Draft Order in Council laid before the House of Commons under section 5(2) of the Taxation (International and Other Provisions) Act 2010 and section 173(7) of the Finance Act 2006, for approval by resolution of that House.

DRAFT STATUTORY INSTRUMENTS

2013 No.

CORPORATION TAX
INCOME TAX

The Double Taxation Relief and International Tax Enforcement (Brunei Darussalam) Order 2013

Made - - - - ***

At the Court at Buckingham Palace, the *** day of ***

Present,

The Queen's Most Excellent Majesty in Council

A draft of this Order was laid before the House of Commons in accordance with section 5(2) of the Taxation (International and Other Provisions) Act 2010(**1**) and section 173(7) of the Finance Act 2006(**2**) and approved by a resolution of that House.

Accordingly, Her Majesty, in exercising the powers conferred upon Her by section 2 of the Taxation (International and Other Provisions) Act 2010 and section 173(1) to (3) of the Finance Act 2006, by and with the advice of Her Privy Council, orders as follows—

Citation

1. This Order may be cited as the Double Taxation Relief and International Tax Enforcement (Brunei Darussalam) Order 2013.

Double taxation and international tax enforcement arrangements to have effect

2. It is declared that—

(a) the arrangements specified in the Agreement and Protocol set out in the Schedule to this Order, which amend the arrangements set out in the Schedule to the Double Taxation Relief

(**1**) 2010 c. 8.
(**2**) 2006 c. 25.

(Taxes on Income) (Brunei) Order 1950(**3**), have been made with the Government of His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam;

(b) the arrangements have been made with a view to affording relief from double taxation in relation to income tax, corporation tax and taxes of a similar character imposed by the laws of Brunei Darussalam and for the purpose of assisting international tax enforcement; and

(c) it is expedient that those arrangements should have effect.

Name
Clerk of the Privy Council

(**3**) S.I. 1950/1977; the arrangements scheduled to which were previously amended by the arrangements scheduled to S.I. 1968/306 and 1973/2098.

SCHEDULE Article 2

PART 1

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF HIS MAJESTY THE SULTAN AND YANG DI-PERTUAN OF BRUNEI DARUSSALAM TO AMEND THE ARRANGEMENT BETWEEN THE GOVERNMENT OF BRUNEI AND HIS MAJESTY'S GOVERNMENT FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION WITH RESPECT TO TAXES ON INCOME MADE IN 1950, AS AMENDED BY AN ARRANGEMENT IN 1968 AND A SUPPLEMENTARY ARRANGEMENT IN 1973

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam;

Desiring to conclude an Agreement amending the Arrangement between the Government of Brunei and His Majesty's Government for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income made in 1950, as amended by an Arrangement in 1968 and a Supplementary Arrangement in 1973, (hereinafter referred to as "the Arrangement");

Have agreed as follows:

Article I

1. Paragraph (a) and (b) of sub-paragraph (1) of paragraph 2 of the Arrangement shall be deleted and replaced by the following new paragraphs:

"(a) the term "United Kingdom" means Great Britain and Northern Ireland, including any area outside the territorial sea of the United Kingdom designated under its laws concerning the Continental Shelf and in accordance with international law as an area within which the rights of the United Kingdom with respect to the sea bed and subsoil and their natural resources may be exercised."

"(b) The term "Brunei Darussalam" means the territory of Brunei Darussalam including its territorial sea, extending to the airspace above such territory, over which it exercises sovereignty, and the maritime area beyond its territorial sea, including sea-bed and subsoil, which has been or may hereafter be designated under the laws of Brunei Darussalam, as an area over which it exercises sovereign rights and jurisdiction in accordance with international law."

Article II

2. The following shall be added to sub-paragraph (1) of paragraph 2 of the Arrangement:

"(1) the term "competent authority" means:

(i) in the case of Brunei Darussalam, the Minister of Finance or his authorised representative;

(ii) in the case of the United Kingdom, the Commissioners for Her Majesty's Revenue and Customs or their authorised representative."