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

DRAFT STATUTORY INSTRUMENTS

2011 No.

INCOME TAX

The Double Taxation Relief (Aircraft Crew) (Brazil) Order 2011

Made - - - - [date] [Month] 2011

At the Court at Buckingham Palace, the [date] day of [Month] 2011

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 approved by a resolution of that House.

Accordingly Her Majesty, in exercise of the powers conferred upon Her by section 2 of the Taxation (International and Other Provisions) Act 2010, by and with the advice of Her Privy Council, orders as follows—

Citation

1. This Order may be cited as the Double Taxation Relief (Aircraft Crew) (Brazil) Order 2011.

Double taxation agreement to have effect

2. It is declared that—

(a) the agreement set out in the Schedule to this Order has been made with the Government of the Federative Republic of Brazil;

(b) the agreement has been made with a view to affording relief from double taxation in relation to income tax and taxes of a similar character imposed by the laws of the Federative Republic of Brazil, derived by a member of the crew of an aircraft operated in international traffic; and

(c) it is expedient that the agreement should have effect.

(**1**) 2010 c. 8.

Name
Clerk of the Privy Council

SCHEDULE Article 2

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE FEDERATIVE REPUBLIC OF BRAZIL TO AVOID THE DOUBLE TAXATION OF SALARIES, WAGES AND OTHER REMUNERATION DERIVED BY A MEMBER OF THE CREW OF AN AIRCRAFT OPERATED IN INTERNATIONAL TRAFFIC

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Federative Republic of Brazil;

Having regard to the need to avoid the double taxation of salaries, wages and other remuneration derived by a member of the crew of an aircraft operated in international traffic;

Have agreed as follows:

ARTICLE 1

General Scope

This Agreement shall apply to individuals who are residents of one or both Contracting States.

ARTICLE 2

Taxes Covered

1. The Agreement shall apply to the following taxes:

   (a) in the case of the United Kingdom:

   the income tax;

   (b) in the case of Brazil:

   the individual income tax ("IRPF").

2. The Agreement shall also apply to any identical or substantially similar taxes which are imposed after the date of signature of the Agreement in addition to, or in place of, those referred to in paragraph 1. The competent authorities of the Contracting States shall notify each other of any significant changes which have been made in their taxation laws.

ARTICLE 3

General Definitions

1. For the purposes of this Agreement:

   (a) the term "international traffic" means any transport by an aircraft, except where such transport takes place solely between points within a Contracting State;

   (b) the term "United Kingdom" means Great Britain and Northern Ireland;

   (c) the term "Brazil" means the Federative Republic of Brazil;

   (d) the term "competent authority" means: