

5.4 Excluded Account

These accounts are excluded because they have been identified as carrying a low risk of use for tax evasion, generally because of the regulatory regimes under which they function.

5.4.1 Specified Excluded Accounts

A list of excluded accounts under the CRS are defined in the Regulations (Section VIII: Defined Terms) and must meet the criteria of the following Financial Accounts;

- Broad Participation Retirement Fund,
- Narrow Participation Retirement Fund
- Pension Fund of a Government Entity
- International Organisation
- Central Bank

5.4.2 Other Excluded Accounts

An account that otherwise meets all the conditions of the following sections of “Excluded Account” under Section VIII;

- (a) Certain Retirement and Pension accounts
- (b) Certain Investment Vehicle accounts
- (c) Certain Life Insurance Contracts
- (d) Account held solely by an Estate
- (e) Accounts established for court orders & judgements; accounts related to sale, exchange or lease of real or personal property, an FIs account to service a secured loan, an Account for an FI to facilitate payment of taxes at a late time
- (f) Certain Depository Accounts
- (g) Dormant Accounts [requires election] (see Section 6.3)

TO QUALIFY AS AN “EXCLUDED ACCOUNT” THE ACCOUNT MUST MEET ALL OF THE REQUIREMENTS IN THE DEFINITION.

Where an account, not otherwise specifically listed as an Excluded Account under the CRS has substantially similar criteria to named Excluded Accounts, it may be considered to be an Excluded Account under the CRS.

5.4.3 Exempt Guernsey Retirement Funds

Further to the Exclusions specified in section 5.4.2 above, where they meet the above criteria, the following Guernsey Retirement Funds will be considered “Excluded Accounts”

- Pensions approved Section 150 of the Income Tax (Guernsey) Law, 1975, as amended (“the Income Tax Law”)
- Retirement Annuity Trust Schemes (RATS) approved under section 157A of the Income Tax Law and open to Guernsey residents only [See Section 5.2]
- An employer’s sponsored RATS approved under section 157A of the Income Tax Law with no more than 5% of the assets held for any one member [Broad Participation Retirement Fund]

with no more than 50 members and where contributions are limited relative to pay [Narrow Participation Retirement Fund]

- A RATS approved under section 157A of the Income Tax Law where annual contributions are limited to no more than \$50,000 per annum, per member, or where lifetime contributions cannot exceed \$1,000,000 is a Retirement and Pension Account under definition of Excluded Account (a)

For the avoidance of doubt, where a Retirement Fund is approved under Section 157A of the Income Tax Law, has contributions limited to \$50,000 per annum but, for example allows withdrawal at an age of 50 (therefore prior to becoming 55 years of age) then it does NOT meet all the criteria and will not, under this category be considered an Exempt Account.