



GIBRALTAR **TAX RATES**

2019-2020

(1 JULY 2019 TO 30 JUNE 2020)

PERSONAL INCOME TAX

All taxpayers with assessable income of £11,450 or less pay no income tax.

Taxpayers can opt to be taxed under the Gross Income Based System (GIBS) or the Allowance Based System (ABS).

Spouses / civil partners may elect either system but restrictions apply to allowances and deductions where one spouse elects GIBS and the other ABS.

GROSS INCOME BASED SYSTEM (GIBS)

The income bands and tax rates for persons with income up to £25,000 are as follows:

Taxable Income Bands	Rate	Tax on Band
£0 - £10,000	6%	£600
£10,001 - £17,000	20%	£1,400
Balance	28%	up to £2,240

The income bands and tax rates for persons with income above £25,000 are as follows:

Taxable Income Bands	Rate	Tax on Band
£0 - £17,000	16%	£2,720
£17,001 - £25,000	19%	£1,520
£25,001 - £40,000	25%	£3,750
£40,001 - £105,000	28%	£18,200
£105,001 - £500,000	25%	£98,750
£500,001 - £700,000	18%	£36,000
Balance	5%	

DEDUCTIONS AVAILABLE UNDER GIBS

MAIN RESIDENTIAL PROPERTY

A deduction from assessable income of up to £1,500 per annum is available for mortgage interest payments (18-19 £1,500).

A deduction from assessable income of up to £7,500 per annum is available in respect of approved expenditure incurred towards the purchase of their first home (18-19 £6,500).

APPROVED PENSIONS

A deduction from assessable income up to £1,500 per annum is available in respect of employee contributions to approved pension schemes (18-19 £1,500).

MEDICAL INSURANCE

A deduction from assessable income of £3,000 per annum is available in respect of premiums paid for Private Medical Insurance (18-19 £3,000).

SOLAR ENERGY

A deduction from assessable income of up to £3,000 over 2 years is available for the installation of solar energy for boilers.

GIBRALTAR SAVINGS BANK RETIREMENT SAVINGS BOND

A deduction from assessable income of up to £1,000 is available for individual contributions to the above bond.

PROPERTY FRONTAGE ENHANCEMENT

A deduction from assessable income of up to £5,000 is available in respect of expenditure incurred on painting, decorating, repairing and in general enhancing the appearance of the frontage of premises. Must be expenditure certified by Town Planner.

ELECTRIC VEHICLE INCENTIVE

From 1 July 2018 to 30 June 2021, any individual taxpayer who installs a mechanism for the electric charging of a vehicle in their home or in a parking space or garage owned by them, will be able to deduct the first £2,000 of cost approved by the Commissioner of Income Tax, of the installation of such mechanism against their tax liabilities.

ALLOWANCE BASED SYSTEM (ABS)

Taxable Income Bands	Rate	Tax on Band
£0 – £4,000	14%*	£560
£4,001 – £16,000	17%	£2,040
Over £16,000	39%	

*This rate and income band does not apply to non-residents.

MAIN ALLOWANCES & DEDUCTIONS AVAILABLE UNDER ABS

Every taxpayer entitled to tax allowances/deductions will have a minimum total of £4,343 allowances. In the case of elderly persons (men 65 and over, women 60 and over, age during the year) the allowances are 'topped-up' to £12,510.

STANDARD ALLOWANCE

Personal allowance	£3,455
Spouse and civil partner allowance	£3,455

AGE ALLOWANCE (WOMEN 60 & OVER, MEN 65 & OVER)

Age allowance (unmarried)	£9,055
Married or civil partner allowance	£5,600

LOW EARNINGS ALLOWANCE

Less than £11,450	no tax payable
Taper relief for income between £11,451 and £19,500.	

NURSERY SCHOOL ALLOWANCE

For each child attending a privately registered nursery during the pre-school academic year

£5,400

CHILD ALLOWANCE (FIRST CHILD ONLY)

£1,190

CHILD EDUCATED ABROAD (EACH CHILD)

£1,355

MATERNITY GRANT

£700

PARENT OF DISABLED INDIVIDUAL ALLOWANCE

£9,475

BLIND ALLOWANCE

£5,395

ONE PARENT FAMILY ALLOWANCE

£5,690

DEPENDANT RELATIVE

Dependant resident in Gibraltar

£335

Dependant non-resident in Gibraltar

£220

SOCIAL SECURITY RELIEF

(Available to those who pay full Social Security Contributions)

PAYE

£335

Self-Employed

£432

MEDICAL INSURANCE ALLOWANCE

For premiums paid by an individual for personal cover or for spouse or dependant children cover (maximum)

£5,395

APPRENTICE ALLOWANCE

£380

HOUSE PURCHASE ALLOWANCE

Deduction for purchase (once only)

£13,000

Special deduction (£1,000 maximum p.a.)

£4,000

MORTGAGE INTEREST RELIEF

Interest is allowable on loans of up to £350,000 to finance Gibraltar residential property occupied by the taxpayer.

Mortgages existing at 1 July 2008 in excess of £350,000 have been grandfathered. This results in an annual reduction from the sum of the loan above £350,000 of one tenth until the loan is reduced to £350,000.

PROPERTY FRONTAGE ENHANCEMENT

A deduction from assessable income (unlimited) is available in respect of expenditure incurred on painting, decorating, repairing and in general enhancing the appearance of the frontage of premises. Must be expenditure certified by Town Planner.

SOLAR ENERGY

A deduction from assessable income of up to £3,000 over 2 years is available for the installation of solar energy for boilers.

ELECTRIC VEHICLE INCENTIVE

From 1 July 2018 to 30 June 2021, any individual taxpayer who installs a mechanism for the electric charging of a vehicle in their home or in a parking space or garage owned by them, will be able to deduct the first £2,000 of cost approved by the Commissioner of Income Tax, of the installation of such mechanism against their tax liabilities.

LIFE ASSURANCE PREMIUMS

Deductible, provided not exceeding one seventh of assessable income or 7% of the capital sum assured at death.

For policies issued from June 2008 or where the value, term or premium is increased for existing policies, the allowance is limited to the basic tax rate.

For policies issued from July 2015, or increases to existing policies, relief will be given at the taxpayer's marginal rate.

PENSION CONTRIBUTIONS

Contributions to approved occupational or personal pension schemes are deductible. If the approved scheme is not a statutory scheme or a personal scheme, contributions are allowable up to one sixth of assessable income.

Employer contributions to approved occupational schemes are not taxable on the employee.

For approved personal pension schemes, overall contributions eligible for relief are subject to the lower of a 20% limit of earned income or £35,000. Any employer contributions in excess of this are taxed as a benefit in kind.

Changes are being introduced to the pension scheme guidelines which will permit members of approved pension schemes in Gibraltar to continue as active members and make contributions to such pension schemes, even whilst not in employment. This will encourage the self-employed to save for their retirement.

A "Retirement Savings Bond" was issued by the Gibraltar Savings Bank. Interest 2% above Bank base rate and redeemable on 60th birthday. Contributions can also be made by employers on behalf of employees with employer contributions being allowable for tax purposes. Up to £1,000 individual contributions can also be deductible from the individual's assessable income, under ABS or GIBS.

TAX CREDIT FOR INDIVIDUALS

A tax credit amounting to the greater of £300 or 2% of the tax payable is available to all individuals.

TAX CREDIT FOR PENSIONERS

For individuals over the age of 60, if not in receipt of pension income in excess of £6,000 (maximum)

£4,000

STUDENTS

Earnings of a full time student are exempt from tax.

SPECIFIC TAX PROVISIONS

INCOME FROM APPROVED PENSION SCHEMES

Generally Gibraltar pension income from a statutory pension scheme, provident, or other approved scheme received by a member aged 60 or over is taxed at 0% (age 55 for certain essential services officers) and such income is not taken into account in establishing tax due on other income.

From 1 July 2011, pension income from approved occupational schemes, received by a member aged 60 or over who is in employment, is tax

SPECIFIC TAX PROVISIONS (CONTINUED)

INCOME FROM APPROVED PENSION SCHEMES (CONTINUED)

exempt and such income is not taken into account in establishing tax due on earned income.

Income deriving from a Gibraltar "imported pension" (e.g. UK pension into a Gibraltar QROPS) or from a Gibraltar QNUPS, forms part of assessable income and is taxed at 2.5%.

Taxpayers who were taxed on their commuted pensions prior to 1 July 2006 can apply to the Income Tax Office for a refund of any tax paid on their capital sum in excess of 25%.

QUALIFYING SAVING INCOME AND GIBRALTAR GOVERNMENT DEBENTURES

Savings income e.g. bank interest and dividends from shares listed on a recognised stock exchange and investments in various Government debentures are exempt from income tax.

CATEGORY 2 RESIDENTS

Taxed under the ABS but only on the first £80,000 of assessable income. This results in a maximum annual tax payable of £27,560 and a minimum annual tax payable of £22,000.

This cap does not apply to certain local activities (e.g. Gibraltar rental profits received by the Category 2 resident) which are taxed separately, at their marginal rate i.e. 39%.

HIGH EXECUTIVES POSSESSING SPECIALIST SKILLS (HEPSS) RESIDENTS

Taxed under the GIBS, but only on the first £120,000 of earned income. This results in a maximum annual tax payable of £29,940 (effective tax rate 24.95%).

All Category 2 and HEPSS residents are required to maintain qualifying accommodation. In general, new applicants must not have been Gibraltar resident in previous years.

RESIDENCY

Individuals are ordinarily resident in Gibraltar if they are present in Gibraltar for either 183 days or more in a tax year, or more than 300 days in total in 3 consecutive tax years.

Ordinarily resident individuals are generally liable to tax in Gibraltar on their worldwide income.

Rules apply to restrict allowances and tax rate bands for individuals who are not ordinary resident for a complete tax year.

NON-RESIDENT DIRECTORS AND ANCILLARY INCOME

No tax is charged on income from directors fees, if the individual is not ordinarily resident in Gibraltar and is present in Gibraltar for less than 30 days in a tax year.

This also applies to non-resident employees and non-resident self-employed

whose activities (except for any which are ancillary to that work) are exclusively outside of Gibraltar.

TRUSTS

From 1 January 2011, a Trust is resident in Gibraltar if one or more of the beneficiaries are ordinarily resident in Gibraltar (excluding Category 2 residents) or the class of potential beneficiaries may include an ordinarily resident person.

A resident Trust is charged to tax on its assessable income. A non-resident Trust may suffer tax on income accrued in or derived from Gibraltar.

From 1 July 2014 the rate of tax for Trusts is 10%

There can be taxation on Trust distributions to Gibraltar resident beneficiaries (excluding Category 2 residents).

FOUNDATIONS

From April 2017, a Foundation registered under Gibraltar's Private Foundations Act 2017, is resident in Gibraltar, unless persons ordinarily resident in Gibraltar (excluding Category 2 residents) and the issue of such persons have been irrevocably excluded from benefit.

A resident Foundation shall be charged to tax on its worldwide assessable income. A non-resident Foundation may suffer Gibraltar tax on income accrued in or derived from Gibraltar. The rate of tax for Foundations is 10%.

There can be taxation on Foundation distributions to Gibraltar resident beneficiaries (excluding Category 2 residents).

BENEFITS IN KIND

Benefits in kind are taxed on employees and are defined in the Income Tax Act.

Benefits received by an employee of less than £250 in a year of assessment are not taxable.

Employers may opt to pay the tax on benefits on behalf of the employee by obtaining a dispensation from the Income Tax Office (at the rate of 20% or 29% depending on the value of the benefits).

Exemptions exist for accommodation provided by the employer for relocating executives.

From 1 July 2014, all loans or advances made to a director, a shadow director or any connected person and the terms of the loan is such that an arm's-length rate of interest is paid and the loan agreement has received the approval of the Income Tax Office, the loan or advance shall not be treated as earnings from employment.

CHARITABLE DONATIONS

Under the Gift Aid Scheme, the Government pays the charity the equivalent of the tax suffered by the donor at the standard rate applicable to the donor. The limit on gifts under the scheme is £10,000 p.a. (18-19 £5,000). Process to simplify the scheme to commence.

PAYROLL GIVING SCHEME

A payroll giving scheme enables tax-free charitable donations to be made to approved charities through employment earnings up to a maximum of £5,000 p.a. We suggested this measure to the Government. Still to be implemented into law.

SOCIAL INSURANCE

Social Insurance contributions are based on gross earnings.

Weekly Contributions	Employee	Max	Employer	Max
Employee (under 60)	10%	£30.25	20%	£40.15
Self-employed	20%	£36.85	-	-
Voluntary		£15.00	-	-

Employee Social Insurance contributions are not payable when a contributor reaches the age of 60 (firemen/police officers at age 55).

Social Insurance credit of £100 per employee in respect of employers contributions for companies who have 10 or fewer employees, or new companies with up to 20 employees in the first year.

Employers & employee contributions in respect of an employee's secondary employment are exempt, however, the employee must apply to the Income Tax Office in writing for this exemption to be effected.

Social Insurance contributions made by young employees will start accruing towards the contributor's pension from age 15.

STATUTORY MINIMUM WAGE

£7.00 per hour.

(20-21 increase to £7.25), (21-22 increase to £7.50).

COMPANY INCOME TAX

- Gibraltar's territorial taxation basis generally taxes only income which is accrued in or derived from Gibraltar. A standard 10% rate of company income tax applies to almost all companies. All companies registered in Gibraltar are required to file a tax return.
- Utility and fuel suppliers, and companies abusing a dominant market position, are taxed at a higher rate of 20%. From 1 July 2016 the 10% rate applies for Telecoms companies on business generated from non-telecommunication services, such as Data Centres. The 20% tax rate still applies to the profits and gains arising from the telecommunication activities.
- For companies licenced and regulated in Gibraltar, profits are deemed to accrue in and derive from Gibraltar, except for activities carried on outside Gibraltar by a branch or permanent establishment.

- From 1 July 2013, where a Gibraltar registered company receives interest on a loan from another company (or companies), in excess of £100,000 per annum, it shall be deemed to be in receipt of income taxable in Gibraltar.
- From 1 January 2014, royalties that are received by companies registered in Gibraltar are subject to tax.
- From 31 December 2015, under Parent and Subsidiary Rules, (Sch 5 ITA), a parent company may be liable to Gibraltar tax in respect of income from any relevant participation (i.e. subsidiary) if such income is not taxable in the hands of the subsidiary.
- On 2 July 2018 it was announced that changes will be introduced to allow companies to transfer losses on group restructures, so long as there is no change of ultimate ownership and no change in the nature of the business within a period of 3 years. The changes will allow tax losses to be carried forward against a business even if the business is transferred to another company under the same ultimate ownership.
- From November 2018, non-trading rental income arising from movable property located outside of Gibraltar received or receivable by a company registered in Gibraltar is deemed to accrue in and derive from Gibraltar and hence is taxable.
- A deduction against profits of 150% of the costs of training employees with a view to obtaining a "qualifying qualification".
- The audit threshold, which determines whether accounts filing with the Income Tax Office are required to be audited or not, is £1.25m.
- For small scale start-ups, a capped 200% credit (lower of 200% or £5,000) in respect of architects and Government fees incurred in respect of successful planning applications under the Town Planning Act, available in the first 3 years of operation.

CAPITAL ALLOWANCES

Capital allowances are available at the following rates:

Plant & Machinery <i>(including fixtures & fittings)</i>	100% allowance up to a maximum of £30,000 of purchases in a year
Computer Equipment	100% allowance up to a maximum of £50,000 of purchases in a year
Annual Pool Allowance*	20% for utility companies or those abusing a dominant market position
	15% for any other company
Industrial Buildings <i>(including hotels, factories or other similar premises)</i>	4% annual allowance

*For accounting periods of less than twelve months the pool allowance shall be apportioned by reference to time.



INCOME TAX RULINGS

From October 2018, an Income Tax Ruling procedure is in place in order for the Commissioner of Income Tax to give rulings at the request of actual or potential taxpayers.

PROPERTY MEASURES

A pre-notification procedure where construction-type services are provided to homes in Gibraltar by suppliers outside of Gibraltar. This will involve imposing a withholding tax to ensure that tax is paid by the suppliers.

A one-off deduction for individuals and companies on the investment made in connection with significant improvement to the Energy Performance Certificate rating of their premises.

A national Register of Residential Occupation will be established. This will highlight cases where there is an attempt to register a tenancy against a property that already has an occupier taking benefits from it.

TAX YEAR

The tax year runs from 1 July to 30 June.

DUE DATES FOR PAYMENT OF TAX

Employment Income <i>(including company directors)</i>	Tax paid via PAYE
Companies	<ul style="list-style-type: none"> • Payment on Account of 50% by 30 September • Payment on Account of 50% by 28 February • Any remaining balance within nine months of end of accounting period
Self-employed and other <i>(including Category 2 and trusts)</i>	<ul style="list-style-type: none"> • Payment on Account of 50% by 31 January • Payment on Account of 50% by 30 June • Any remaining balance by 30th November following the end of the tax year

TAX RETURN FILING DATES

Gibraltar operates a "self-assessment" regime. The responsibility is on taxpayers to submit tax returns of their assessable income.

For employees, self-employed and trusts, tax return filing date is 30 November.

For companies, it is 9 months after financial year end for tax return, accounts and dividend returns.

For accounting periods ending after 1 January 2016 all companies registered in Gibraltar, irrespective of whether they are in receipt of assessable income are required to file a tax return and accounts.

For accounting periods ending on, or after 1 January 2016, all companies incorporated in Gibraltar (except those whose shares are listed on a recognised stock exchange) that declare a dividend are required to file a return of dividends.

PENALTIES & SURCHARGES

A range of penalties and surcharges can be imposed for various defaults, including:

- Late payment of tax
- Late or incomplete returns
- Incorrect returns
- Tax evasion
- Non-payment of PAYE or Social Insurance
- Failure to report notifiable arrangements
- Non compliance with information requests

TAX RECOVERY STRATEGY

The Commissioner has published a "Name & Shame" list in the Gibraltar Gazette setting out the names of defaulting employers. This list publishes details of self-employed individuals and companies. It will also extend to Social Insurance & allow the Commissioner to publish the list in any newspaper circulating in Gibraltar.

ANTI-AVOIDANCE MEASURES

The Commissioner can look through part or all of any arrangements which are deemed to be artificial and/or fictitious and whose purpose is to reduce or eliminate the tax payable in Gibraltar.

Specific anti-avoidance provisions exist, for example transfer of assets abroad, thin capitalisation, transactions with connected persons, dual employment contracts, etc.

A taxpayer may apply to the Commissioner for confirmation that a transaction does not fall foul of the anti-avoidance provisions.

Promoters of a scheme are required to notify the Commissioner of any arrangements which will reduce the tax due by a taxpayer.

From 1 January 2019, the Anti Tax Avoidance Directive applies in Gibraltar. This includes an interest limitation rule, controlled foreign company rule and hybrid mismatch rule. Exit taxation rules will be adopted in Gibraltar by no later than 31 December 2019.

OTHER TAXES:

STAMP DUTY

Stamp Duty is charged on the transfer of title of Gibraltar Real Property.

In the case of transfers of properties between spouses, Stamp Duty is abolished.

All initial purchases of properties by homebuyers in affordable housing estates developed by the Government will be exempt from Stamp Duty.

RATES

If first or second time buyer the rates are:

Value of property transferred	Rate of duty
£0 – £260,000	Nil
£260,001 – £350,000	5.5%
£350,001 and above	3.5%

If not a first or second time buyer the rates are:

Value of property transferred	Rate of duty
£0 – £200,000	Nil
£200,001 – £350,000	2.0% on first £250,000 5.5% on the balance
£350,001 and above	3.0% on first £350,000 3.5% on the balance

SPECIAL STAMP DUTY

From 1 July 2018, a special stamp duty rate of 7.5% is introduced for certain affordable housing properties, on resale within 10 years, rules apply.

CAPITAL DUTY

Capital Duty at a flat fee of £10 is due on:

- The creation and increase of share capital of a Gibraltar company, and/or
- The issue of loan capital

GAMING TAX

From 1 April 2018, annual licence fee of £100,000 for each B2C licence and £85,000 for each B2B licence, plus gaming tax paid only by B2C's on their gross receipts (both gaming receipts and betting receipts) at the rate of 0.15% (after £100,000 gross profit tax exemption).

EXCISE/IMPORT DUTY

Excise Duty is levied mainly on spirits, wines & tobacco and mineral oils.

Import duty is levied on various goods at different rates.

Tobacco licence fees increased substantially from 1 July 2018.

The more environmentally friendly the less the rate of duty. For example, all single use plastic items not covered by regulations are subject to duty at 200% but import duty on all cotton bags and aluminium bottles is reduced to 0%.

Many goods are charged at 0% e.g. hybrid vehicles, classic vehicles (i.e. of historical interest and over 30 years old that are no longer in production), pleasure crafts, yachts, musical instruments, televisions, items for the elderly, disabled, and infirm, prams, sports or dance apparel imported by or for a sport or dance association and indoor sports equipment.

Duty at 10% on fizzy and other soft drinks with a sugar content of above 5 grams per 100 millilitres.

Duty on gold bullion has been decreased from 6% to 1%

High value retail items (i.e. in excess of £25,000) imported by a retailer may be able to apply to be liable to duty at the point of sale. Only applicable to Main Street traders and strict rules apply.

Duty on private importations of works of art and collector's pieces of a value over £1,000 increased from 0% to 3%.

ELECTRIC VEHICLE INCENTIVE

By 1 July 2030 every vehicle registered in Gibraltar will have to be a hybrid at least.

Cashback on:

- full electric vehicles is increased to £2,500 per vehicle and the import duty will remain at zero
- hybrids is reduced to £250 per vehicle, the import duty also remains at zero
- full electric motorbikes is £150 per vehicle and
- electrically assisted bicycles without a throttle where the electric engine cuts off at a speed of 25 kph is £200 per vehicle

TAXATION OF CAPITAL AND VAT

Gibraltar has no capital gains tax, no wealth tax, no inheritance tax, no gift tax and no value added tax.

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- » Applying for tax status for High Net Worth Individuals wishing to establish residency in Gibraltar under the Category 2 residency regime, and also for relocating executives under the High Executive Possessing Specialist Skills (HEPSS) regime.
- » Providing tax compliance services for individuals resident in Gibraltar and non-UK resident owners of UK property.
- » Advising on the taxation of pension schemes, trusts and/or companies established in Gibraltar.

STM FISCALIS MANAGING TAX COMPLIANCE FOR PROPERTY INVESTORS AT HOME OR ABROAD



Owners of investment property are legally required to ensure compliance with their tax obligations. This can be more challenging when the property is located in a different country to the owner's country of residence. STM Fiscalis, qualified and experienced in Gibraltar and UK tax, can guide and assist by providing the following services:

GIBRALTAR PROPERTY

- If rented out, registration with the Gibraltar Income Tax Office and preparation and filing of annual Gibraltar Tax Returns reporting the rental profits. This may include a calculation of any available capital allowances and consideration of any available tax credit for new property rentals.

UK PROPERTY

- If rented out, registration with HMRC and preparation and online filing of annual UK Income Tax Returns.
- For any property disposals, advising on the UK Non-Resident Capital Gains Tax position and filing of NRCGT Returns, within the 30 day deadline.
- For any UK residential property owned by a company, the filing of UK Annual Tax on Enveloped Dwellings Returns, where applicable.
- Advising on the UK Inheritance Tax position.



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