



Income Tax Office
HM Government of Gibraltar

GUIDANCE NOTE CT100 – December 2017 version
HOW TO COMPLETE FORM CT1
Your Company Tax Return

About this guide

This guide will help you complete Form CT1 and prepare your Company Tax Return. It is not a guide to the Income Tax Act 2010 (“ITA 2010”) or any other relevant legislation. You may need to speak to a professional tax adviser if there are any points you are unsure of.

Throughout this Guide and on Form CT1, “company” means the company which is the subject of this return, unless expressly stated otherwise.

Your Obligation to File a Return

Every company registered in Gibraltar or having assessable income in Gibraltar is required to make a return of its income by the filing date (within nine months after the end of the month in which the accounting period ends), in accordance with section 29 of the ITA 2010, as applied to the relevant accounting periods as defined in section 16 of that same Act.

Penalty for non-compliance with filing obligations

Failure to submit a full and complete return by the filing date will mean that the company will be liable to penalties under section 65 of the ITA 2010 as follows:

- (i) An immediate penalty of £50,
- (ii) Three months beginning with the filing date: £300; and
- (iii) Six months beginning with the filing date: £500;

For example: Accounting period end: 31 December 2017
Return filing deadline: 30 September 2018
Penalty (i) date: 1 October 2018
Penalty (ii) date: 1 January 2019
Penalty (iii) date: 1 April 2019

A return must be submitted even if there is no tax liability in the period covered by the return.

What constitutes a full and complete return?

A Company Tax Return is not just Form CT1. In all cases except as stated below, it includes the following **compulsory elements**:

- Accounts of the company which is the subject of the return
- Detailed Tax Computation (*for companies with assessable income in Gibraltar in the period covered by the return*)
- P8 Reconciliation (*for companies with accounting periods not ending on 30th June*).

A company which is **in the process of being liquidated** and has **no assessable income in Gibraltar** is required to comply with the minimum accounts filing requirements and filing deadlines imposed by the Companies Act 2014 (“CA 2014”).

A company which is **in the process of being liquidated** and has **assessable income in Gibraltar** is required to comply with the minimum accounts filing requirements imposed by the CA 2014 in addition to a **Detailed Tax Computation**. **Full settlement of any tax liability** is required within 30 days from the filing date.

A company which is **pending being struck off the Register** (under the CA 2014) is required to make a full and complete return until such time as it is struck off and thereby dissolved. In the event that a company which has previously been struck off should be reinstated on the Register, its filing obligations in accordance with section 29 of the ITA 2010 will apply.

Minimum Accounts Filing Requirements

The minimum requirements for a company to be compliant with its filing obligations under section 29 of the ITA 2010 vary depending on:

- The type of registration under the CA 2014;
- Whether it has assessable income in Gibraltar and, if so, the level of such income; and
- Whether it is in the process of being liquidated.

Minimum accounts filing requirements for all companies			
Type of registration under the Companies Act 2014 ("CA 2014")	No assessable income in Gibraltar	Assessable income in Gibraltar less than £1.25m	Assessable income in Gibraltar equal to or greater than £1.25m
Company not registered in Gibraltar	No requirement to submit a return		
Company incorporated in Gibraltar (section 14, CA 2014)		Unaudited accounts plus an Independent Accountant's Report	Audited accounts
Public limited company (section 14 or 38, CA 2014)			
Company redomiciled into Gibraltar (section 442, CA 2014)	Accounts as required under the Companies Act 2014 (subject to 9 month deadline imposed by section 29(3) of the ITA 2010)		
A non-Gibraltar company with a place of business in Gibraltar (section 431 Part XII, CA 2014)		Unaudited accounts of the non-Gibraltar company <i>plus</i> an extract of the Gibraltar-based activity <i>plus</i> a statement confirming that the Gibraltar figures have been extracted from the non-Gibraltar companies accounts	<u>If the non-Gibraltar company's accounts are audited</u> , then those audited accounts <i>plus</i> an extract of the Gibraltar-based activity <i>plus</i> a statement confirming that the Gibraltar figures have been extracted from the non-Gibraltar company's accounts. <u>If the non-Gibraltar company's accounts are not audited</u> , then audited accounts of the Gibraltar-based activity
A branch of a non-Gibraltar company (section 435 Part IV, CA 2014)			
Company in the process of liquidation	Accounts as required under the Companies Act 2014. Where the company is in receipt of assessable income in Gibraltar, the following additional requirements apply: 1. Detailed tax computation, and 2. Full settlement of the tax liability within 30 days from the date of filing.		

These accounts are the minimum requirements for the company to be compliant with its filing obligations under s29 of the ITA 2010. Companies may exceed this minimum filing requirement.

An incomplete return will incur penalties under section 65 of the ITA 2010.

Section A – Period in respect of which this return is made

This section must be completed by all companies making a return.

A return in respect of any period ending on or after 1st January 2016 must be submitted even if there is no tax liability in the period covered by the return. A return in respect of an earlier period is only required if the company had assessable income in Gibraltar at any time during the period covered by the return.

- A1** Enter the first day of the accounting period which is the subject of the return.
- A2** Enter the last day of the accounting period which is the subject of the return.

Section B – Taxpayer Details

This section must be completed by all companies making a return.

- B1** Enter the name of the company as stated on its certificate of incorporation or, if the company has changed its name thereafter, as stated on the certificate of change of name.
- B2** Enter the Gibraltar incorporation number as stated on the company's certificate of incorporation.
- B3** Enter the Taxpayer Identification Number ("TIN" – *also known as Taxpayer's Reference*) as provided by the Gibraltar Income Tax Office. If you do not know the company's TIN, please request it via email at corporatetax@gibraltar.gov.gi.
- B4** Enter the registered address of the company.
- B5** This is an industry standard code which is used throughout Europe and denotes a company's principal activity. The code is composed of five digits, where the first digit may be zero. Where this is the case, enter zero in the first box, followed by the remaining four digits.

A copy of the full list of codes is available on the Companies House webpage at www.companieshouse.gi/publications/FAR20.pdf



- B6 & B7** If the company is trading in Gibraltar and the address of the company's principal place of business is different to the registered address entered in B4 above, please enter trading address at B7. Otherwise, please tick box B6.
- B8 & B9** If the company trades under a different name to that which is stated on its certificate of incorporation (or change of name) as entered at B1 above, please enter the trading name at B9. Otherwise, please tick box B8.
- B10 to B14** Every company registered in Gibraltar or having assessable income in Gibraltar is required to make a return of its income by the filing date, in accordance with Section 29 of the ITA 2010. All companies trading in or from Gibraltar are required to register in Gibraltar under the CA 2014.
- As stated on page 2 of this guide, a company's minimum accounts filing requirements depend on three factors: the type of registration under the CA 2014 and the level of assessable income in Gibraltar and whether the company is in the process of being liquidated.
- This section of the return requires you to indicate whether the company is registered in Gibraltar and, if so, what type of registration this is.
- B10** Tick this box if the company is incorporated in Gibraltar and is not a Public Limited Company.
- B11** Tick this box if the company is a Public Limited Company incorporated in Gibraltar or re-registered (from private to public company) under section 38 of the CA 2014.
- B12** Tick this box if the company was incorporated outside Gibraltar and was re-domiciled into Gibraltar under section 442 of the CA 2014.
- B13** Tick this box if the company is registered under section 431 – Part XII of the CA 2014.
- B14** Tick this box if the company is a branch of an overseas company in Gibraltar registered under section 445 – part XIV of the CA 2014.
- B15** Tick this box if the company is **not registered** in Gibraltar.

- B16 and B17** If either the day or the month are less than 10, enter zero in the first 'DD' or 'MM' box:
eg 1st January 2018: 01/01/2018
- B16** If the company commenced to trade in the period which is the subject of the return, please enter the date of commencement. Otherwise, please leave blank.
- B17** If the company ceased to trade in the period which is the subject of the return, please enter the date of cessation. Otherwise please leave blank. In the event that the company ceased to trade in an earlier period but did not notify the Income Tax Office, please send an email to corporatetax@gibraltar.gov.gi stating the date of cessation.
- B18** Tick this box if a Liquidator has been appointed. Otherwise, please leave blank, even if it is the company's intention to wind up in future.
- B19** Tick this box if the company has been issued with a first notice of striking off by the Registrar or the company has applied to the Registrar for it to be struck off. Otherwise, please leave blank, even if it is the company's intention to apply for striking of in future.

Section C – Turnover and Assessable Income Declaration

This section must be completed in Sterling by all companies in receipt of assessable income in Gibraltar in the period which is the subject of the return.

Either Section C or Section D must be completed.

- C1** Enter the company's total turnover, gross income or revenue in the period as per the company's accounts, **including income which is not subject to tax in Gibraltar under the ITA 2010.**
- C2 to C4** If the company has assessable income in Gibraltar in the period equal to or in excess of £1.25m, tick box C3, otherwise, tick box C4.
- C5** Enter the figure which represents the company's taxable profit or loss in the period after total net adjustments but before agreed losses brought forward.

Section D – Company Size

This section must be completed by all companies not in receipt of assessable income in Gibraltar in the period which is the subject of the return.

Either Section C or Section D must be completed.

D1 Tick the box which confirms the size of the company, as stipulated by the CA 2014:

Size of company (as submitted to Companies' House)	A company's size is determined by the fact that it meets at least two of the following criteria:			Minimum filing requirement
	Net Turnover (pro-rated if not equal to 12 months)	Balance Sheet Total (total assets)	Average number of persons employed in each year	
Micro-Entity	Does not exceed £632,000	Does not exceed £316,000	Does not exceed 10	Abridged Balance Sheet
Small	Does not exceed £10.2 million	Does not exceed £5.1 million	Does not exceed 50	Abridged Balance Sheet
Medium	Does not exceed £36 million	Does not exceed £18 million	Does not exceed 250	Full Abridged Accounts ²
Large ¹	Exceeds £36 million	Exceeds £18 million	Exceeds 250	Full Accounts ³

¹ A public company is a large company for the purposes of the Companies Act.
² Full Abridged Accounts consist of a Balance Sheet, Abridged Profit and Loss Account, Notes, Directors' Report and Auditor's Report.
³ Full Accounts consist of a Balance Sheet, Profit and Loss Account, Notes, Directors' Report and Auditor's Report.

Section E – Supplemental Information

This section provides statistical data and must be completed (in Sterling where relevant) by all companies making a return.

E1 If the company has any employees, or directors (other than another company) in receipt of remuneration from the company, enter the total number of individuals employed by the company (including individual directors as described above) as at the end of the accounting period in respect of which the return is made. Otherwise, enter zero.

E2 If the company has a depreciation charge in the Profit and Loss Account in the accounting period in respect of which the return is made, enter the total depreciation. No adjustment in respect of non-taxable income or other is required for the purposes of completing this box. Otherwise, enter zero.

E3 If the company has declared a dividend in the period in respect of which the return is made, whether or not said dividend has been paid, enter the total dividend declared. Otherwise, enter zero.

- E4** If any of the company's directors (other than another company) is in receipt of remuneration from the company, enter the sum total of any payments made to all of the directors of the company in the period which is the subject of the return. Otherwise, enter zero.
- E5** If the company has paid or received any interest arising from an intercompany loan in the period which is the subject of the return, enter the total interest paid and/or received. Otherwise, enter zero. You should note the provisions of Schedule 1 Class 1A of the ITA 2010 in this connection.
- E6** If the company has paid to or received from another company any royalties in the period which is the subject of the return, enter the sum total of royalties paid and/or received. Otherwise, enter zero. Please note that royalty income is subject to taxation in Gibraltar from 1 January 2014.

Section F – Agent Submitting this Return

This section must be completed.

The return must be filed by a statutory officer or shareholder of the company or a person authorised to do so. The Income Tax Office requires written confirmation from the company that the agent is duly authorised to act on its behalf. See Guidance Note CT101: How to Register as an Agent.

- F1** Enter the name of the individual or company who is submitting the return on the company's behalf. This can be either a shareholder or statutory officer of the company (director or secretary) or an agent authorised by the company to submit the return. Said authority can be granted either to a named individual or to a company.

Where the person submitting the return is neither a shareholder nor a statutory officer of the company, the Income Tax Office requires documentary evidence that they are authorised to file the company's return.

You can complete Form CT3A – Authorising your Agent (available on the 'Downloads' section of our webpage:



or from our offices at the address given at the end of this Guidance Note).

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Alternatively, you can submit a letter addressed to the Commissioner of Income Tax confirming said authority, bearing an original signature of a shareholder or statutory officer of the company.

If this authority has not previously been submitted to the Income Tax Office, you are required to do so. Failure to do so will invalidate the submission.

F2 to F9 This section requires you to confirm your authorised capacity. There will be instances where one individual is authorised on multiple grounds by holding two or more of the positions listed in this section. Where this is applicable, please tick all of the relevant boxes. If you tick box **F9** and you have not already done so, you are required to attach to the return a copy of the authority. **Failure to do so will invalidate the submission.**

F10 Enter a contact telephone number of the person named in **F1**.

F11 Enter the email address of the person named in **F1**.

Section G – Declaration

This section must be completed.

G1 You should note the contents of this warning.

A company which submits an incorrect return will incur penalties under section 66 of the ITA 2010, as follows:

Penalties for False Returns, etc.

66(1) Where a person fraudulently, recklessly or negligently –

(a) Delivers any incorrect return of a kind mentioned in section 28 or 29;

(b) Submits to the Commissioner any incorrect accounts information, statement or declaration in connection with the ascertainment of the taxation to which he is liable in response to an information notice under section 6 or section 32;

He shall where (i) exceeds (ii) **be liable to a penalty up to 150 per cent** of the difference between-

- (i) *The amount of the taxation due in the relevant year of taxation if the return, information, statement, declaration or accounts as made or submitted in it had been correct, and*
- (ii) *The amount of the taxation due for the relevant year of taxation on the basis of the return, information, statement, declaration or accounts as originally made or submitted.*

Section 65 of the Income Tax Act 2010 reads, inter alia, as follows:

Penalties for failure to comply with requirements on return.

65. (1) *This section applies where any person-*

- (a) *has failed to make a full and complete return for the purposes of section 28 or 29; and*
- (b) *has failed to deliver such return.*

(2) *The person shall be liable to a penalty of £50.*

(3) *If the failure by the person to comply with the requirements of section 28 or 29 continues after the period of-*

- (a) *three months beginning with the filing date on which the return should have been delivered, the person shall be liable to a further penalty of £300;*
- (b) *six months beginning with the filing date on which the return should have been delivered, the person shall be liable to an additional penalty of £500.*

G2 & G3

A statutory officer or an authorised agent of the company must acknowledge and accept the declaration at **G2** by signing in box **G3**. Failure to do so will render the return incomplete and the company liable to penalties under section 65 of the Income Tax Act 2010 (see **G1** above).

For information on who is authorised to sign this return, please see **F1** above and **Guidance Note CT101: How to Register as an Agent**.

G4

Enter the date on which this section is completed.

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Section H – Documents submitted with this form

This section must be completed.

You are required to confirm which documents are being submitted with Form CT1. Please note that a Company Tax Return is **not just Form CT1**. It includes the compulsory elements stated in pages 1 and 2 of this Guidance Note.

An incomplete return will incur penalties under section 65 of the ITA 2010.

Refer to the table on page 2 of these notes to identify the minimum accounts filing requirements for each company making a return.

H1 to H12 Tick as many items as may be relevant to your submission. You should note that not submitting a compulsory element of the return will render it incomplete and the company liable to penalties under section 65 of the ITA 2010.

H10 & H11 If the company has assessable income in Gibraltar, you must have completed Section C of this form. The company's tax liability for the period will have been settled in whole or in part via payments on account. Any outstanding balance of liability is due on submission of the return.

If payment has been effected via bank transfer, please tick box **H10** and attach a copy of the relevant bank transfer.

If payment is being submitted in the form of a cheque with the return, please tick box **H11**.

Failure to settle the liability in full by the due date, in accordance with section 39 of the ITA 2010, will incur surcharges in accordance with section 64 of the ITA 2010.

For information on payment methods please refer to our webpage:

<https://www.gibraltar.gov.gi/new/report-changes>



Should you require any further assistance to complete Form CT1 or have any other queries in relation to a corporate taxpayer, please refer to our webpage:
www.gibraltar.gov.gi/new/corporate



Or contact us:

Email corporatetax@gibraltar.gov.gi

Call (00 350) 200 74889

Write or visit Corporate Section
Income Tax Office
St Jago's Stone Block
331 Main Street
Gibraltar

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