No. 8056

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
and
JAMAICA

Agreement for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income. Signed at London, on 2 April 1965

Official text: English.

Registered by the United Kingdom of Great Britain and Northern Ireland on 28 January 1966.

ROYAUME-UNI DE GRANDE-BRETAGNE ET D'IRLANDE DU NORD
et
JAMAÏQUE

Convention tendant à éviter la double imposition et à prévenir l'évasion fiscale en matière d'impôts sur le revenu. Signée à Londres, le 2 avril 1965

Texte officiel anglais.

Enregistrée par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le 28 janvier 1966.

No. 8056. AGREEMENT[1] BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF JAMAICA FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION WITH RESPECT TO TAXES ON INCOME. SIGNED AT LONDON, ON 2 APRIL 1965

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Jamaica,

Desiring to conclude an agreement for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income,

Have agreed as follows :

Article I

(1) The taxes which are the subject of the present Agreement are :

(*a*) In the United Kingdom of Great Britain and Northern Ireland :

(i) the income tax (including surtax) ; and

(ii) the profits tax

(hereinafter referred to as "United Kingdom tax") ;

(*b*) In Jamaica :

(i) the income tax (including surtax) ; and

(ii) the company profits tax

(hereinafter referred to as "Jamaican tax").

(2) This Agreement shall also apply to any identical or substantially similar taxes which are subsequently imposed in addition to, or in place of, the existing taxes by either Government or by the Government of any territory to which the present Agreement is extended under Article XXII.

Article II

(1) In the present Agreement, unless the context otherwise requires—

[1] Came into force on 3 August 1965, in accordance with article XXIII (1).

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

(*b*) the term "Jamaica" means the Island of Jamaica, the Morant Cays, the Pedro Cays and their Dependencies ;

(*c*) the terms "one of the territories" and "the other territory" mean the United Kingdom or Jamaica as the context requires ;

(*d*) the term "taxation authorities" means, in the case of the United Kingdom, the Commissioners of Inland Revenue or their authorised representative ; in the case of Jamaica, the Commissioner Income Tax or his authorised representative ; and, in the case of any territory to which this Agreement is extended under Article XXII, the competent authority for the administration in such territory of the taxes to which this Agreement applies ;

(*e*) the term "tax" means United Kingdom tax or Jamaican tax, as the context requires ;

(*f*) the term "person" includes any body of persons, corporate or not corporate ;

(*g*) the term "company" means any body corporate ;

(*h*) (i) the terms "resident of the United Kingdom" and "resident of Jamaica" mean respectively any person who is resident in the United Kingdom for the purposes of United Kingdom tax and any person who is resident in Jamaica for the purposes of Jamaican tax, but

(ii) where by reason of the provisions of sub-paragraph (i) above an individual is a resident of both territories, then this case shall be solved in accordance with the following rules :

(*aa*) he shall be deemed to be a resident of the territory in which he has a permanent home available to him. If he has a permanent home available to him in both territories, he shall be deemed to be a resident of the territory with which his personal and economic relations are closest (hereinafter referred to as his "centre of vital interests") ;

(*bb*) if the territory in which he has his centre of vital interests cannot be determined, or if he has not a permanent home available to him in either territory, he shall be deemed to be a resident of the territory in which he has an habitual abode ;

(*cc*) if he has an habitual abode in both territories or in neither of them, he shall be deemed to be a resident of the territory of which he is a national ;

(*dd*) if he is a national of both territories or of neither of them, the taxation authorities of the territories shall determine the question by mutual agreement ;

(iii) where by reason of the provisions of sub-paragraph (i) above a legal person is a resident of both territories, then it shall be deemed to be a resident of the territory in which its place of effective management is situated ; the same provision shall apply to partnerships and associations which under the national laws by which they are governed are not legal persons ;

(*i*) the terms "resident of one of the territories" and "resident of the other territory" mean a person who is a resident of the United Kingdom or a person who is a resident of Jamaica, as the context requires ;

(*j*) the terms "United Kingdom enterprise" and "Jamaican enterprise" mean respectively an industrial or commercial enterprise or undertaking carried on by a resident of the United Kingdom and an industrial or commercial enterprise or undertaking carried on by a resident of Jamaica, and the terms "enterprise of one of the territories" and "enterprise of the other territory" mean a United Kingdom enterprise or a Jamaican enterprise, as the context requires ;

(*k*) (i) the term "permanent establishment" means a fixed place of business in which the business of the enterprise is wholly or partly carried on ;

(ii) a permanent establishment shall include especially :

(*aa*) a place of management ;

(*bb*) a branch ;

(*cc*) an office ;

(*dd*) a factory ;

(*ee*) a workshop ;

(*ff*) a mine, quarry or other place of extraction of natural resources ;

(*gg*) a building site or construction or assembly project which exists for more than twelve months ;

(iii) the term "permanent establishment" shall not be deemed to include :

(*aa*) the use of facilities solely for the purpose of storage, display or delivery of goods or merchandise belonging to the enterprise ;

(*bb*) the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of storage, display or delivery ;

(*cc*) the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of processing by another enterprise ;

(*dd*) the maintenance of a fixed place of business solely for the purpose of purchasing goods or merchandise, or for collecting information for the enterprise ;

(*ee*) the maintenance of a fixed place of business solely for the purpose of advertising, for the supply of information, for scientific research or for similar activities which have a preparatory or auxiliary character, for the enterprise ;

(iv) a person acting in one of the territories on behalf of an enterprise of the other territory—other than an agent of an independent status to whom sub-paragraph (v) applies—shall be deemed to be a permanent establishment in the first-mentioned territory if he has, and habitually exercises in that territory, an authority to conclude contracts in the name of the enterprise, unless his activities are limited to the purchase of goods or merchandise for the enterprise ;

(v) an enterprise of one of the territories shall not be deemed to have a permanent establishment in the other territory merely because it carries on business in that other territory through a broker, a general commission agent or any other agent of an independent status, where such persons are acting in the ordinary course of their business ;

(vi) the fact that a company which is a resident of one of the territories controls or is controlled by a company which is a resident of the other territory, or which carries on business in that other territory (whether through a permanent establishment or otherwise), shall not of itself constitute either company a permanent establishment of the other ;

(*l*) the term "international traffic" includes traffic between places in one country in the course of a voyage which extends over more than one country.

(2) Where under this Agreement any income is exempt from tax in one of the territories if (with or without other conditions) it is subject to tax in the other territory and that income is subject to tax in that other territory by reference to the amount thereof which is remitted to or received in that other territory, the exemption or reduction of tax to be allowed under this Agreement in the first-mentioned territory shall apply only to the amount so remitted or received.

(3) In the application of the provisions of the present Agreement by one of the Contracting Governments any term not otherwise defined shall, unless the context otherwise requires, have the meaning which it has under the laws of that Government relating to the taxes which are the subject of the present Agreement.

Article III

(1) The industrial or commercial profits of a United Kingdom enterprise shall not be subject to Jamaican tax unless the enterprise carries on a trade or business in Jamaica through a permanent establishment situated therein. If it carries on a trade or business as aforesaid, tax may be imposed on those profits by Jamaica, but only on so much of them as is attributable to that permanent establishment.