

Statutory Document No. 2015/0016



*Income Tax Act 1970*

## INCOME TAX (CORPORATE TAXPAYERS) (TEMPORARY TAXATION) ORDER 2015

*Approved by Tynwald:* 17 February 2015  
*Coming into Operation:* 20 February 2015

The Treasury makes the following Order under section 115A of the Income Tax Act 1970.

### 1 Title

This Order is the Income Tax (Corporate Taxpayers) (Temporary Taxation) Order 2015.

### 2 Commencement

If approved by Tynwald, this Order comes into operation on 20 February 2015<sup>1</sup>.

### 3 Amendment of the Income Tax Act 1970


- (1) The Income Tax Act 1970 is amended as follows.
- (2) In section A66(5) (corporate taxpayers: returns) for “Every corporate taxpayer” substitute **☒** Every corporate taxpayer that is exempt from the obligation to comply with section B66(3) **☒**.
- (3) After section A66 insert the following –

#### **☒ B66 Compulsory online filing of corporate income tax returns**

- (1) A corporate taxpayer must comply with this section unless –
  - (a) the corporate taxpayer is exempt from such compliance under subsection (5); or
  - (b) upon receipt of an application from the corporate taxpayer the Assessor is satisfied that the taxpayer –
    - (i) does not have access to the internet; or
    - (ii) is otherwise unable, with reasonable excuse, to comply with this section,

<sup>1</sup> Tynwald approval is required by section 115A(2).

and should be exempt from such compliance.

- (2) For the purposes of subsection (1)(b)(ii), where reliance to comply with this section is placed on any other person, neither the fact of the reliance nor any dilatoriness on the part of the person relied upon is a reasonable excuse.
- (3) A corporate taxpayer with an accounting period ending on or after 5 April 2015 must utilise the Online Company Tax Service to make and deliver to the Assessor a return in accordance with section A66.
- (4) A corporate taxpayer who fails to comply with subsection (3) commits an offence and is liable on summary conviction to a fine not exceeding £5,000.
- (5) A corporate taxpayer is exempt from the obligation to comply with subsection (3) if, upon receipt of an application from the taxpayer, the Assessor is satisfied that the taxpayer is –
  - (a) a members' club, investment club or sports and social club;
  - (b) a foundation within the meaning of the Foundations Act 2011;
  - (c) a charity;
  - (d) a corporate taxpayer that is in –
    - (i) liquidation;
    - (ii) receivership; or
    - (iii) administration;
  - (e) a limited liability company; or
  - (f) a protected cell company.
- (6) An application under subsection (1)(b) or (5) must be in the form and manner required by the Assessor.
- (7) A corporate taxpayer may appeal to the Commissioners against a decision of the Assessor not to exempt the corporate taxpayer under subsection (1)(b) or (5) and the Commissioners may confirm, vary or revoke the decision.
- (8) In this section "Online Company Tax Service" means the Company Tax Service which is accessible through –
  - (a) the Income Tax Services page ([www.gov.im/treasury/incometax/services](http://www.gov.im/treasury/incometax/services)) of the website of the Isle of Man Government ([www.gov.im](http://www.gov.im)); or
  - (b) such other website address as may be made available by the Treasury for use. .

MADE 19<sup>th</sup> January 2015



**WE TEARE**  
*Minister for the Treasury*

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

This Order amends the Income Tax Act 1970 so as to require companies (subject to certain exceptions) to submit their income tax return by using the Company Tax Service of the Income Tax Division of the Treasury. This service is accessible online via the Government website.