

Economic Substance, Corporate Tax residence and the implications of Corona Virus (COVID –19).

The Comptroller of Revenue has decided in light of the widespread disruption to travel, and the public health implications of the current global Corona virus outbreak, to offer some reassurances to companies.

Where companies operating practices have to be adjusted to compensate for the Corona virus outbreak, the Comptroller will not determine under Article 6, Taxation (Companies- Economic Substance) (Jersey) Law 2019, that a company has failed the economic substance test.

This treatment will only apply to adjustments to the normal operating practices, and to the extent required to mitigate the threats from this outbreak.

For example :

A company would normally hold directors' meetings in Jersey but, to avoid travel or because individuals are self isolating, these meetings are temporarily held virtually to allow those individuals – or alternatives - to attend. The Comptroller would not regard this as failing to meet the economic substance test.

Similarly, where a company incorporated in another jurisdiction has been tax resident on the basis of control and management in Jersey, and the Comptroller considers that any changes dictated by the Corona Virus are temporary, then this will not disturb the determination of corporate tax residence from that prevailing before this outbreak.

Any questions on this approach should be directed to tax.policy@gov.je