

RegTech Super-Deduction

Technical guidance

RegTech Super-Deduction at a glance:

Beginning in the year of assessment 2024, Financial services companies under 123D of the [Income Tax \(Jersey\) Law 1961](#) can deduct 150% of spending on software, hardware and associated training for the purposes of complying with the regulations and guidance of the Jersey Financial Services Commission when computing tax-adjusted profit.

- Regulatory compliance activities are defined in Article 3AF of the Income Tax Law
- The Super-Deduction for operating expenses is provided for in Article 70E of the Income Tax Law
- The Super-Deduction for capital expenditure is provided for in Article 106BA of the Income Tax Law.

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1 Background

The RegTech Super-Deduction pilot programme is designed to encourage financial services companies to invest in regulatory compliance technology (RegTech) through targeted income tax relief.

RegTech is software and hardware that assists businesses in managing the legal obligations and standards set by their industry's supervisory bodies, for example the regulations and guidelines of the Jersey Financial Services Commission (JFSC).

Beginning on 1 January 2024, eligible companies will be able to deduct 150% of qualifying expenditure related to the purchase and implementation of RegTech in the year of acquisition.¹ By rewarding investment in automated processes, the policy intends to help businesses free up Jersey's talented workforce to focus on revenue-generating activities and innovation.

Financial services are the cornerstone of Jersey's economy and the Island's key competitive advantage. The finance sector was chosen for this pilot programme because it pays a positive rate of income tax, contributing over two-thirds of business tax revenues. The effectiveness and fiscal impact of the Super-Deduction will be evaluated after 2 years of operation.

2 Eligible companies

To claim the RegTech Super-Deduction, a company must meet the criteria defined in Article 3AF(3) of the [Income Tax \(Jersey\) Law 1961](#) (the "Income Tax Law"):

- It must be a financial services company under Article 123D of the Income Tax Law; and
- It must be regulated by the JFSC as a financial services business within the meaning of Schedule 2 of the [Proceeds of Crime \(Jersey\) Law 1999](#) (the "Proceeds of Crime Law").

These criteria require the company to have a permanent establishment in Jersey and be charged tax under Schedule D at the rate of 10%. Further, the company must be registered with the JFSC, and hold permits or licenses under the following laws, or be a provider of credit facilities to customers under prescribed conditions:²

- [Financial Services \(Jersey\) Law 1998](#)
- [Financial Services \(Financial Service Business\) \(Jersey\) Order 2009](#)
- [Banking Business \(Jersey\) Law 1991](#)
- [Collective Investment Funds \(Jersey\) Law 1988](#)
- [Insurance Business \(Jersey\) Law 1996](#)

Table 1 provides examples of entities that are eligible and ineligible.

¹ For capital expenditure, allowances which exceed the assessable profit in the year of assessment may be carried forward and deducted in succeeding years until exhausted as usual, following the [Capital allowances guide](#).

² This list and description are not exhaustive. Consult Article 123D of the [Income Tax \(Jersey\) Law 1961](#) and Schedule 2 of the [Proceeds of Crime \(Jersey\) Law 1999](#) or contact Revenue Jersey if in doubt.

Table 1: Examples of eligible and ineligible entities

| <u>Eligible if structured as 10% companies</u> | <u>Ineligible</u> |
|--|---|
| <ul style="list-style-type: none">• Trust Company Businesses (TCBs) and other trust and company service providers• Fund Services Businesses (FSBs)• Investment Businesses (IBs)• General insurance mediation businesses• Virtual asset service providers | <ul style="list-style-type: none">• Designated non-financial businesses and professionals regulated by the JFSC if they are not Article 123D companies charged 10% tax under Schedule D. For example:<ul style="list-style-type: none">○ Real estate agents○ High value dealers (sellers of jewellery, art and antiques, precious metals, cars and yachts)○ Lawyers○ Accountants○ Casinos• 0% administrative service entities that may support regulatory compliance |

3 Eligible expenditure

To be eligible for the Super-Deduction, spending must fall within [eligible categories](#) of technology that support [regulatory compliance activity](#) as their [core purpose or overwhelming majority of use](#). Purchases may be made directly from RegTech suppliers, [developed in-house](#), or in limited conditions made via a [service entity](#).

3.1 Eligible categories

Eligible categories of expenditure include:

- **software, including software subscriptions and licences.** Software can be purchased under license either on a subscription-basis (software as a service) or on a perpetual basis (one-off purchase); alternatively, it can be developed internally as a proprietary solution (for which development expenses may be claimed at cost).
- **computer hardware.** Hardware includes physical capital and associated expenses related to its acquisition, installation, and configuration, capitalised in-line with accepted accounting principles.
- **training that is delivered by an external provider on the use of RegTech hardware or software.** Training expenses can be claimed if they relate directly to the use of new RegTech software or hardware for which the Super-Deduction has been claimed. The training must be delivered by an arm's length third-party provider. Training may be periodic when related to subscription-based and licensed software or when associated with updates and expansions of hardware. General regulatory compliance training that is not related to specific technologies is out of scope.

The 150% deduction is available regardless of whether the spending is an operating expense consumed in the year of assessment or capital expenditure providing an asset with benefits in future years. Eligible RegTech operating expenses are prescribed in Article 70E of the Income Tax Law, while capital expenditure is provided for in Article 106BA of the Income Tax Law (*Special provision as to regulatory compliance activity*).

See [Section 4.1](#) and [4.2](#) for how to apply the deduction to capital assets.

3.2 Meaning of regulatory compliance activity

Companies must be able to demonstrate that expenditure claimed in respect of the Super-Deduction is used to support the regulatory compliance activity within the JFSC categories described in Article 3AF(2) of the Income Tax Law. That is,

- (a) the prevention of financial crime, including combatting money laundering activity and combatting of the financing of terrorism and the proliferation of weapons of mass destruction;
- (b) the management of data and information and cyber risks and the protection of identity and privacy;
- (c) other activities required by the JFSC for risk management, fraud prevention and the good conduct of financial services;
- (d) regulatory reporting and analytics, and compliance management in relation to the activities in sub-paragraphs (a) to (c).

Regulatory activities solely under the supervision of other bodies such as the Jersey Office of the Information Commissioner may be eligible provided they overlap with Article 3AF(2) categories (see Box 1). Regulatory activities under international commitments such as the [agreement between Jersey and the U.S.](#) to implement the Foreign Account Tax Compliance Act (FATCA) may be eligible under 3AF(2)(d) provided they relate to activities in 3AF(2)(a), 3AF(2)(b), and 3AF(2)(c), for example, if transmission is based on documentation collected pursuant to AML/KYC Procedures.

Companies should keep records that demonstrate how the laws, orders, regulations, or rules enforced by the JFSC have created obligations that their spending will help meet. Companies may find the JFSC's [Handbook on AML/CFT/CPF](#) useful for this purpose. For example, a company purchasing a Digital ID System for customer onboarding should be able to demonstrate that it is an acceptable solution in-line with the Customer Due Diligence (CDD) guidance in the Handbook on AML/CFT/CPF and is necessary to comply with the Money Laundering Order (which in turn is required under Article 37(4) of the Proceeds of Crime Law). Companies do not have to submit this documentation along with their claims; however, they may be required to produce it upon request by Revenue Jersey, for example during a compliance audit.

Box 1: Devices and services exclusively used for encrypting and safeguarding customer data

The [Data Protection \(Jersey\) Law 2018](#) is Jersey's implementation of the European General Data Protection Regulation (GDPR). It is regulated and enforced by the Jersey Office of the Information Commissioner (JOIC), which is empowered to sanction or fine organisations for misusing data or failing to keep it secure.

Technology for complying with the Data Protection Law and associated regulations on encrypting and safeguarding customer data is in scope for the RegTech Super-Deduction provided it fulfils complementary laws, regulations, and guidance on the management of data and information related to areas of supervision of the JFSC. For example, under its AML/CFT/CPF obligations, a JFSC-supervised company must prepare a Business Risk Assessment (BRA) and, based on its conclusions, implement controls that mitigate risks. These controls include cyber security protocols. Software or hardware that was identified in the company's BRA as necessary controls for encrypting data to mitigate cyber security risks would be eligible for the Super-Deduction.

Similarly, JFSC-supervised payment service providers registered under the [Banking Business \(Jersey\) Law 1991](#), Virtual Asset Service Providers (VASP), and Money or Value Transfer Services (MVTs) must fulfil legal obligations under the [EU Legislation \(Information Accompanying Transfers Of Funds\) \(Jersey\) Regulations 2017 \(the Wire Transfers Regulations\)](#) when processing personal data. These include requirements to notify new customers of the information pursuant to the Data Protection Law and limits on how long information on the payer and payee can be retained. Software that assists a supervised company in fulfilling these obligations would be eligible.

3.3 Apportionment of use

For purposes of the RegTech deduction, Revenue Jersey will not apply a strict wholly-and-exclusively test. Instead, Revenue Jersey will consider “For the purposes of regulatory compliance activity” under Article 70E of the Income Tax Law as having the meaning that, for standalone software (that is, independent of other applications to function), the core purpose (its reason for acquisition) is to support the regulatory compliance activity listed in Article 3AF. “Support” will have the meaning of digitising, automating, streamlining, archiving or improving the quality of data, information, or processes.

For software suites or administration platforms with tiered or module-based pricing, any separately priced features are eligible for the Super-Deduction if they support the regulatory compliance activity listed in Article 3AF. The cost of the platform’s basic administration functionality or modules and tiers unrelated to regulatory compliance are not eligible.

For software suites or administration platforms that are not separately priced, an apportionment of the cost may be made using one of the following criteria depending on relevance and simplicity of application to the company’s operations:

- **Output-Based Apportionment:** The percentage of total measurable outputs or benefits from the software such as reports generated, hours saved due to automation, or revenue attributed to its regulatory compliance features.
- **Time-Based Apportionment:** The percentage of total usage time that is devoted to regulatory compliance features.
- **Functionality-Based Apportionment:** The percentage of regulatory compliance features used out of the total available features.

For hardware, Revenue Jersey will consider “For the purposes of regulatory compliance activity” to have the meaning that an overwhelming majority of the hardware’s use is for activities listed in Article 3AF.

For example:

- TrustUs ProSuite offers an end-to-end company administration platform for £900 per month for up to 100 users. Customers can opt for a silver tier for an additional £100 a month that allows users to generate regulatory reports in JFSC formats to comply with requirements to report changes to beneficial ownership, sources of funds, and customer entity risk ratings. The additional £100 for the silver tier is eligible for the Super-Deduction.
- TrustTools ExpertPlatform offers an end-to-end company administration platform priced at £1,000 per month for managing up to 50 trusts. It includes regulatory report generation capabilities. If regulatory report generation and other compliance-related features represent 10% of the platform’s functionality, then £100 (10% of £1,000) may be apportioned as RegTech expenditure eligible for the Super-Deduction.
- Computers and monitors for general office purposes that are used by staff to access software for regulatory reporting and analysis will not be eligible for the deduction. However, a dedicated touchscreen terminal in a bank’s foyer that assists customers in creating or verifying a digital ID would be eligible.
- An office scanner that is used to scan passport pages but is also used for general printing and photocopying would not be eligible. However, a specialised desktop device that can read the Electronic Identification chips on e-Passports and is exclusively dedicated to customer onboarding would be eligible.

Table 2 gives examples of eligible software and hardware that would typically be used exclusively to comply with JFSC regulations, or for the overwhelming majority of the asset’s use. It also gives

examples of generally ineligible software and hardware that may have mixed uses for both regulatory compliance and other general office applications; for these cases the technology would only be eligible if there is an exceptionally clear use case that its core purpose is RegTech compliance.

Table 2: Examples of eligible and ineligible software and hardware

| <u>Eligible</u> | <u>Ineligible unless clear use case</u> |
|---|--|
| <p>1. RegTech modules of multipurpose software suites: The tiered payments or apportioned modules of multipurpose software packages that facilitate KYC, CDD, AML, or regulatory reporting functionalities (see Subsection 3.3). Components used for the primary purpose of general administration processes like client management, relationship management, and human resources management are ineligible.</p> <p>2. Dedicated customer onboarding software: Software specifically designed for conducting KYC checks, including identity verification, background checks, and risk assessments. The software can be under a perpetual license (one-off purchase) or subscription-based model (software as a service).</p> <p>3. AML compliance platforms: Specialised software for monitoring transactions, detecting suspicious activities, and reporting transactions under AML regulations.</p> <p>4. Biometric authentication hardware: Devices like fingerprint scanners or facial recognition systems used exclusively for client identity verification.</p> <p>5. Document verification systems: Hardware and software for scanning, verifying, and storing customer documents as part of due diligence processes.</p> <p>6. Secure servers: Dedicated servers used solely for storing and processing customer data in compliance with guidelines from the JFSC.</p> <p>7. Blockchain Analysis Tools: Software for analysing blockchain transactions, relevant for cryptocurrency-related KYC and AML compliance.</p> <p>8. Compliance Reporting Software: Systems designed to generate and submit regulatory compliance reports.</p> <p>9. Risk Assessment Software: Tools for assessing and managing risks associated with customers and transactions, if such assessments or reports are required by JFSC guidance.</p> | <p>1. Standard office computers, monitors, and laptops: Used for a variety of tasks, but not limited to, regulatory activities.</p> <p>2. Standard office software: Generic software licenses or services like Microsoft Office or Google Workspace used across business functions including regulatory activities.</p> <p>3. General-purpose servers: Servers that are used for general business activities, even if some of those activities involve regulatory compliance processes.</p> <p>4. Cloud storage services: Used for storing a mix of operational and customer data.</p> <p>5. Communication software: Platforms like email or chat systems that are used for general business correspondence along with correspondence with regulators.</p> <p>6. Mobile devices: Smartphones or tablets used by staff for regulatory compliance purposes but also for general business activities.</p> <p>7. Networking hardware: Routers, switches, and Wi-Fi systems that support both regulatory compliance and other business operations.</p> |

3.4 Software developed in-house

Costs associated with the development and maintenance of RegTech software in-house by a financial services company are eligible for the Super-Deduction provided the software is:

- Standalone software for the specific purpose of regulatory compliance activity, or
- An add-on module to a platform or software suite for the specific purpose of regulatory compliance activity.

Covered costs include those directly related to the software's design, implementation, and testing including apportioned salaries of the development team and costs of necessary hardware used exclusively for the software's development. All cost apportionment should be documented and use a rigorous and defensible methodology that clearly demonstrates the linkages of expenditure to the eligible product.

Excluded costs include:

- Costs associated with the development or maintenance of software used for the company's general administration or operational purposes are not eligible.
- General overhead costs, such as standard office expenses and costs related to the maintenance of general IT infrastructure.

3.5 Services provided by 0% entities

The Super-Deduction provides targeted tax relief for investment undertaken by financial services companies facing a 10% tax rate. If a 10% company has outsourced or otherwise structured support for its regulatory compliance services through a 0% services entity, the 0% entity is not eligible to apply the Super-Deduction and there is no mechanism in law to deem that the expense arises in the 10% company.

However, the Government recognises that some financial services groups structure their administrative services in separate business entities for (amongst other things) operational efficiency. In these cases, 0% companies may be permitted to pass through the costs of hardware and software subscriptions and licenses provided there is no markup, margin or additional service fees associated with the recharge—that is, it must be priced as if the 10% company contracted directly with the manufacturer or developer to purchase the hardware or software. To the extent that there are margins, markups or service fees associated with the transaction, such charges would not fall under the definition of eligible expenditure prescribed in Article 70E or the open market price condition on hardware in 106BA(5)(a).

For example, if a 0% service provider purchases 100 annual software licenses centrally for £100,000 and then allocates 10 licenses to each of the 10 trust company service providers within its group structure, each trust company service provider would be able to apply the Super-Deduction to £10,000 ($£100,000 \div 100 \times 10$) of expenses and therefore deduct £15,000 ($£10,000 \times 150\%$) when determining its taxable profits and gains.

4 Claiming the Super-Deduction

Beginning in the year of assessment 2024, the company tax return through the Taxes Office Online Services (TOOS) portal will include a check box to indicate if a company is claiming eligible expenditure under the RegTech Super-Deduction rate of 150%. This will be used to monitor uptake of the Super-Deduction and to control for the higher rate of deduction in compliance risk assessments. No additional worksheets or supporting documents must be submitted at the time of the return.

Approved agents and company officers are otherwise advised to continue claiming operating expenses and allowances following the previous [guidance](#) provided by Revenue Jersey and established accounting standards, except that:

- Where operating expenses are eligible for the Super-Deduction, they should be multiplied by 1.5 (increased by 50%) when determining assessable profits or gains. The deduction must be applied only in the acquisition year, as under standard accounting practice.
- Where capital acquisitions are eligible for the Super-Deduction, the deduction is to be treated as a 150% capital allowance. If the benefit of the allowance is not exhausted in the first year, the capital must be tracked in a separate pool but substituting 150% for 25%.

All required documentation of spending and declarations should be prepared as for other current and capital expenses, including invoices and proof of payment for qualifying expenditure. Company officers should also document their assessment of the RegTech expenditure against the eligibility criteria.

4.1 Treatment of the 150% Super-Deduction in capital pools

When treating the Super-Deduction in capital pools, the [capital allowances guide](#) should be followed, except for Paragraphs 32 and 33 related to balancing charges (discussed in Section 4.2). If the asset or assets may be sold to connected parties, they must be tracked separately in individual pools for balancing charge calculations.

Example: Application of Super-Deduction where the immediate tax benefit cannot be fully realised due to insufficient profits, leading to the carry forward of the excess deduction to subsequent years

Company A has financial year April to March. The company invests £200,000 in e-Passport chip readers in June 2024.

Tax-adjusted profit before Super-Deduction: £250,000 for the financial year ending 2025.

Cost of assets: £200,000.

Calculation for financial year ending 2025:

1. Super-Deduction claim
 - Eligible for 150% Super-Deduction on the asset's cost
 - Super-Deduction amount = 150% of £200,000 = £300,000.
2. Profit after Super-Deduction:
 - Tax-adjusted profit = £250,000.
 - Deduct Super-Deduction = £250,000 - £300,000 = (£50,000).
 - The company reports a loss for tax purposes due to the Super-Deduction exceeding its profits.
3. Carrying forward the excess deduction:
 - Excess deduction = |£250,000 - £300,000| = |-£50,000| = £50,000
 - This amount is carried forward to the next financial year as part of the 150% RegTech capital allowance pool for the e-Passport scanners.

During the subsequent financial year ending 2026:

Tax-adjusted profit before Super-Deduction: £300,000 for the financial year ending 2026.

Remaining Super-Deduction balance: £50,000 carried forward from 2025.

4. Applying the carried forward deduction:
 - Profit before applying the deduction carried forward = £300,000.
 - Deduct carried forward Super-Deduction = £300,000 - £50,000 = £250,000.
 - Final assessable profit for 2026 = £250,000.

4.2 Disposal of assets where the Super-Deduction has been claimed

The treatment of sale proceeds of assets on which the Super-Deduction was claimed depends on the relationship between the buyer and seller of that asset.

- For unrelated parties, the balancing charge of a disposal is 100% of disposal value.
- For connected parties, the balancing charge of a disposal is 100% if the asset is held for three or more financial periods, and 150% if held in for less than three financial periods.

In the following examples, assume the financial period end is 31 December.

Scenario 1: Disposal to an unconnected party

Asset purchase:

- June 2024: Company A purchases a RegTech asset for £100,000.
- They claim the Super-Deduction of £150,000 (150% of £100,000) in the year of acquisition.

Disposal event:

- The asset is sold to an unconnected party in any year.
- Sale Price: £60,000.
- Balancing charge: As per Article 106BA(4), a balancing charge of 100% of the disposal value applies. Hence, the balancing charge is £60,000.

Tax impact:

- The initial Super-Deduction claim reduces taxable income in 2024 by £150,000.
- On disposal, the balancing charge of £60,000 is added to taxable income in the disposal year.

Scenario 2: Disposal to a connected party before the third financial year following acquisition

Asset purchase:

- June 2024: Company B purchases a RegTech asset for £100,000.
- They claim a Super-Deduction of £150,000 (150% of £100,000) in the year of acquisition.

Disposal event:

- June 2026: Disposal to a connected party.
- Deemed disposal value: As per Article 106BA(5)(a), assume the open market value is £60,000.
- Balancing Charge: Since disposal is within 3 years, as per Article 106BA(5)(ii), the balancing charge is 150% of £60,000, which equals £90,000.

Tax impact:

- The initial Super-Deduction claim reduces taxable income in 2024 by £150,000.
- The higher balancing charge of £90,000 is added to taxable income.

Scenario 3: Disposal to a connected party after 3 years

Asset purchase:

- June 2024: Company C purchases a RegTech asset for £100,000.
- They claim a Super-Deduction of £150,000 (150% of £100,000) in the year of acquisition.

Disposal event:

- May 2027: Disposal to a connected party after three financial years.
- Deemed Disposal Value: Assume open market value is £60,000.
- Balancing Charge: Since disposal arises in the third financial year after the year of acquisition, as per Article 106BA(5)(i), the balancing charge is 100%, or £60,000.

Tax impact:

- The initial Super-Deduction claim reduces taxable income by £150,000.
- The balancing charge of £60,000 is added back to taxable income (and is smaller than a disposal within 3 years).

Revenue Jersey will consider applying the general anti-avoidance rule if a company changes its financial period end with a view to avoiding a 150% balancing charge.

4.3 Group relief

If applying the Super-Deduction results in a loss, group relief can be calculated and claimed as usual under Article 123F of the Income Tax Law, which permits a 123D loss-making group member (the

surrendering company) to offset the profits or gains of another group member (the claimant company) provided it is also an Article 123D company paying 10% within the corresponding accounting period.

5 Compliance and Review

5.1 Revenue Jersey's approach to verifying claims

Revenue Jersey will take a pragmatic and supportive approach in accepting claims under the Super-Deduction with the goal of encouraging as much RegTech investment as possible, provided it is aligned to the spirit of innovation and commercially sensible. We do not intend to impose undue administrative burdens on companies while scrutinising the verity of claims.

We will, however, pursue cases where the deduction is clearly abused, that is where expenditure is exaggerated, falsely represented, or where there is an attempt to wilfully misinterpret or distort the eligibility criteria. Further, the programme is being closely monitored for its effectiveness and Ministers may not extend it past the pilot period if it becomes evident it is being used in a way that was not intended.

If financial officers or tax agents are uncertain, Revenue Jersey can provide additional guidance and clarification through the Business Taxes help desk (bustax@gov.je) to ensure that claims are made correctly and in compliance with the programme's intent.

Revenue Jersey will review claims and may request additional information or undertake audits to ensure compliance with the incentive's intentions. To facilitate a smooth claim process, we advise maintaining comprehensive and accurate records of all expenditure claimed under the Super-Deduction. In the event of an audit or review, such documentation will be essential in validating the legitimacy of the claims.

6 Frequently asked questions

Why have DNFBPs been excluded from the definition of regulated entities?

In developing the RegTech Super-Deduction, the Government's aim was to target tax relief to those companies that are facing a positive rate of tax. Further, Ministers wanted to encourage strategic investment in enhancing the competitive edge of the Island's financial services sector. The programme will be evaluated to determine whether it is appropriately targeted.

The Government recognises and values the significant contributions of Designated Non-Financial Businesses and Professions (DNFBPs) like estate agents, lawyers and accountants to our economy. However, DNFBPs benefit from Jersey's 0% corporate tax rate and advantageous low personal tax regime for distributed profits. These measures collectively support the growth and prosperity of all businesses in Jersey, including DNFBPs, and are part of the Government's broader strategy to maintain a competitive and thriving economic landscape.

The Government is committed to continuously reviewing and adapting our fiscal policies to support the entire financial services ecosystem in Jersey. Your feedback is invaluable in shaping a fair and dynamic tax system and we welcome an ongoing dialogue to explore issues surrounding the taxation of DNFBPs.

7 Further assistance

For further assistance or clarification, please contact Revenue Jersey through the Business Taxes help desk: bustax@gov.je.