

Penalties for the Failure to Submit an Income Tax Return

Why have I received a penalty?

All customers are required by law to submit income tax returns annually, unless they have been advised by the Director, in writing, that they no longer need to complete a return. Income tax returns must be submitted by 30 November in the year following the end of the calendar year to which the return relates (e.g. the calendar year 2016 income tax return must be submitted by 30 November 2017). If your income tax return is submitted after this deadline, it is considered late and, as such, a penalty would be due.

We no longer send a tax return but they are available to download at www.gov.gg/tax under "Income tax returns", or complete [online](#) and paper copies can be picked up from the Income Tax Office or other points on the island.

I thought that my return was submitted prior to the filing deadline but I have still received a penalty. What should I do?

If your income tax return was delivered in person to the Income Tax Office prior to the deadline, please provide a copy of the receipt as proof of delivery. Please also confirm the income tax reference number quoted on the return submitted.

If you completed your return online, please provide the unique submission number, which will have been emailed to you upon submission of your income tax return. If you did not receive a unique submission number, it is likely that your return was not submitted. This can be checked by logging on to your account at <https://eforms.gov.gg>. If the watermark on your income tax return shows as 'draft' then it has not been submitted and will be available to view under 'saved forms', and you should submit the form as soon as possible. If you have any difficulties viewing the income tax return or using the online services, please email eformsquery@gov.gg with your query, quoting your income tax reference number.

I did not receive my income tax return in the post so I thought I wasn't meant to submit one

Paper income tax returns have not been posted to any customers since January 2013. Instead, a notice has been placed in 'La Gazette Officielle', notifying customers of the need to submit an income tax return. You must still submit an income tax return annually unless you have been advised by the Director, in writing, that you no longer need to submit one.

Where do I go to get an income tax return?

Returns may be submitted online by registering at <https://eforms.gov.gg>. Alternatively, a paper return can be downloaded and printed from our website at www.gov.gg/tax under “Income tax returns”. Paper returns are also available to be picked up from a number of collection points around the Island, which include, but are not limited to:

- The Income Tax Office
- The Citizen’s Advice Bureau
- The Alderney States office
- The Administration Office in Herm

Details of further collection points can also be found at www.gov.gg/tax under “Income tax returns”.

I left Guernsey but have still received an order imposing a penalty

There are a number of reasons why this may have happened, the most common being that you may have left Guernsey and not informed us of your income details. If you have left Guernsey, please complete a Leaving Guernsey checklist (form 348), which is available at www.gov.gg/tax under “Other tax forms”. Depending on the source(s) of income received in the year of departure, an income tax return may still need to be submitted, for example, if you are in receipt of an occupational pension or Guernsey rental income.

I did not complete an income tax return as I earned below my personal allowance but a penalty has been imposed – does this penalty still apply to me?

You are required to submit an income tax return annually, whatever the level of your income, unless you have been advised by the Director in writing that you no longer need to complete a return. If, once your income tax return has been submitted, it becomes clear that your income was below the amount of your personal allowance, section 190 of the Income Tax (Guernsey) Law, 1975, provides that a late filing penalty cannot exceed £50.00. At present, the Director has agreed that in these instances, the penalty will be rescinded entirely. However, the penalty will only be rescinded once the income tax return has been submitted and assessed.

I got married during the year and submitted an income tax return jointly with my husband but I have had a penalty imposed

For the year of marriage/civil partnership, customers are asked to each submit an income tax return separately. As such, if you submitted a joint return for the year in which you were married/entered into a civil partnership, a penalty may have been imposed at your old account. In this instance, please provide both your old and your new income tax reference numbers so that the penalty can be reconsidered.

Please note: The Law was changed to recognise civil partnerships and same-sex marriages with effect from 1 January 2017, so you may wish to see the FAQ on “Civil partnerships and same-sex marriage” at www.gov.gg/taxationfaq.

I did not receive any notification that a penalty was to be imposed at my account

Before a penalty is imposed, the Income Tax Office will give at least one month’s warning to the affected customers (or their accountant/tax advisor) by letter or email. Unfortunately the office cannot take responsibility for letters which are not received due to postal failure or if you had not notified us of a change of address.

How is the penalty calculated?

Prior to the imposition of the initial penalty, customers (or their accountant/tax advisor) are sent a letter/email from the Income Tax Office, advising them that their income tax return has not been submitted by the 30th November deadline. This letter/email grants an extended deadline for submission of the outstanding return. If the income tax return is not received by the extended deadline, an initial penalty of £100.00 will be imposed, followed by a further £10.00 per day until the income tax return is received.

Can I appeal against the penalty?

If you believe that the penalty has been incorrectly imposed, you are entitled to submit an appeal. This can be done by emailing taxpenaltyqueries@gov.gg or alternatively by completing and submitting a Penalty Appeal form (Form 690(b)), which can be downloaded from www.gov.gg/tax under “Other tax forms”.

Further details of the penalty appeal process, including reasonable grounds of appeal, can be reviewed on the FAQ sheet for “Making an appeal against a penalty for the late submission of a tax return” at www.gov.gg/tax under “Assessments, penalties and appeals”.

If I choose to appeal against the penalty, will it be suspended pending the outcome of my appeal?

No. It is therefore strongly advisable that you submit your income tax return (or a receipt/unique submission number) alongside your appeal to prevent further daily penalties from being imposed.

Someone I know has received a penalty, can I appeal on their behalf?

Yes, but before the appeal can be processed, it will be necessary for the individual concerned to sign a Form of Authority (Form 1012) to permit this office to discuss that individual's income tax affairs with you. This form can be downloaded from the website at www.gov.gg/tax under "Other tax forms".

I have received a letter from the Income Tax Office stating that the grounds of my appeal are "unreasonable", can I pursue this further?

If the Director of Income Tax does not consider your grounds of appeal to be "reasonable" and you still wish to appeal further, you can proceed to the Guernsey Tax Tribunal. This is an independent body set up to hear appeals which cannot otherwise be resolved.

If you wish to be represented by another individual at an appeal hearing, the Tribunal may object if that person is not an accountant or advocate. Therefore, it is advisable to contact the Clerk of the Guernsey Tax Tribunal in advance of the hearing on 01481 717000 or taxtribunal@gov.gg