual tax was that payable under section 10(3)(b), unless–
 - (i) a fee of the amount of tax specified in respect of the company in sub-section (1) or (2) of section 10, as the case may be, is paid in respect of each year of default; and

- (ii) all arrears of annual tax are paid:

Provided that the Finance Centre Director or such other public officer of the Ministry of Trade and Industry as the Minister with responsibility for Trade and Industry may from time to time designate by notice in the Gazette may, in his discretion, waive such part of the amount provided for in this paragraph as he, taking account of the circumstances of the default and in his discretion, considers fit.

Residence for purposes of Act and exemptions.

16. (1) The Finance Centre Director or such other public officer of the Ministry of Trade and Industry as the Minister with responsibility for Trade and Industry may from time to time designate by notice in the Gazette may by order declare that any person registered as a Gibraltarian under the Gibraltarian Status Act or a person entitled to be so registered under that Act, shall not, for the purposes of this Act, be treated as a Gibraltarian.

(2) The Finance Centre Director or such other public officer of the Ministry of Trade and Industry as the Minister with responsibility for Trade and Industry may from time to time designate by notice in the Gazette may by order declare that any person ordinarily resident in Gibraltar for the purposes of the Income Tax Act shall not, for the purposes of this Act, be treated as resident or ordinarily resident in Gibraltar.

Penalties for incorrect information.

17. A person who without reasonable excuse gives any incorrect information, such information being required of him for the purpose of obtaining exemption for a company or otherwise carrying this Act into effect, is guilty of an offence and is liable on summary conviction to a fine at level 3 on the standard scale and double the amount of tax or duty which would have been chargeable if the information given had been correct or, if any such incorrect information is given wilfully and with intent to evade or to assist any other person in evading any tax or duty, to a fine of twice the amount at level 3 on the standard scale and treble the amount of such tax or duty, and to imprisonment for three years.

Rules.

18. The Minister responsible for finance may from time to time make rules for all or any of the following purposes:

- (a) providing for the returns to be submitted and the information to be furnished for the purpose of claiming exemption under this Act;
- (b) prescribing any matters required by this Act to be prescribed;

- (c) generally for giving effect to the purposes of this Act.

Regulations.

19. The minister with responsibility for Trade and Industry may make regulations to provide for the effects of this Act to apply to prescribed legal entities other than companies and to provide for the exemptions and restrictions in this Act to apply, mutatis mutandis, but with such variations as may be necessary, to those legal entities.