

## **STATES OF DELIBERATION**

**30<sup>th</sup> March, 2011**

### **Billet d'État No. III**

#### ***Statutory Instrument laid before the States***

#### **The Taxation of Real Property (Guernsey and Alderney) (Amendment) Regulations, 2010**

#### **MOTION TO ANNUL**

Proposed by: Alderney Representative Paul Arditti

Seconded by: Deputy John Gollop

To resolve, pursuant to section 49(4) of the Taxation of Real Property (Guernsey and Alderney) Ordinance, 2007, that the Taxation of Real Property (Guernsey and Alderney) (Amendment) Regulations, 2010 be annulled.

#### **Explanatory Note**

The answers given on 18<sup>th</sup> February, 2011 by the Minister of the Treasury and Resources Department (T&R) to Questions for written reply placed in accordance with Rule 6 confirm that the effect of these Regulations is that domestic garages occupied by a tenant are deemed to be warehouses and charged Tax on Real Property (TRP) at a rate five times greater than domestic garages enjoyed as part of the occupancy of flats or whole units notwithstanding that they are actually used for similar domestic purposes.

The 2010 Regulations have been introduced with minimal consultation in response to a TRP Appeals Tribunal decision against T&R last year. They maintain, apparently for administrative convenience, the position under the 2007 Ordinance, which the TRP Appeals Tribunal directed T&R to reconsider. Because T&R has declined of its own motion to amend or suspend the effect of the 2010 Regulations, this Motion to Annul seeks to return the position to as it was following the TRP Appeals Tribunal decision, thereby removing the inconsistency and unfairness that will otherwise arise.