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STATUTORY INSTRUMENTS

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**1995 No. 762**

**INCOME TAX**

**The Double Taxation Relief (Taxes  
on Income) (Azerbaijan) Order 1995**

*Made - - - - 15th March 1995*

**THE DOUBLE TAXATION RELIEF (TAXES  
ON INCOME) (AZERBAIJAN) ORDER 1995**

1. This Order may be cited as the Double Taxation Relief...
2. It is hereby declared— (a) that the arrangements specified in...  
Signature

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SCHEDULE —

**PART I — CONVENTION BETWEEN THE GOVERNMENT OF THE  
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN  
IRELAND AND THE GOVERNMENT OF THE REPUBLIC  
OF AZERBAIJAN FOR THE AVOIDANCE OF DOUBLE  
TAXATION AND THE PREVENTION OF FISCAL EVASION  
WITH RESPECT TO TAXES ON INCOME AND CAPITAL  
GAINS**

The Government of the United Kingdom of Great Britain and...  
Desiring to conclude a Convention for the avoidance of double...  
Have agreed as follows:

**ARTICLE 1 — Personal scope**

This Convention shall apply to persons who are residents of...

**ARTICLE 2 — Taxes covered**

1. This Convention shall apply to taxes on income and on...
2. There shall be regarded as taxes on income and on...
3. The existing taxes to which this Convention shall apply are...
4. This Convention shall apply also to any identical or substantially...

**ARTICLE 3 — General definitions**

1. For the purposes of this Convention, unless the context otherwise...
2. A partnership or a joint venture deriving its status from...
3. As regards the application of this Convention by a Contracting...

**ARTICLE 4 — Residence**

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

1. For the purposes of this Convention, the term “resident of...
  2. Where by reason of the provisions of paragraph (1) of...
  3. Where by reason of the provisions of paragraph (1) of...
- ARTICLE 5 — Permanent establishment**
1. For the purposes of this Convention, the term “permanent establishment”...
  2. The term “permanent establishment” includes especially: (a) a place of...
  3. The furnishing of services, including consultancy services, in a Contracting...
  4. Notwithstanding the preceding provisions of this Article, the term “permanent...
  5. Notwithstanding the provisions of paragraphs (1) and (2) of this...
  6. An enterprise shall not be deemed to have a permanent...
  7. The fact that a company which is a resident of...
- ARTICLE 6 — Income from immovable property**
1. Income derived by a resident of a Contracting State from...
  2. The term “immovable property” shall have the meaning which it...
  3. The provisions of paragraph (1) of this Article shall apply...
  4. The provisions of paragraphs (1) and (3) of this Article...
- ARTICLE 7 — Business profits**
1. The profits of an enterprise of a Contracting State shall...
  2. Subject to the provisions of paragraph (3) of this Article,...
  3. In determining the profits of a permanent establishment, there shall...
  4. Insofar as it has been customary in a Contracting State...
  5. No profits shall be attributed to a permanent establishment by...
  6. For the purposes of the preceding paragraphs, the profits to...
  7. Where profits include items of income or capital gains which...
- ARTICLE 8 — Shipping and air transport**
1. Profits of an enterprise of a Contracting State from the...
  2. For the purposes of this Article, profits from the operation...
  3. The provision of paragraphs (1) and (2) of this Article...
- ARTICLE 9 — Associated enterprises**
1. Where: (a) an enterprise of a Contracting State participates directly...
  2. Where a Contracting State includes in the profits of an...
- ARTICLE 10 — Dividends**
1. Dividends paid by a company which is a resident of...
  2. However, such dividends may also be taxed in the Contracting...
  3. The term “dividends” as used in this Article means income...
  4. The provisions of paragraphs (1) and (2) of this Article...
  5. Where a company which is a resident of a Contracting...
- ARTICLE 11 — Interest**
1. Interest arising in a Contracting State and paid to a...
  2. However, such interest may also be taxed in the Contracting...
  3. The term “interest” as used in this Article means income...
  4. The provisions of paragraphs (1) and (2) of this Article...
  5. Interest shall be deemed to arise in a Contracting State...
  6. Where, by reason of a special relationship between the payer...
  7. The relief from tax provided for in paragraph (2) of...
  8. The provisions of this Article shall not apply if it...
  9. Notwithstanding the provisions of paragraph (2) of this Article, interest...
  10. Notwithstanding the provisions of Article 7 of this Convention and...
  11. Notwithstanding the provisions of Article 7 of this Convention and...
- ARTICLE 12 — Royalties**
1. Royalties arising in a Contracting State and paid to a...

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2. However, such royalties may also be taxed in the Contracting...
3. The term “royalties” as used in this Article means payments...
4. The provisions of paragraphs (1) and (2) of this Article...
5. Royalties shall be deemed to arise in a Contracting State...
6. Where, by reason of a special relationship between the payer...
7. The provisions of this Article shall not apply if it...

#### **ARTICLE 13 — Capital Gains**

1. Gains derived by a resident of a Contracting State from...
2. Gains derived by a resident of a Contracting State from...
3. Gains from the alienation of movable property forming part of...
4. Gains derived by a resident of a Contracting State from...
5. Gains from the alienation of any property other than that...
6. The provisions of paragraph (5) of this Article shall not...

#### **ARTICLE 14 — Independent personal services**

1. Income derived by a resident of a Contracting State in...
2. The term “professional services” includes especially independent scientific, literary, artistic,...

#### **ARTICLE 15 — Dependent personal services**

1. Subject to the provisions of Articles 16, 18, 19 and...
2. Notwithstanding the provisions of paragraph (1) of this Article, remuneration...
3. Notwithstanding the preceding provisions of this Article, remuneration derived in...

#### **ARTICLE 16 — Directors' fees**

Directors' fees and other similar payments derived by a resident...

#### **ARTICLE 17 — Artists and sportsmen**

1. Notwithstanding the provisions of Articles 14 and 15 of this...
2. Where income in respect of personal activities exercised by an...
3. The provisions of paragraphs (1) and (2) of this Article...

#### **ARTICLE 18 — Pensions**

1. Subject to the provisions of paragraph (2) of Article 19...
2. The term “annuity” means a stated sum payable to an...

#### **ARTICLE 19 — Government service**

1. (a) Salaries, wages and similar remuneration, other than a pension,...
2. (a) Any pension paid by, or out of funds created...
3. The provisions of Articles 15, 16 and 18 of this...

#### **ARTICLE 20 — Students**

Payments which a student or business apprentice who is or...

#### **ARTICLE 21 — Other income**

1. Items of income beneficially owned by a resident of a...
2. The provisions of paragraph (1) of this Article shall not...
3. The provisions of this Article shall not apply if it...

#### **ARTICLE 22 — Elimination of double taxation**

1. Subject to the provisions of the law of the United...
2. Where a resident of Azerbaijan derives income or capital gains...
3. For the purposes of paragraphs (1) and (2) of this...

#### **ARTICLE 23 — Limitation of relief**

1. Where under any provision of this Convention any income is...
2. Notwithstanding the provisions of any other Article of this Convention,...

#### **ARTICLE 24 — Partnerships**

Where, under any provision of this Convention, a partnership, joint...

#### **ARTICLE 25 — Non-discrimination**

1. Nationals of a Contracting State shall not be subjected in...

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2. Stateless persons who are residents of a Contracting State shall...
3. The taxation on a permanent establishment which an enterprise of...
4. Except where the provisions of paragraph (1) of Article 9,...
5. Enterprises of a Contracting State, the capital of which is...
6. Nothing contained in this Article shall be construed as obliging...
7. The provisions of this Article shall apply to the taxes...

**ARTICLE 26 — Mutual agreement procedure**

1. Where a resident of a Contracting State considers that the...
2. The competent authority shall endeavour, if the objection appears to...
3. The competent authorities of the Contracting States shall endeavour to...
4. The competent authorities of the Contracting States may communicate with...

**ARTICLE 27 — Exchange of information**

1. The competent authorities of the Contracting States shall exchange such...
2. In no case shall the provisions of paragraph (1) of...

**ARTICLE 28 — Members and employees of diplomatic or consular establishments and permanent missions**

Nothing in this Convention shall affect any fiscal privileges accorded...

**ARTICLE 29 — Entry into force**

Each of the Contracting States shall notify to the other...

**ARTICLE 30 — Termination**

This Convention shall remain in force until terminated by one...

In witness whereof the undersigned, duly authorised thereto, have signed...

Done in duplicate at London this 23rd day of February...

**PART II — EXCHANGE OF NOTES**

I have the honour to refer to the Convention between...

**Article 2: Taxes covered**

**Article 4: Residence**

**Article 5: Permanent establishment**

The Contracting States agree that the applicability of the second...

**Article 8: Shipping and air transport**

**Article 11: Interest**

**Article 26: Mutual Agreement Procedure**

With reference to paragraph (4), the Contracting States agree that...

**Article 29: Entry into Force**

In the case of any difficulties or doubts arising as...

**Capital**

If the foregoing proposals are acceptable to the Government of...

I avail myself of this opportunity to extend to Your...

I am in receipt of your note dated 23rd February...

The foregoing proposals being acceptable to the Government of the...

I take this opportunity to renew to Your Excellency the...

Explanatory Note