



INCOME TAX ACT 1970

DOUBLE TAXATION ARRANGEMENT (UNITED KINGDOM) (AMENDMENT) ORDER 2013

*Approved by Tynwald
Coming into operation*

*19 November 2013
22 November 2013*

The Council of Ministers makes the following Order under section 104B of the Income Tax Act 1970.

1 Title

This Order is the Double Taxation Arrangement (United Kingdom) (Amendment) Order 2013.

2 Commencement

If approved by Tynwald, this Order comes into operation on 22 November 2013.¹

3 Interpretation

In this Order “applicable arrangement” means the arrangement concluded between Her Majesty’s Government and the Government of the Isle of Man on 10 October 2013 which is set out in the Schedule.

4 Implementation of the applicable arrangement

It is declared that –

- (a) the applicable arrangement (which amends existing arrangements) has been made with Her Majesty’s Government for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income; and

¹ Tynwald approval is required by section 104B(6) of the Income Tax Act 1970.

(b) the arrangement should have effect as part of the law of the Island.

MADE 24th October 2013

W GREENHOW
Chief Secretary

EXPLANATORY NOTE
(This note is not part of the Order)

This Order is made under section 104B of the Income Tax Act 1970. It implements an arrangement negotiated between Her Majesty's Government and the Government of the Isle of Man which further amends the 1955 arrangement between the two Governments for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income.

**ARRANGEMENT BETWEEN HER MAJESTY'S GOVERNMENT AND THE
GOVERNMENT OF THE ISLE OF MAN AMENDING THE 1955
ARRANGEMENT BETWEEN THE TWO GOVERNMENTS FOR THE
AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF
FISCAL EVASION WITH RESPECT TO TAXES ON INCOME AS
AMENDED BY THE 1991 ARRANGEMENT, THE 1994 ARRANGEMENT
AND THE 2008 ARRANGEMENT BETWEEN THE TWO GOVERNMENTS**

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Isle of Man, desiring to amend the Arrangement between the two governments for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income (“the 1955 Arrangement”), have agreed as follows:

1. In this Arrangement the term “1955 Arrangement” means that Arrangement as amended by the 1991 Arrangement, the 1994 Arrangement and the 2008 Arrangement.
2. Paragraph 10 of the 1955 Arrangement shall be deleted and replaced with the following:

“Paragraph 10
Exchange of information

(1) The taxation authorities of the United Kingdom and the Island shall exchange such information as is foreseeably relevant for carrying out the provisions of this Arrangement or to the administration or enforcement of domestic laws concerning taxes of every kind and description imposed on behalf of the territories, or of their political subdivisions or local authorities, insofar as the taxation thereunder is not contrary to the Arrangement. The exchange of information is not restricted by Paragraph 1 of this Arrangement.

(2) Any information received under sub-paragraph (1) of this paragraph by a territory shall be treated as secret in the same manner as information obtained under the domestic laws of that territory and shall be disclosed only to persons or authorities (including courts and administrative bodies) concerned with the assessment or collection of, the enforcement or prosecution in respect of, the determination of appeals in relation to, the taxes referred to in sub-paragraph (1), or the oversight of the above. Such persons or authorities shall use the information only for such purposes. They may disclose the information in public court proceedings or in judicial decisions. Notwithstanding the foregoing, information received by a territory may be used for other purposes when such information may be used for such other purposes under the laws of both territories and the taxation authority of the supplying territory authorises such use.

(3) In no case shall the provisions of sub-paragraphs (1) and (2) be construed so as to impose on a territory the obligation:

- (a) to carry out administrative measures at variance with the laws and administrative practice of that or of the other territory;
- (b) to supply information which is not obtainable under the laws or in the normal course of the administration of that or of the other territory;
- (c) to supply information which would disclose any trade, business, industrial, commercial or professional secret or trade process, or information the disclosure of which would be contrary to public policy.

(4) If information is requested by a territory in accordance with this paragraph, the other territory shall use its information gathering measures to obtain the requested information, even though that other territory may not need such information for its own tax purposes. The obligation contained in the preceding sentence is subject to the limitations of sub-paragraph (3) of this paragraph but in no case shall such limitations be construed to permit a territory to decline to supply information solely because it has no domestic interest in such information.

(5) In no case shall the provisions of sub-paragraph (3) of this paragraph be construed to permit a territory to decline to supply information solely because the information is held by a bank, other financial institution, nominee or person acting in an agency or a fiduciary capacity or because it relates to ownership interests in a person.”

3. Each of the territories shall notify the other of the completion of the procedures required by its law for the bringing into force of this Arrangement. This Arrangement shall enter into force on the date of the later of these notifications and shall have effect for information exchanged on or after that date without regard to the taxable period to which the information relates.